

SENATE, No. 2942

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Co-Sponsored by:

Senator Holzapfel

SYNOPSIS

Requires in-person early voting for 2020 general election; raises pay for election workers for 2020 general election; requires county boards to consider appointing certain residents as election workers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 **AN ACT** concerning in-person early voting and election workers for
2 the 2020 general election.

3

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

6

7 1. a. Notwithstanding the provisions of Title 19 of the
8 Revised Statutes or any law, rule, or regulation to the contrary, a
9 registered voter shall be permitted to vote at a specially designated
10 polling place before the day of the 2020 General Election, starting
11 on the 14th day before the election and ending on the calendar day
12 before the election. This procedure shall be known as early voting.

13 The voting shall be conducted using voting machines. A
14 registered voter who received a mail-in ballot under the provisions
15 of “The Vote By Mail Law,” P.L.2009, c.79 (C.19:63-1 et seq.)
16 shall be permitted to vote during the early voting period for the
17 2020 General Election by bringing the completed mail-in ballot in-
18 person to an early voting location, and the ballot shall be accepted
19 at the early voting location and canvassed on election day as
20 required by law. Pursuant to the provisions of this act and Title 19
21 of the Revised Statutes, each county board of elections shall
22 determine the method of verifying that a registered voter is
23 qualified to vote in the election and shall prescribe the manner by
24 which a registered voter may vote during such period.

25 b. The county board of elections shall designate at least one
26 public location within each municipality of that county as the site
27 for early voting to occur for the 2020 general election. Whenever
28 possible, each such location shall be geographically located in the
29 part of the municipality that features the greatest concentration of
30 population, according to the most recent federal decennial census of
31 the United States. All early voting locations shall be public
32 facilities, such as municipal courthouses and the offices of the
33 municipal clerk. The locations shall be designated at the same time
34 as all other polling places are designated by the board of elections.
35 In the event of a tie vote among members of the county board with
36 respect to the selection of sites for early voting, the municipal clerk
37 shall cast the deciding vote.

38 c. Each early voting site in a municipality for the 2020 general
39 election shall be open for early voting on each calendar day of the
40 early voting period, including Saturday and Sunday, from 8 AM to
41 8 PM. Any voter who is on line at the time scheduled for the
42 closing of an early voting site shall be permitted to vote.

43 d. The election officers responsible for conducting early voting
44 for the 2020 general election shall be the same as those responsible
45 for conducting a general election pursuant to Title 19 of the Revised
46 Statutes. The number of such officers and their hours of service
47 shall be as determined by each county board of elections. The

1 compensation for such officers shall be provided pursuant to section
2 7 of this act, P.L. , c. (pending before the Legislature as this bill).

3 e. The restrictions governing the conduct of voters at a polling
4 place on the days that early voting occurs for the 2020 general
5 election, the procedures governing who is permitted in a polling
6 place on such occasions, and the prohibition on electioneering
7 within 100 feet of a polling place during an election, shall be as
8 provided in chapters 15, 34, 50 and 52 of Title 19 of the Revised
9 Statutes and every other applicable section of Title 19 of the
10 Revised Statutes.

11 f. At least once each day during the early voting period for the
12 2020 general election, each county board shall make such changes
13 as may be necessary to the voter's record in the Statewide voter
14 registration system and the signature copy register used at each
15 polling place to indicate that a voter has voted in that election using
16 the early voting procedure.

17 g. Each county board shall be responsible for forming and
18 executing a written plan to ensure, to the greatest extent possible,
19 the integrity of the voting process and the security of ballots used
20 during the early voting period for the 2020 general election,
21 including the security of the voting machines and voted ballots and
22 election records. The plan shall be based on guidelines established
23 by the Secretary of State. The Secretary of State shall review and,
24 if deemed necessary thereby, require changes to a plan. Each plan
25 shall specify a chain of custody for ballots and voted ballots and
26 shall require, among other specifications deemed necessary by the
27 Secretary of State and county boards of election, that all voted
28 ballots shall be transferred at the end of each early voting day to
29 county boards of election for safekeeping until canvassing on
30 election day as required by law.

31 Each county board shall submit its plan to the Secretary of State
32 within 10 days following the effective date of this act and the
33 Secretary of State shall review it and, if deemed necessary thereby,
34 require changes in the plan no later than 10 days before the start of
35 the early voting period for the 2020 general election.

