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SENATE, No. 99

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires availability of early voting for certain elections; makes appropriation.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on August 20, 2020, with amendments.

(Sponsorship Updated As Of: 9/21/2020)

AN ACT requiring early voting to be available for certain elections, amending various parts of the statutory law, supplementing Title 19 of the Revised Statutes, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. (New section) a. In addition to all other forms of voting provided for by this Title, a registered voter shall be permitted to vote at a specially designated polling place before the day of the general election, starting on the 15th day before the election and ending on the second calendar day before the election. This procedure shall be known as early voting. Any municipality conducting regular municipal elections in May pursuant to the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its governing body, also conduct early voting for the regular municipal election, in accordance with the provisions of this act, P.L. , c. (C.) (pending before the Legislature as this bill). The voting shall be conducted using paper ballots. The ballot used to conduct early voting as provided in this act shall be labeled "Early Voting / Vote By Mail Ballot" and shall also be used to conduct the vote by mail process for the general election pursuant to the provisions of "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.). [1]A registered voter who received a mail-in ballot under the provisions of "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.) shall be permitted to vote during the early voting period by bringing the completed mail-in ballot in-person to an early voting location, and the ballot shall be accepted at the early voting location and canvassed as provided under this act.[1] Pursuant to the provisions of this act and Title 19 of the Revised Statutes, each county board of elections shall determine the method of verifying that a registered voter is qualified to vote in the election and shall prescribe the manner by which a registered voter may vote during such period.

b. (1) For the general election, each county board of elections shall designate three public locations within each county as the sites for early voting to occur, except that the county board shall designate a total of five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and shall designate a total of seven public locations for early voting if the number of registered voters in the county is 300,000 or more. The number of registered voters in each county shall be determined ahead of the selection of early voting sites

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SSG committee amendments adopted August 20, 2020.

pursuant to a uniform standard which shall be developed by the Secretary of State through the rulemaking process pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible, early voting locations shall be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. All early voting locations shall be public facilities, such as county courthouses, public libraries and the offices of the municipal clerk, county clerk, and county board of elections. No public school building and no building used as a public school shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the county clerk shall cast the deciding vote. Once early voting locations are designated in each county, county boards of election shall, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State shall develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

(2) Whenever a municipality that conducts regular municipal elections in May chooses to participate in early voting for the regular municipal election, the county board of elections shall designate at least one public location within the municipality as the site for early voting to occur. Whenever possible, each such location shall be geographically located in the part of the municipality that features the greatest concentration of population, according to the most recent federal decennial census of the United States. All early voting locations shall be public facilities, such as municipal courthouses and the offices of the municipal clerk. No public school building and no building used as a public school shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the municipal clerk shall cast the deciding vote. Once early voting locations are designated in each municipality, county boards of election shall, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the

number of registered voters within each municipality, reflect the population distribution and density within each municipality, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State shall develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

c. Each early voting site in a county or municipality shall be open for early voting on Monday through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM to 6 PM. Any voter who is on line at the time scheduled for the closing of an early voting site shall be permitted to vote.

d. The election officers responsible for conducting early voting shall be the same as those responsible for conducting a general election pursuant to this Title. The number of such officers and their hours of service shall be as determined by each county board of elections. The compensation for such officers shall be the same as provided to district board of election members serving at a school election pursuant to R.S.19:45-6.

e. The restrictions governing the conduct of voters at a polling place on the days that early voting occurs, the procedures governing who is permitted in a polling place on such occasions and the prohibition on electioneering within 100 feet of a polling place during an election, shall be as provided in chapters 15, 34, 50 and 52 of Title 19 of the Revised Statutes and every other applicable section of this Title.

f. At least once each day during the early voting period, and prior to the start of each regularly scheduled general election, and regular municipal election in each non-partisan municipality choosing to participate in early voting, each county board shall make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure.

g. (1) Each county board shall be responsible for forming and executing a written plan to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period, including the security of voted ballots and election records. The plan shall be based on guidelines established by the Secretary of State and shall be submitted thereto no later than December 15 of each year. The Secretary of State shall review and, if deemed necessary thereby, require changes to a plan no later than February 1 of each year. Each plan shall specify a chain of custody for ballots and voted ballots and shall require, among other specifications deemed necessary by the Secretary of State and county boards of election, that all voted ballots shall be transferred at the end of each early voting day to county boards of election for safekeeping until canvassing on election day as

required pursuant to section 5 of this act, P.L. , c. (C.) (pending before the Legislature as this bill).

