

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2633

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED AUGUST 20, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

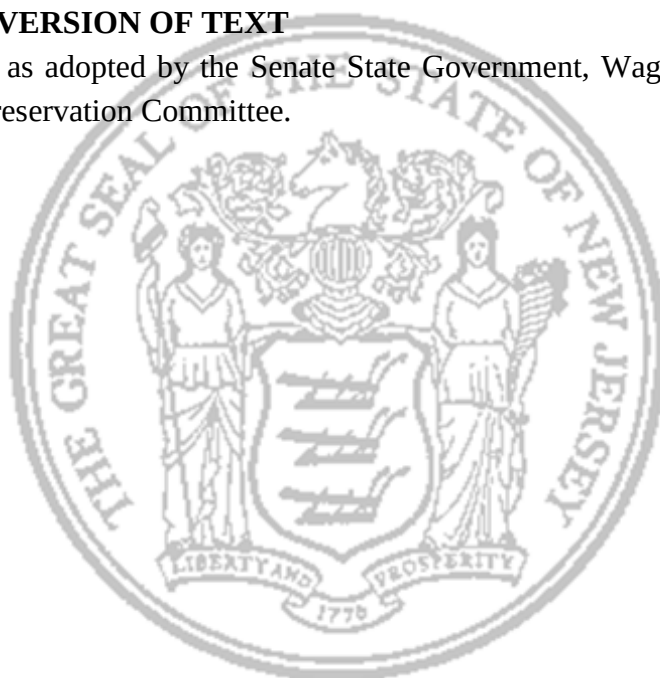
Senators Pou, Gill, Stack and Turner

SYNOPSIS

Extends ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; requires certain information to increase public awareness and use of voting by mail.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate State Government, Wagering, Tourism & Historic Preservation Committee.



1 **AN ACT** concerning voting by mail and certain procedures in an
2 election and amending various parts of the statutory law.

3

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

6

7 1. R.S.19:8-6 is amended to read as follows:

8 19:8-6. The county boards in counties of the first class and the
9 municipal clerks in counties other than counties of the first class
10 shall purchase or lease and furnish the proper equipment of polling
11 places, to enable the district boards to carry out the duties imposed
12 upon them by this title. The equipment shall consist of tables,
13 chairs, lights, booths and all other things necessary for the
14 performance of such duties, and shall be ready for use by the
15 district boards in ample time to enable them to perform their duties.
16 Also to be included, for conspicuous display at each polling place
17 on the days of any election during each year, shall be the voting and
18 registration instructions provided by the county board of elections,
19 the voting by mail information posters provided by the Secretary of
20 State, and mail-in ballot application forms.

21 The Secretary of State shall prepare a voting by mail
22 informational poster for use at all polling places in the State that
23 illustrates and promotes the use of voting by mail, including the
24 description of the vote-by-mail process, and shall distribute the
25 required number of copies, or replacement copies as needed, to the
26 county boards.

27 The clerks of the several municipalities shall keep in repair, store
28 and deliver the polling booths, ballot boxes and other equipment in
29 time for use by the district boards at the cost and expense of the
30 municipality.

31 In case of any election to be held in and for a municipality only,
32 the duties imposed upon the county boards in counties of the first
33 class regarding the equipment of polling places shall devolve upon
34 the clerk of the municipality wherein the election is to be held. Any
35 equipment in possession of the county board may be used in a
36 municipal election upon requisition.

37 (cf: P.L.1991, c.429, s.7)

38

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

41 1. a. A county board of elections shall have posted a voter
42 information notice, which shall be referred to as a voter's bill of
43 rights, in a conspicuous location in each polling place before the
44 opening of the polls on the day of any election.

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.

