

SENATE, No. 2819

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 17, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits county board of elections to open inner envelopes containing mail-in ballots up to five days prior to election day.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the inner envelopes containing mail-in ballots
2 and amending P.L.2009, c.79.

3

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

6

7 1. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
8 read as follows:

9 17. The county board of elections shall, promptly after receiving
10 each mail-in ballot, remove the inner envelope containing the ballot
11 from the outer envelope and shall compare the signature and the
12 information contained on the flap of the inner envelope with the
13 signature and information contained in the respective requests for
14 mail-in ballots. In addition, as to mail-in ballots issued less than
15 seven days prior to an election, the county board of elections shall
16 also check to establish that the mail-in voter did not vote in person.
17 The county board shall reject such a ballot if it is not satisfied,
18 pursuant to a comparison with the Statewide voter registration
19 system, that the voter is legally entitled to vote and that the ballot
20 conforms with the requirements of this act.

21 In the case of a mail-in ballot to be voted at a primary election
22 for the general election, the ballot shall be rejected if the mail-in
23 voter has indicated in the certificate the voter's intention to vote in a
24 primary election of any political party in which the voter is not
25 entitled to vote according to the Statewide voter registration system,
26 and if it shall appear from the record that the voter is not entitled to
27 vote in a primary election of the political party which has been so
28 indicated.

29 Any mail-in ballot which is received by a county board of
30 elections shall be rejected if both the inner and outer envelopes are
31 unsealed or if either envelope has a seal that has been tampered
32 with.

33 Disputes about the qualifications of a mail-in voter to vote or
34 about whether or not or how any mail-in ballot shall be counted in
35 such election shall be referred to the Superior Court for
36 determination.

37 After such investigation, the county board of elections shall
38 detach or separate the certificate from the inner envelope containing
39 the mail-in ballot, unless it has been rejected by it or by the
40 Superior Court, marking the envelope so as to identify the election
41 district in which the ballot contained therein is to be voted as
42 indicated by the voter's home address appearing on the certificate
43 attached to or accompanying the inner envelope and, in the case of
44 ballots to be voted at a primary election for a general election, so as
45 to identify the political party in the primary election of which it is
46 to be voted.

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 location at which a county board of elections determines
2 whether a mail-in ballot shall be accepted or rejected shall be
3 considered an election district for the purposes of appointment of
4 challengers.

5 A county board of elections may begin opening the inner
6 envelopes and removing each mail-in ballot from the inner
7 envelopes no earlier than five days prior to the day of the election.
8 If a county board of elections begins opening the inner envelopes
9 and removing the mail-in ballots from the inner envelopes prior to
10 the day of the election, the county board shall implement the
11 measures necessary to ensure the security and secrecy of the mail-in
12 ballots. The county board of elections shall not canvass the mail-in
13 ballots until the opening of the polls for that election. The contents
14 of the mail-in ballots shall remain confidential and shall be
15 disclosed only in accordance with the provisions of Title 19 of the
16 Revised Statutes and regulations concerning the disclosure of
17 election results.

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

19
20 2. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
21 read as follows:

22 22. **【On】** At the time set for the opening of the polls on the day
23 of each election each county board of elections shall open in the
24 presence of the commissioner of registration, or the designee
25 thereof, the inner envelopes that contain the mail-in ballots with the
26 votes cast for the election. A county board of elections may begin
27 opening the inner envelopes and removing the mail-in ballots from
28 the inner envelopes no earlier than five days prior to the day of the
29 election. If a county board of elections begins opening the inner
30 envelopes and removing the mail-in ballots from the inner
31 envelopes prior to the day of the election, the county board shall
32 implement the measures necessary to ensure the security and
33 secrecy of the mail-in ballots. The contents of the mail-in ballots
34 shall remain confidential and shall be disclosed only in accordance
35 with the provisions of Title 19 of the Revised Statutes and
36 regulations concerning the disclosure of election results.

37 The inner envelopes containing the ballots that the board or the
38 Superior Court has rejected shall not be so opened, but shall be
39 retained as provided for by this act. The board shall **【then proceed**
40 **to】** canvass the votes cast on the mail-in ballots, but no such ballot
41 shall be counted in any primary election for the general election if
42 the ballot of the political party marked for voting thereon differs
43 from the designation of the political party in the primary election of
44 which such ballot is intended to be voted as marked on the envelope
45 by the county board of elections.

46 Every mail-in ballot that bears a postmark date of the day of the
47 election and that is received by the county board within 48 hours
48 after the time of the closing of the polls for the election that the

1 ballot was prepared shall be considered valid and shall be
2 canvassed.

3 Immediately after the canvass is completed, the respective
4 county boards of election shall certify the result of the canvass to
5 the county clerk or the municipal or district clerk or other
6 appropriate officer, as the case may be, showing the result of the
7 canvass by municipality and ward. The votes thus canvassed shall
8 be counted in determining the result of the election.

9 The county board of elections shall, immediately after the
10 canvass is completed for any primary election, certify the results of
11 the votes cast for members of the county committees to the
12 respective municipal clerks, and those votes shall be counted in
13 determining the result of the election.

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

15

16 3. This act shall take effect immediately.

17

18

19 STATEMENT

20

21 Under current law, the county board of elections process mail-in
22 ballots promptly after receiving each mail-in ballot by removing the
23 inner envelope containing the ballot from the outer envelope and
24 comparing the signature and the information contained on the flap
25 of the inner envelope with the signature and information contained
26 in the respective requests for mail-in ballots. During the processing
27 of mail-in ballots, the ballots are not removed from the inner
28 envelopes until the canvassing of the ballots on election day.

29 Under the bill, a county board of elections may begin opening
30 the inner envelopes and removing each mail-in ballot from the inner
31 envelopes no earlier than five days prior to the day of the election.
32 If a county board of elections begins opening the inner envelopes
33 and removing the mail-in ballots from the inner envelopes prior to
34 the day of the election, the county board is required to implement
35 the measures necessary to ensure the security and secrecy of the
36 mail-in ballots. A county board of elections is prohibited from
37 canvassing the mail-in ballots until the opening of the polls for that
38 election. The contents of the mail-in ballots must remain
39 confidential in compliance with current law and regulations
40 concerning disclosure of election results.

41 This bill seeks to enable county boards of elections to process
42 mail-in ballots more quickly and to provide election results in a
43 timelier manner. The number of mail-in ballots received by the
44 county boards of elections are expected to increase substantially
45 due to the COVID-19 public health crisis and Governor Murphy's
46 Executive Order No.177 (2020), which requires the November
47 general election to be conducted primarily via mail-in ballots.