36 h. Each county board shall make certain that each polling place
37 used for early voting for the 2020 general election shall be
38 accessible to individuals with disabilities and the elderly, in
39 compliance with the "Americans with Disabilities Act of 1990" (42
40 U.S.C. s.12101 et seq.), and that each polling place provides such
41 voters, including the blind and visually impaired, the same
42 opportunity for access and participation, including privacy and
43 independence, as other voters in compliance with the "Help
44 America Vote Act of 2002" (42 U.S.C. s.15481).

45 i. Each polling place used for early voting for the 2020 general
46 election shall have such appropriate supplies, ballots and other
47 materials deemed necessary by the Secretary of State or as is

1 required currently for a polling place on the day of any election by
2 Title 19 of the Revised Statutes.

3 j. Samples of the official 2020 general election ballot shall be
4 provided and mailed as required by law but in no case later than
5 noon of the 12th day prior to the start of the early voting period for
6 the 2020 general election. The sample ballot shall state clearly the
7 days, hours, and places at which early voting for the 2020 general
8 election shall be available in the county.

9
10 2. a. Notwithstanding the provisions of Title 19 of the Revised
11 Statutes or any law, rule, or regulation to the contrary, a duly-
12 registered voter shall be permitted to participate in early voting for
13 the 2020 general election after completing an Early Voting Voter
14 Certificate in substantially the following form:

15
16 EARLY VOTING VOTER CERTIFICATE

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

27
28 _____
29 (Voter Signature)

30 _____
31 (Date)

32
33 Using the completed early voting certificate, and prior to permitting
34 the voter to vote, an election official shall ascertain, in substantially
35 the same manner as required on the day of an election pursuant to
36 Title 19 of the Revised Statutes, that the voter is a duly-registered
37 voter of the county and is entitled to vote in that election. Each
38 early voting voter certificate shall be collected and forwarded to the
39 county board at the end of each day of the early voting period and
40 shall be kept by the board for two years following the date of the
41 election.

42 b. A voter who has voted in the 2020 general election using the
43 early voting procedure established by this act, P.L. , c. (pending
44 before the Legislature as this bill), shall not be permitted to vote by
45 mail-in ballot or in person at the polling place in the voter's election
46 district on the day of the election.

1 3. Notwithstanding any law, rule, or regulation to the contrary,
2 in addition to any publications required under Title 19 of the
3 Revised Statutes, the Secretary of State and each county board of
4 elections shall cause to be published information concerning the
5 early voting procedure for the 2020 General Election on the
6 Department of State's website and on each county's website. The
7 early voting information for the 2020 General Election shall
8 include, but may not be limited to, a notice to the public concerning
9 their eligibility to participate in early voting, the duration of the
10 early voting period, and the locations and hours of operation of
11 specially designated polling places for early voting in each county.
12

13 4. Notwithstanding any law, rule, or regulation to the contrary,
14 the appointment of challengers for early voting for the 2020 general
15 election shall be in the same manner as provided in chapter 7 of
16 Title 19 of the Revised Statutes for all elections. The name and
17 address of each challenger, including a candidate acting as a
18 challenger or a challenger representing a grouping of two or more
19 candidates, together with the number or name and location of the
20 polling place at which the challenger is to serve, shall be filed with
21 the county board of elections not later than the fifth day preceding
22 the start of the early voting period for the 2020 general election.

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

27 Any voter whose name does not appear on a challenge list but
28 who is challenged as not qualified or entitled to vote by a challenger
29 duly appointed pursuant to this section shall be entitled to the rights
30 and protections provided by R.S.19:15-18 et seq., and every other
31 applicable section of Title 19 of the Revised Statutes.
32

33 5. Notwithstanding any law, rule, or regulation to the contrary,
34 during the early voting period for the 2020 general election, the
35 county board shall make available to the public a tally of the total
36 number of voters who have cast a ballot at each early voting
37 location during the previous day. The county boards shall prepare
38 an electronic data file listing the names of the individual voters who
39 cast a ballot during the early voting period. This information shall
40 be made available to the public in an electronic format pursuant to
41 rules adopted by the county board and subject to review by the
42 Secretary of State. The information shall be updated and made
43 available to the public no later than noon of each day during the
44 early voting period and shall at the same time be provided to the
45 clerk of the county in which early voting is occurring and to the
46 Secretary of State.