1 The notice shall contain:
2 the date of the election and the hours during which polling places
3 will be open;
4 a statement that sample ballots are available at the polling place
5 for review by the voter;
6 instruction for the use of the voting machine in that polling place
7 and an explanation of what instructions for voting are available at
8 the polling place for the voter;
9 instruction for a voter who is voting for the first time;
10 instruction for a voter who is required to provide identification
11 pursuant to the federal “Help America Vote Act of 2002” and
12 R.S.19:15-17 prior to casting a vote;
13 instruction on how to cast a vote if the voter cannot be present at
14 a polling place on the day of the election;
15 an explanation of the right of the voter to vote in privacy,
16 regardless of the voter's physical abilities;
17 an explanation of the right of the voter to a provisional ballot,
18 including in the event that a mail-in ballot has been applied for and
19 not received or not transmitted to the county board of elections
20 before the day of any election, and the other circumstances under
21 which a voter has a right to a provisional ballot;
22 an explanation of the right of the voter to receive a replacement
23 ballot for a ballot that has been spoiled, destroyed, lost or never
24 received;
25 an explanation of the right of the voter to ask for and receive
26 assistance in voting;
27 an explanation of the right of the voter to take a reasonable
28 amount of time in casting a vote on a voting machine;
29 an explanation of the right of the voter to bring written material
30 into the polling place for the voter's personal use in casting a vote;
31 instruction on how to contact the appropriate officials if a voter's
32 right to vote or right to otherwise participate in the electoral process
33 has been challenged or violated;
34 general information on federal and State laws that prohibit acts
35 of fraud or misrepresentation and the penalties for those acts; and
36 such other statement, instruction or explanation the Secretary of
37 State may deem appropriate to ensure the full and knowledgeable
38 participation of the voter in the process.
39 The requirement to post this notice in each polling place shall
40 not replace, supersede or void any other requirement set forth in law
41 for the posting of information in each polling place apart from the
42 voter information notice. The poster promoting the use of voting by
43 mail prepared and distributed by the Secretary of State pursuant to
44 R.S.19:8-6 shall be displayed next to or as close as may be possible
45 to the voter information notice.
46 b. The Secretary of State shall prescribe the form and specific
47 content of the voter information notice, which may be comprised of
48 more than one page. If the notice is comprised of more than one

1 page, each page shall be posted separately. For an election district
2 in which the primary language of 10 percent or more of the
3 registered voters is a language other than English, the Secretary of
4 State shall prescribe an official version of the voter information
5 notice in that other language or languages for use in that election
6 district. The notice shall be posted in English and in the other
7 language or languages in the polling places in each such
8 district. The alternate language shall be determined based on
9 information from the latest federal decennial census.

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

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

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

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

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

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

33
34 3. R.S.19:19-1 is amended to read as follows:

35 19:19-1. The board of county canvassers of each county shall
36 meet on the **【Wednesday next】** eighth day, after any such election,
37 at 12 o'clock noon, at the courthouse of the county, for the purpose
38 of checking the canvass which shall have been made by the county
39 clerk from the statements of the district boards filed in his office as
40 hereinbefore provided. For such purpose the county clerk shall
41 have prepared a compilation in tabulated form of such statements
42 and the combined results shown thereby for the use of the board of
43 canvassers.

44 (cf: P.L.2018, c.72, s.10)

45
46 4. R.S.19:19-13 is amended to read as follows:

47 19:19-13. The clerk of the board shall inclose and seal up the
48 other statement and deliver or safely transmit the same so inclosed

1 and sealed up, to the secretary of state at Trenton, so that he shall
2 receive the same within **【three】** five days next after the meeting of
3 the board, and he shall forthwith file the same.

4 (cf: R.S.19:19-13)

5
6 5. R.S.19:23-54 is amended to read as follows:

7 19:23-54. The municipal clerk shall forthwith canvass the
8 statements of the district board as far as they relate to the election
9 of members of the county committee of any political party, and
10 shall issue a certificate of election to each person shown by the
11 returns filed in the office of such municipal clerk to have been so
12 elected.

13 No person whose name was printed on a primary ballot as a
14 candidate for the county committee shall receive a certificate of
15 election as a member of any other county committee.