(2) Notwithstanding the provisions of this subsection, in the year in which P.L. , c. (C.) (pending before the Legislature as this bill) becomes law, each county board shall submit its plan to the Secretary of State within 15 days following the effective date of this act and the Secretary of State shall review it and, if deemed necessary thereby, require changes in the plan within 45 days following the effective date of this act.

h. Each county board shall make certain that each polling place used for early voting shall be accessible to individuals with disabilities and the elderly, in compliance with the "Americans with Disabilities Act of 1990" (42 U.S.C. 12101 et seq.), and that each polling place provides such voters, including the blind and visually impaired, the same opportunity for access and participation, including privacy and independence, as other voters in compliance with the "Help America Vote Act of 2002" (42 U.S.C. 15481).

i. Each polling place used for early voting shall have such appropriate supplies, ballots and other materials deemed necessary by the Secretary of State or as is required currently for a polling place on the day of any election by Title 19 of the Revised Statutes.

2. (New section) a. A duly-registered voter shall be permitted to participate in early voting after completing an Early Voting Voter Certificate in substantially the following form:

EARLY VOTING VOTER CERTIFICATE

I,_____(your name), am a registered voter, residing at_____ (your street address),_____County, New Jersey. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of _____County and that I reside at the above address. I understand that if I commit or attempt to commit fraud in connection with voting, vote fraudulently or vote more than once in an election I could be convicted of a crime of the third degree and fined up to $15,000 and imprisoned for up to five years. I understand that my failure to sign this certificate invalidates my vote.

_____
(Voter Signature)

_____
(Date)

Using the completed early voting certificate, and prior to permitting the voter to vote, an election official shall ascertain, in substantially the same manner as required on the day of an election pursuant to

Title 19 of the Revised Statutes, that the voter is a duly-registered voter of the county and is entitled to vote in that election. Each early voting voter certificate shall be collected and forwarded to the county board at the end of each day of the early voting period and shall be kept by the board for two years following the date of the election.

b. A voter who has voted in an election using the early voting procedure established by this act, P.L. , c. (C.)(pending before the Legislature as this bill), shall not be permitted to vote by mail-in ballot or in person at the polling place in the voter's election district on the day of the election.

3. (New section) a. The appointment of challengers for early voting shall be in the same manner as provided in chapter 7 of Title 19 of the Revised Statutes for all elections. The name and address of each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, together with the number or name and location of the polling place at which the challenger is to serve, shall be filed with the county board of elections not later than the fifth day preceding the start of the early voting period.

b. Each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, shall have all of the powers of challengers serving at other elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

c. Any voter whose name does not appear on a challenge list but who is challenged as not qualified or entitled to vote by a challenger duly appointed pursuant to this section shall be entitled to the rights and protections provided by R.S.19:15-18 et seq., and every other applicable section of this Title.

4. (New section) During each early voting period, the county board shall make available to the public a tally of the total number of voters who have cast a ballot at each early voting location during the previous day. The county boards shall prepare an electronic data file listing the names of the individual voters who cast a ballot during the early voting period. This information shall be made available to the public in an electronic format pursuant to rules adopted by the county board and subject to review each year by the Secretary of State. The information shall be updated and made available to the public no later than noon of each day during the early voting period and shall at the same time be provided to the clerk of the county in which early voting is occurring and to the Secretary of State.

5. (New section) An early vote cast in an election, as provided for in this act, P.L. , c. (C.) (pending before the Legislature as this bill), shall not be canvassed prior to the closing of the polls

on the day of an election.

Every provisional ballot voted in each such election and determined by a county board to be valid shall be counted and shall be part of the official tally of the results of the election.

6. (New section) In compliance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application for reimbursement by a county governing body or a municipal governing body, as may be appropriate, to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury, a county or municipality shall be reimbursed by the State for any additional costs incurred by the county or municipality as a result of the provisions of this act, P.L. , c. (C.) (pending before the Legislature as this bill).

7. (New section) In addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and each county board of elections shall cause to be published information concerning the early voting procedure on the Department of State's website and on each county's website. The early voting information shall include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

8. (New section) The Secretary of State is hereby authorized to make such adjustments to Title 19 of the Revised Statutes by regulation as may be necessary to effectuate the purposes of this act.

[1][9. R.S.19:12-7 is amended to read as follows:

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week next preceding the week in which the primary election for the general election is held, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week **[**next**]** preceding the week in which the <u>early voting period for the</u> general election **[**is held**]** <u>begins</u>.

b. Such notice shall set forth:

(1) For the primary election for the general election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours and at the places provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week next preceding the week in which the primary election is held, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours and at the places provided for by or pursuant to this Title, and the days, hours and places at which early voting shall be available in the county, and, where applicable, shall include annual school elections and annual fire district elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices, and where applicable, school board offices and fire district elections to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county, municipal and fire district public questions to be voted upon at such general election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week **[**next**]** preceding the week in which the early voting period for the general election **[**is held**]** begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day, time and place thereof,

(b) The offices, if any, to be filled at the election,

(c) The substance of any public question to be submitted to the voters thereat,

(d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in

the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

(e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter; and

(f) Such other information as may be required by law.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal officers or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county, shall be published in at least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. (Deleted by amendment, P.L.1999, c.232.)

f. The cost of publishing the notices required by this section shall be paid by the respective counties, unless otherwise provided for by law.