16 When a person whose name was not printed on a primary ballot
17 as a candidate for member of the county committee has been elected
18 as a member of the county committee of more than one political
19 party, he shall file with the municipal clerk within three days a
20 statement certifying to which political party he belongs, and a
21 certificate of election shall be issued to such person as a member of
22 the county committee of the political party so certified.

23 Any person elected as a member of the county committee of any
24 political party whose name was not printed upon the primary ballot
25 and to whom a certificate of election has been issued, shall before
26 the organization of the county committee file with the secretary
27 thereof a written statement certifying that he is a member of such
28 political party.

29 The municipal clerk shall within **【eight】** ten days after the
30 primary election certify to the county clerk and also to the county
31 board two copies of the names and post-office addresses of the
32 persons elected as members of the county committee of the several
33 political parties, together with the ward, district or unit which they
34 respectively represent.

35 (cf: R.S.19:23-54)

36
37 6. Section 6 of P.L.1945, c.59 (C.19:48-3.20) is amended to
38 read as follows:

39 6. Upon receipt of such certification, **【such municipal clerk】**
40 the county clerk of the municipality in which such election is to be
41 held shall proceed to prepare and furnish to such superintendent of
42 elections or such county board of elections, as the case may be, at
43 least seven days before any such election, official ballots of the type
44 and in the number required by law for use in voting machines, and
45 shall make such other arrangements as are necessary to hold such
46 municipal election by the use of voting machines in all election
47 districts of such municipality, in accordance with the provisions of

1 law relating to elections where voting machines are used, and such
2 election shall in all respects be so held and conducted.

3 (cf: P.L.1945, c.59, s.6)

4
5 7. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read
6 as follows:

7 4. a. A qualified voter is entitled to apply for and obtain a
8 mail-in ballot by authorized messenger, who shall be so designated
9 over the signature of the voter and whose printed name and address
10 shall appear on the application in the space provided. The
11 authorized messenger shall be a family member or a registered voter
12 of the county in which the application is made and shall place his or
13 her signature on the application in the space so provided in the
14 presence of the county clerk or the designee thereof. No person
15 shall serve as an authorized messenger or as a bearer for more than
16 three qualified voters in an election, except that an authorized
17 messenger or bearer may serve as such for up to five qualified
18 voters in an election if those voters are immediate family members
19 residing in the same household as the messenger or bearer. No
20 person who is a candidate in the election for which the voter
21 requests a mail-in ballot shall be permitted to serve as an authorized
22 messenger or bearer. The authorized messenger shall show a photo
23 identification card to the county clerk, or the designee thereof, at
24 the time the messenger submits the application form. The county
25 clerk or the designee thereof shall authenticate the signature of the
26 authorized messenger in the event such a person is other than a
27 family member, by comparing it with the signature of the person
28 appearing on a State of New Jersey driver's license, or other
29 identification issued or recognized as official by the federal
30 government, the State, or any of its political subdivisions, providing
31 the identification carries the full address and signature of the
32 person. After the authentication of the signature on the application,
33 the county clerk or the designee thereof is authorized to deliver to
34 the authorized messenger a ballot to be delivered to the qualified
35 voter.

36 b. The Secretary of State shall cause to be prepared a standard
37 authorized messenger application form, which may be included with
38 the mail-in ballot application forms. The authorized messenger
39 section of the application shall contain the following language
40 above the signature of the authorized messenger: "I do hereby
41 certify that I will deliver the mail-in ballot directly to the voter and
42 no other person, under penalty of law."

43 (cf: P.L.2015, c.84, s.1)

44
45 8. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
46 as follows:

47 6. a. The county clerk, in the case of any Statewide election,
48 countywide election, or school election in a regional or other school

1 district comprising more than one municipality; the municipal clerk,
2 in the case of any municipal election or school election in a school
3 district comprising a single municipality; and the commissioners or
4 other governing or administrative body of the district, in the case of
5 any election to be held in any fire district or other special district,
6 other than a municipality, created for specified public purposes
7 within one or more municipalities, shall publish the following
8 notice in substantially the following form:

9 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

10 If you are a qualified and registered voter of the State who
11 wants to vote by mail in the..... (school, municipal,
12 primary, general, or other) election to be held on..... (date of
13 election), the following applies:

14 You must complete the application form below and send it to
15 the county clerk where you reside or write or apply in person to the
16 county clerk where you reside to request a mail-in ballot.

17 The name, address, and signature of any person who has assisted
18 you to complete the mail-in ballot application must be provided on
19 the application, and you must sign and date the application.

20 No person may serve as an authorized messenger or bearer for
21 more than three qualified voters in an election, but a person may
22 serve as such for up to five qualified voters in an election if those
23 voters are immediate family members residing in the same
24 household as the messenger or bearer.

25 No person who is a candidate in the election for which the voter
26 requests a mail-in ballot may provide any assistance in the
27 completion of the ballot or serve as an authorized messenger or
28 bearer.

29 A person who applies for a mail-in ballot must submit his or her
30 application at least seven days before the election, but such person
31 may request an application in person from the county clerk up to 3
32 p.m. of the day before the election.

33 Voters who want to vote by mail in all future elections will,
34 after their initial request and without further action on their part, be
35 provided with a mail-in ballot until the voter requests otherwise in
36 writing.

37 Application forms may be obtained by applying to the
38 undersigned either in writing or by telephone, or the application
39 form provided below may be completed and forwarded to the
40 undersigned.

41 Dated.....
42
43 (signature and title of county clerk)
44
45 (address of county clerk)
46
47 (telephone no. of county clerk)

1 b. (1) The Secretary of State shall be responsible for providing
2 all information regarding overseas ballots to each overseas voter
3 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
4 seq.). The secretary shall also make available valid overseas voter
5 registration and ballot applications to any voter who is a member of
6 the armed forces of the United States and who is a permanent
7 resident of this State, or who is an overseas voter who wishes to
8 register to vote or to vote in any jurisdiction in this State. The
9 secretary shall provide such public notice as may be deemed
10 necessary to inform members of the armed forces of the United
11 States and overseas voters how to obtain valid overseas voter
12 registration and ballot applications.

13 (2) The Secretary of State shall undertake a program to inform
14 voters in this State about their eligibility to vote by mail pursuant to
15 this act. Dissemination of this information shall be included in the
16 standard notices required by this section and other provisions of
17 current law, including but not limited to the notice requirements of
18 R.S.19:12-7, and shall be effectuated by such means as the secretary
19 deems appropriate and to the extent that funds for such
20 dissemination are appropriated including, but not limited to, by
21 means of Statewide or local electronic media, public service
22 announcements broadcast by such media, notices on the Internet site
23 of the Department of State or any other department or agency of the
24 Executive Branch of State government or its political subdivisions
25 deemed appropriate by the secretary, and special mailings or notices
26 in newspapers or other publications circulating in the counties or
27 municipalities of this State.

28 c. The mail-in ballot materials shall contain a notice that any
29 person voting by mail-in ballot who has registered by mail after
30 January 1, 2003, who did not provide personal identification
31 information when registering and is voting for the first time in his
32 or her current county of residence following registration shall
33 include copies of the required identification information with the
34 mail-in ballot, and that failure to include such information shall
35 result in the rejection of the ballot.

36 d. The notice provided for in subsection a. of this section shall
37 be published before the 55th day immediately preceding the holding
38 of any election.

39 Notices relating to any Statewide or countywide election shall
40 be published in at least two newspapers published in each county.
41 All officials charged with the duty of publishing such notices shall
42 publish the same in at least one newspaper published in each
43 municipality or district in which the election is to be held, or if no
44 newspaper is published in the municipality or district, then in a
45 newspaper published in the county and circulating in the
46 municipality or district. All such notices shall be display
47 advertisements.