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.

(cf: P.L.2017, c.206, s.2)**]**[1]

[1]9. R.S.19:12-7 is amended to read as follows:

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of

the registration books for the primary election, once during the calendar week next preceding the week in which the primary election for the general election is held, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week **[**next**]** preceding the week in which the early voting period for the general election **[**is held**]** begins.

b. Such notice shall set forth:

(1) For the primary election for the general election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week next preceding the week in which the primary election is held, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours provided for by or pursuant to this Title, and the days, hours and places at which early voting shall be available in the county, and, where applicable, shall include annual school elections and annual fire district elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices, and where applicable, school board offices and fire district offices to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county, municipal and fire district public questions to be voted upon at such general election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week ⟦next⟧ preceding the week in which the early voting period for the general election ⟦is held⟧ begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day and time thereof,

(b) The offices, if any, to be filled at the election,

(c) The substance of any public question to be submitted to the voters thereat,

(d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

(e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter; and

(f) Such other information as may be required by law.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal officers or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county, shall be published in at least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. (Deleted by amendment, P.L.1999, c.232.)

f. The cost of publishing the notices required by this section shall be paid by the respective counties, unless otherwise provided for by law.

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained

prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.[1]
(cf: P.L.2019, c.170, s.1)

10. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to read as follows:

1. a. A county board of elections shall have posted a voter information notice, which shall be referred to as a voter's bill of rights, in a conspicuous location in each polling place **[**before the opening of the polls on the day of any election**]** and each specially designated polling place used for early voting before voting begins.

The notice shall contain:

the date of the election and the hours during which polling places will be open;

a statement that sample ballots are available at the polling place for review by the voter;

instruction for the use of the voting machine in that polling place and an explanation of what instructions for voting are available at the polling place for the voter;

instruction for a voter who is voting for the first time;

instruction for a voter who is required to provide identification pursuant to the federal "Help America Vote Act of 2002" and R.S.19:15-17 prior to casting a vote;

instruction on how to cast a vote if the voter cannot be present at a polling place on the day of the election;

an explanation of the right of the voter to vote in **[**privacy**]** private, regardless of the voter's physical abilities;

an explanation of the right of the voter to a provisional ballot, including in the event that a mail-in ballot has been applied for and not received or not transmitted to the county board of elections before the day of any election, and the other circumstances under which a voter has a right to a provisional ballot;

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts; and

such other statement, instruction or explanation the Secretary of State may deem appropriate to ensure the full and knowledgeable participation of the voter in the process.

The requirement to post this notice in each polling place shall not replace, supersede or void any other requirement set forth in law for the posting of information in each polling place apart from the voter information notice.

b. The Secretary of State shall prescribe the form and specific content of the voter information notice, which may be comprised of more than one page. If the notice is comprised of more than one page, each page shall be posted separately. For an election district in which the primary language of 10 percent or more of the registered voters is a language other than English, the Secretary of State shall prescribe an official version of the voter information notice in that other language or languages for use in that election district. The notice shall be posted in English and in the other language or languages in the polling places in each such district. The alternate language shall be determined based on information from the latest federal decennial census.

c. A county board of elections may modify or supplement the voter information notice used in a county or municipality to provide additional information specific to that county or a municipality in that county, provided, however, that any such modification or supplementation shall be submitted to the Secretary of State for prior approval.

d. The voter information notice shall be printed on each sample ballot, to the extent practicable, or if not practicable, information on how to view or obtain a copy of the voter information notice shall be printed on each sample ballot.

e. The voter information notice, including one modified or supplemented pursuant to subsection c. of this section, shall be made accessible on the official Internet site of the State by the Secretary of State and each county board of elections shall ensure that the official Internet site of the county contains a link to that notice.

f. The provisions of this section shall not give rise to a legal cause of action.

g. The State shall be liable for the costs incurred by local government entities for compliance with this section, and they shall be reimbursed for those costs, upon application, by the State Treasurer.