48 (cf: P.L.2018, c.72, s.2)

1 9. Section 8 of P.L.2009, c.79 (C.19:63-8) is amended to read
2 as follows:

3 8. Upon receipt of a request for a mail-in ballot, the county
4 clerk shall, with the cooperation of the commissioner of
5 registration, cause the signature of the applicant to be compared
6 with the signature of the person appearing on the permanent
7 registration form, or the digitalized image of the voter's signature
8 stored in the Statewide voter registration system, to determine from
9 such examination, and any other available information, if the
10 applicant is a voter qualified to cast a ballot in the election in which
11 the voter wants to vote, and determine in case of a primary election
12 the political party primary in which the voter is entitled to vote.
13 The commissioner of registration, or the superintendent of elections
14 in counties having a superintendent of elections may, at the request
15 of the county clerk, investigate any application or request for a
16 mail-in ballot.

17 If, after such examination, the county clerk is satisfied that the
18 applicant is entitled to a ballot, the clerk shall mark on the
19 application "Approved." If, after such examination the county clerk
20 determines that the applicant is not entitled to a ballot, the clerk
21 shall mark on the application "Disapproved" and shall so notify the
22 applicant, stating the reason therefor, as required by section 5 of
23 P.L.2004, c.88 (C.19:61-5). Notification to the applicant shall be
24 made in writing within 24 hours of the determination of disapproval
25 and shall state the specific reason, or reasons, for the disapproval
26 and inform the applicant of the opportunity to challenge the
27 disapproval by contacting the county clerk's office. The county
28 clerk shall provide every disapproved applicant with the
29 opportunity to (1) submit evidence either in person or via fax, postal
30 mail or electronic mail, (2) submit a voter registration application to
31 update signature or change name, address, or party affiliation, (3)
32 submit a new application to vote by mail, or (4) in the case of an
33 application disapproved for a reason related to signature
34 verification, sign an affidavit in the presence of the county clerk, or
35 designee, after presenting current and valid photo identification.
36 (cf: P.L.2009, c.79, s.8)

37

38 10. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
39 as follows:

40 9. a. Starting on or before the 45th day before the day an
41 election is held, each county clerk shall forward mail-in ballots by
42 first-class postage or hand delivery to each mail-in voter whose
43 request therefor has been approved. Mail-in ballots that have been
44 approved before the 45th day before an election shall be forwarded
45 or delivered at least 45 days before the day of the election. Hand
46 delivery of a mail-in ballot shall be made by the county clerk or the
47 clerk's designee only to the voter, or the voter's authorized
48 messenger, who must appear in person. No person shall serve as an

1 authorized messenger for more than three qualified voters in an
2 election, but a person may serve as such for up to five qualified
3 voters in an election if those voters are immediate family members
4 residing in the same household as the messenger. Ballots that have
5 not been hand delivered shall be addressed to the voter at the
6 forwarding address given in the application.

7 b. (1) Whenever the clerk forwards a mail-in ballot by mail to
8 a mail-in voter between the 45th day and the 13th day before the
9 day of an election, the ballot shall be transmitted within three
10 business days of the receipt of the application.

11 (2) Whenever the clerk forwards a mail-in ballot by mail to a
12 mail-in voter between the 12th day and the seventh day before the
13 day of an election, the ballot shall be transmitted within two
14 business days of the receipt of the application.

15 The provisions of this subsection shall not apply to: (a) annual
16 school elections and special school elections in those school
17 districts holding such elections, pursuant to P.L.1995, c.278
18 (C.19:60-1 et seq.); (b) any municipality in which elections are
19 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
20 (c) annual elections for members of the boards of fire district
21 commissions, pursuant to N.J.S.40A:14-72, when such elections are
22 held at a time other than the time of the general election; and (d) the
23 vote on any public question submitted to the voters of a local unit to
24 increase the amount to be raised by taxation by more than the
25 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
26 c.62 (C.40A:4-45.46).

27 c. (Deleted by amendment, P.L.2011, c.37).
28 (cf: P.L.2017, c.206, s.8)

29
30 11. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to
31 read as follows:

32 12. Each county clerk shall send, with each mail-in ballot,
33 printed directions for the preparation and transmitting of the ballots
34 as required by this act. The directions shall be printed in such
35 manner and form as the Secretary of State shall require, together
36 with two envelopes of such sizes that one will contain the other.
37 The directions prepared by the Secretary of State shall inform the
38 voter that the status of the voter's mail-in ballot may be checked
39 using the free-access system provided in section 5 of P.L.2004, c.88
40 (C.19:61-5).

41 The outer envelope shall be addressed to the county board of
42 elections of the county in which is located the home address of the
43 person to whom the mail-in ballot is sent, as certified by the county
44 clerk. At the discretion of the county clerk, the outer envelope may
45 be a postage paid return envelope. On the outside and front of each
46 outer envelope, there shall be printed or stamped the following:

47 To protect your vote:

1 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
2 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
3 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
4 IS COMPLETED:

5 Ballot mailed or transported by
6 (signature of bearer)
7 (print name of bearer)
8 (address of bearer)

9 The reserve side of the outer envelope shall contain the
10 following:

11 REMINDER

12 For your vote to count, you must:

13 1) Vote your ballot and place it in the inner envelope with the
14 attached certificate.

15 2) Seal the envelope.

16 3) Place the envelope into the larger envelope addressed to the
17 board of elections and seal that envelope.

18 4) If another person will be mailing your ballot or bringing it to
19 the board of elections, MAKE CERTAIN THAT PERSON
20 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
21 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
22 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
23 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
24 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
25 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
26 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
27 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
28 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF
29 THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS
30 RESIDING IN THE SAME HOUSEHOLD AS THE BEARER.

31 The Secretary of State is authorized to make such changes to the
32 instructions for mail-in ballot materials as the Secretary of State
33 deems necessary or as is mandated by federal or State law.

34 The inner envelope shall be so designed that it can be sealed
35 after the mail-in ballot has been placed therein and the flap thereof
36 shall be of such length and size as to leave sufficient margin, after
37 sealing, for the printing thereon of the certificate hereinafter
38 described. The flap shall be so arranged that, after the inner
39 envelope has been sealed, the certificate can be contained, with the
40 inner envelope, in the outer envelope, and that the margin
41 containing the certificate can be detached without unsealing the
42 inner envelope.

43 On the outside of each envelope in which a mail-in ballot is sent
44 to a mail-in voter by the clerk, there shall be printed or stamped the
45 words "Official Mail-In Ballot." In addition, there shall be printed
46 or stamped the following:

47 To protect your vote:

1 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
2 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS
3 BALLOT.

4 However, a family member may assist you in doing so.

5 The reverse side of each inner envelope shall contain the
6 following statement:

7 A PERSON MAY BE FINED AND IMPRISONED AND MAY
8 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY
9 LAW if that person attempts to vote fraudulently by mail-in ballot,
10 prevents the voting of a legal voter, certifies falsely any
11 information, interferes with a person's secrecy of voting, tampers
12 with ballots or election documents or helps another person to do so.
13 (cf: P.L.2015, c.84, s.4)
14

15 12. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to
16 read as follows:

17 16. a. A mail-in voter shall be entitled to mark any mail-in
18 ballot forwarded to the voter for voting at any election by indicating
19 the voter's choice of candidates for the offices named, and as to
20 public questions, if any, stated thereon, in accordance with current
21 law. In the case of ballots to be voted for any primary election for
22 the general election, as the case may be, the voter's choice shall be
23 limited to the candidates of the voter's political party or to any
24 person or persons whose names are written thereon by the voter.
25 When so marked, such ballot shall be placed in the inner envelope,
26 which shall then be sealed, and the voter shall then fill in the form
27 of certificate attached to the inner envelope, at the end of which the
28 voter shall sign and print the voter's name. The inner envelope with
29 the certificate shall then be placed in the outer envelope, which
30 shall then be sealed.