(cf: P.L.2009, c.79, s.30)

11. R.S.19:14-21 is amended to read as follows:

19:14-21. The county clerk shall cause samples of the official general election ballot to be printed in English, but for each election district within the county in which the primary language of 10% or more of the registered voters is Spanish, shall cause samples of the

official general election ballot to be printed bilingually in English and Spanish.

a. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the county clerk not later than noon of the eighth day prior to the start of the early voting period for the general election shall furnish to the municipal clerk of each municipality in his county one and one-tenth times as many such sample ballots and stamped envelopes as there are voters registered, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, to enable each district board in each municipality to mail one of such sample ballots to each voter who is registered in the municipality, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from each of the municipal clerks, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery.

b. In counties having a superintendent of elections, and in other counties where the county board of elections may have the equipment or facilities to prepare a properly stamped envelope addressed to each registered voter in the county for mailing, the county clerk, not later than the thirtieth day preceding the start of the early voting period for the general election, shall furnish to the commissioner of registration located in his county one and one-tenth times as many stamped envelopes as there are registered voters in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and not later than noon of the twelfth day preceding the start of the early voting period for the general election shall furnish to the commissioner of registration located in the county, one and one-tenth times as many sample ballots as there are registered voters in the county to enable the commissioner of registration of the county to mail one of such sample ballots to each voter registered in the county, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from the commissioner of registration, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery. County boards of elections which elect to operate under the provisions of this paragraph shall notify their county clerk in sufficient time to enable him to make the necessary arrangements the first year.

c. The county clerk in counties having a superintendent of elections shall also deliver to the county board not later than the

twelfth day preceding the start of the early voting period for the general election 10 such sample ballots of each election district of each municipality in the county.
(cf: P.L.2009, c.110, s.1)

12. R.S.19:14-22 is amended to read as follows:

19:14-22. The official general election sample ballots shall be as nearly as possible facsimiles of the official general election ballot to be voted at such election and shall have printed thereon, after the words which indicate the number of the election district for which such sample ballots are printed, the name of the school district, when appropriate, the number or name and municipality or municipalities of the fire district, when appropriate, the street address or location of the polling place in the election district, and the hours between which the polls shall be open. Such sample ballots shall be printed on paper different in color from the official general election ballot, and have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official general election ballot used on election day." The sample ballot shall also state clearly the days, hours and places at which early voting shall be available in the county.
(cf: P.L.2017, c.206, s.7)

13. R.S.19:14-24 is amended to read as follows:

19:14-24. The municipal clerk to whom the sample ballots and stamped envelopes have been so delivered by the county clerk shall deliver the same at his office, or in any other way he sees fit, on or before noon of the Tuesday preceding the start of the early voting period for the general election, to a member or members of each district board, and shall take a receipt for the same from the member or members of the district boards of such municipality, which receipt shall indicate the number of sample ballots and stamped envelopes delivered by the municipal clerk and the date and hour of their delivery.
(cf: R.S.19:14-24)

14. R.S.19:14-25 is amended to read as follows:

19:14-25. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, all the members of each of the district boards shall prepare and deposit in the post office, on or before 12 noon on Wednesday preceding the start of the early voting period for the general election **[**day**]**, a properly stamped envelope containing a copy of the sample ballot printed in English, addressed to each registered voter in the district of such board at the address shown on the register, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope

containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The board shall also post the appropriate sample ballots in the polling place in its district.

The board shall return to the municipal clerk all ballots and envelopes not mailed or posted by it, with a sworn statement in writing signed by a majority of the board that all the remainder of such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, the commissioner of registration shall prepare and deposit in the post office on or before 12:00 o'clock noon, on the Wednesday preceding the start of the early voting period for the general election **[**day**]**, a properly stamped envelope containing a copy of the sample ballot printed in English addressed to each registered voter in the county at the address shown on the registry, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The commissioner of registration shall return to the county clerk all ballots and envelopes not mailed or posted by him, with a sworn statement in writing signed by him that all the remainder of such ballots and envelopes have been mailed.

The county board of elections, in all counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, shall, not later than noon of the second Monday preceding the start of the early voting period for the election, deliver or mail to the members of the district board three appropriate sample ballots for their respective election district. The board shall post the appropriate sample ballots in the polling place in its district.

(cf: P.L.1974, c.30, s.3)

15. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as follows:

3. Except as may otherwise be provided by law for initial elections conducted in a municipality following its adoption of a plan or form of government, or a charter or an amendment thereto, regular municipal elections shall be held in each municipality governed by this act on the second Tuesday in May, or the day of the general election in November if chosen by the municipality pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), in the years in which municipal officers are to be elected. The

municipal election shall be held at the same place or places and conducted in the same manner, so far as possible, as the general election. The election officers shall be those provided for conducting the general election.

A municipality holding municipal elections on the second Tuesday in May, in addition to those elections and by an ordinance adopted by its governing body, may also conduct early voting for those municipal elections, in accordance with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill). A municipality holding municipal elections on the day of the general election in November shall conduct early voting in accordance with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

Notwithstanding the provisions of this section, the Secretary of State may change in any year the date provided for a regular municipal election if the date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The secretary shall inform the municipal clerks, county clerks and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

(cf: P.L.2009, c.196, s.4)

16. There is appropriated from the General Fund as State aid to each county governing body and to each municipal governing body that approves conducting early voting such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to effectuate the purpose of section 6 of this act.

17. This act shall take effect immediately, or on the first day following the general election in November if the date of enactment occurs within 90 days preceding that election.