31 b. No mail-in voter shall permit any person in any way, except
32 as provided by this act, to unseal, mark or inspect the voter's ballot,
33 interfere with the secrecy of the voter's vote, complete or sign the
34 certificate, or seal the inner or outer envelope, nor shall any person
35 do so.

36 c. A mail-in voter shall be entitled to assistance from a family
37 member in performing any of the actions provided for in this
38 section. The family member or other person providing such
39 assistance shall certify that he or she assisted the voter and will
40 maintain the secrecy of the vote by both printing and signing his or
41 her name in the space provided on the certificate. In no event may a
42 candidate for election provide such assistance, nor may any person,
43 at the time of providing such assistance, campaign or electioneer on
44 behalf of any candidate.

45 d. (1) The sealed outer envelope with the inner envelope and
46 the ballot enclosed therein shall then either be mailed to the county
47 board of elections to which it is addressed or delivered personally
48 by the voter or a bearer designated by the voter to the board. To be

1 counted, the ballot must be received by the board or its designee
2 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the
3 closing of the polls, as may be appropriate, on the day of an
4 election.

5 (2) Whenever a person delivers a ballot to the county board, that
6 person shall provide proof of the person's identity in the form of a
7 New Jersey driver's license, or another form of identification issued
8 or recognized as official by the federal government, the State, or
9 any of its subdivisions, providing the identification carries the full
10 address and signature of the person. The person shall sign a record
11 maintained by the county of all mail-in ballots personally delivered
12 to it.

13 (3) No person shall serve as an authorized messenger or as a
14 bearer for more than three qualified voters in an election, but a
15 person may serve as such for up to five qualified voters in an
16 election if those voters are immediate family members residing in
17 the same household as the messenger or bearer. No person who is a
18 candidate in the election for which the voter requests a mail-in
19 ballot shall be permitted to serve as an authorized messenger or
20 bearer. The bearer, by signing the certification provided for in
21 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
22 received a mail-in ballot directly from the voter, and no other
23 person, and is authorized to deliver the ballot to the appropriate
24 board of election or designee on behalf of the voter.

25 (cf: P.L.2015, c.84, s.5)

26

27 13. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
28 read as follows:

29 17. The county board of elections shall, promptly after receiving
30 each mail-in ballot, remove the inner envelope containing the ballot
31 from the outer envelope and shall compare the signature and the
32 information contained on the flap of the inner envelope with the
33 signature and information contained in the respective requests for
34 mail-in ballots. In addition, as to mail-in ballots issued less than
35 seven days prior to an election, the county board of elections shall
36 also check to establish that the mail-in voter did not vote in person.
37 The county board shall reject such a ballot if it is not satisfied,
38 pursuant to a comparison with the Statewide voter registration
39 system, that the voter is legally entitled to vote and that the ballot
40 conforms with the requirements of this act.

41 In the case of a mail-in ballot to be voted at a primary election
42 for the general election, the ballot shall be rejected if the mail-in
43 voter has indicated in the certificate the voter's intention to vote in a
44 primary election of any political party in which the voter is not
45 entitled to vote according to the Statewide voter registration system,
46 and if it shall appear from the record that the voter is not entitled to
47 vote in a primary election of the political party which has been so
48 indicated.

1 Any mail-in ballot which is received by a county board of
2 elections shall be rejected if both the inner and outer envelopes are
3 unsealed or if either envelope has a seal that has been tampered
4 with. Mail-in ballots shall not be rejected due to missing or
5 insufficient glue for either envelope. Mail-in ballots shall not be
6 rejected where noncompliance is attributable to physical defects
7 outside the control of the voter in the inner envelop, outer envelope,
8 certificate, or ballot.

9 Disputes about the qualifications of a mail-in voter to vote or
10 about whether or not or how any mail-in ballot shall be counted in
11 such election shall be referred to the Superior Court for
12 determination.

13 After such investigation, the county board of elections shall
14 detach or separate the certificate from the inner envelope containing
15 the mail-in ballot, unless it has been rejected by it or by the
16 Superior Court, marking the envelope so as to identify the election
17 district in which the ballot contained therein is to be voted as
18 indicated by the voter's home address appearing on the certificate
19 attached to or accompanying the inner envelope and, in the case of
20 ballots to be voted at a primary election for a general election, so as
21 to identify the political party in the primary election of which it is
22 to be voted.

23 The location at which a county board of elections determines
24 whether a mail-in ballot shall be accepted or rejected shall be
25 considered an election district for the purposes of appointment of
26 challengers.

27 The Secretary of State shall prepare educational materials
28 regarding this section that all employed county boards of elections
29 employees handling ballots shall read and have available for
30 review. The materials shall provide clear information regarding the
31 standards for acceptance and rejection of mail-in ballots and the
32 safe-keeping of all materials in the case of rejection. The materials
33 shall serve an educational purpose for the county board of elections
34 and shall not replace, supersede, or void the authority of the county
35 board or a judge of the Superior Court to accept or reject a mail-in
36 ballot.

37 (cf: P.L.2011, c.134, s.55)

38
39 14. Section 22 of P.L.2009, c.22 (C.19:63-22) is amended to
40 read as follows:

41 22. On the day of each election each county board of elections
42 shall open in the presence of the commissioner of registration, or
43 the designee thereof, the inner envelopes that contain the mail-in
44 ballots with the votes cast for the election. The inner envelopes
45 containing the ballots that the board or the Superior Court has
46 rejected shall not be so opened, but shall be retained as provided for
47 by this act. The board shall then proceed to canvass the votes cast
48 on the mail-in ballots, but no such ballot shall be counted in any

1 primary election for the general election if the ballot of the political
2 party marked for voting thereon differs from the designation of the
3 political party in the primary election of which such ballot is
4 intended to be voted as marked on the envelope by the county board
5 of elections.

6 Every mail-in ballot that bears a postmark date before or of the
7 day of the election and that is received by the county board within
8 **[48]** 144 hours after the time of the closing of the polls for the
9 election that the ballot was prepared shall be considered valid and
10 shall be canvassed. Every mail-in ballot that does not bear a
11 postmark date but that is received by the county board by delivery
12 of the United States Postal Service within 48 hours after the time of
13 the closing of the polls for the election for which the ballot was
14 prepared shall be considered valid and shall be canvassed. Mail-in
15 ballots deemed invalid shall be retained, including the outer and
16 inner envelopes, for a period of two years and shall be made
17 available for inspection by the voter.

18 Immediately after the canvass is completed, the respective
19 county boards of election shall certify the result of the canvass to
20 the county clerk or the municipal or district clerk or other
21 appropriate officer, as the case may be, showing the result of the
22 canvass by municipality and ward. The votes thus canvassed shall
23 be counted in determining the result of the election.

24 The county board of elections shall, immediately after the
25 canvass is completed for any primary election, certify the results of
26 the votes cast for members of the county committees to the
27 respective municipal clerks, and those votes shall be counted in
28 determining the result of the election.

29 (cf: P.L.2018, c.72, s.8)

30
31 15. Section 24 of P.L.2009, c.79 (C.19:63-24) is amended to
32 read as follows:

33 24. The county board of elections shall keep, for two years, all
34 of the requests and applications for mail-in ballots, all voted mail-in
35 ballots, and all of the certificates that have been detached or
36 separated by them from the inner envelopes. All inner envelopes
37 together with their certificates, and the contents of those envelopes
38 not opened by order of the county board or Superior Court, shall
39 also be retained for the same period by the board. This section shall
40 include mail-in ballots deemed invalid, including the outer and
41 inner envelopes of those mail-in ballots. The superintendent of
42 elections in counties having a superintendent of elections and the
43 prosecutor in all other counties shall have the authority to impound
44 all mail-in ballots whenever the superintendent or prosecutor, as
45 may be appropriate, shall deem such action to be necessary.

46 (cf: P.L.2009, c.79, s.24)

47
48 16. This act shall take effect immediately.