1 6. a. Notwithstanding any law, rule, or regulation to the
2 contrary, an early vote cast in the 2020 General Election, as
3 provided for in this act, P.L. , c. (pending before the Legislature
4 as this bill), shall not be canvassed prior to the opening of the polls
5 on the day of the 2020 general election. A county board of
6 elections may begin canvassing mail-in ballots and early votes cast
7 for the 2020 general election at the time set for the opening of the
8 polls on the date of that election. The contents of mail-in ballots
9 and early votes cast shall remain confidential and shall be disclosed
10 only in accordance with the provisions of Title 19 of the Revised
11 Statutes and regulations concerning the disclosure of election
12 results.

13 b. The court shall impose an imprisonment of ten days, in
14 addition to such other penalties as are authorized by law, if a person
15 is convicted for knowingly and willingly:

16 (1) intimidating, threatening, or coercing, or attempting to
17 intimidate, threaten, or coerce, a voter during the 2020 general
18 election period; or

19 (2) releasing a voter's ballot information after the ballot has
20 been voted, sealed, and delivered to the appropriate election
21 officials during the 2020 general election period.

22

23 7. a. Notwithstanding the provisions of R.S.19:45-6 or any
24 law, rule, or regulation to the contrary, the compensation of each
25 member of the district boards for all services rendered, including
26 the counting of the votes, and in counties wherein voting machines
27 are used, the tabulation of the votes registered on the voting
28 machines, and the delivery of the returns, registry binders, ballot
29 boxes and keys for the voting machines to the proper election
30 officials, shall be \$400 per day for the 2020 general election,
31 including during the early voting period.

32 b. Notwithstanding the provisions of R.S.19:45-6.2 or any
33 other law, rule, or regulation to the contrary, upon application for
34 reimbursement by a county or a municipal governing body, as
35 appropriate, to the Secretary of State and approval of the
36 application by the Director of the Division of Budget and
37 Accounting, a county or municipality shall be reimbursed by the
38 State for:

39 (1) any compensation paid to each member of the district board
40 of elections who shall have served during the 2020 general election,
41 including during the early voting period, and who shall have
42 qualified for and been paid \$400 per day for such service in
43 accordance with section 1 of this act and R.S.19:45-6, and

44 (2) any additional costs incurred by the county or municipality
45 as a result of the provisions of this act, P.L. , c. (pending before
46 the Legislature as this bill).

1 canvassed on election day as required by law. A mail-in ballot or
2 early vote cast in the 2020 general election would not be canvassed
3 prior to the opening of the polls on the day of the 2020 general
4 election. A county board of elections may begin canvassing mail-in
5 ballots and early votes cast for the 2020 general election at the time
6 set for the opening of the polls on the date of that election. The
7 contents of mail-in ballots and early votes cast would remain
8 confidential and would be disclosed only in accordance with the law
9 concerning the disclosure of election results.

10 Under the bill, the court is required to impose an imprisonment
11 of ten days, in addition to such other penalties as are authorized by
12 law, if a person is convicted for knowingly and willingly:

13 (1) intimidating, threatening, or coercing, or attempting to
14 intimidate, threaten, or coerce, a voter during the 2020 general
15 election period; or

16 (2) releasing a voter's ballot information after the ballot has
17 been voted, sealed, and delivered to the appropriate election
18 officials during the 2020 general election period.

19 The bill provides that designated polling places must be open for
20 early voting on each calendar day of the early voting period,
21 including Saturday and Sunday, from 8 AM to 8 PM. A duly-
22 registered voter will be permitted to vote after signing an early
23 voting voter certificate, and after the voter's eligibility to vote is
24 ascertained in substantially the same manner as done on election
25 day. At least once each day during the early voting period for the
26 2020 general election, and prior to the start of the regularly
27 scheduled election, each county board must make such changes as
28 may be necessary to the voter's record in the Statewide voter
29 registration system and the signature copy register used at each
30 polling place to indicate that a voter has voted in the 2020 general
31 election using the early voting procedure. A voter who participates
32 in early voting would not be permitted to vote by mail-in ballot or
33 in person on election day.

34 The bill also provides that each county board of elections is to
35 designate at least one public location within each municipality of
36 that county as the site for early voting to occur for the 2020 general
37 election. Whenever possible, early voting sites must be
38 geographically located so as to ensure both access in the part of the
39 municipality that features the greatest concentration of population,
40 according to the most recent federal decennial census of the United
41 States, and access in various geographic areas of the municipality.

42 The election officers responsible for conducting early voting for
43 the 2020 general election would be the same as those responsible
44 for conducting any general election. The number of such officers
45 and their hours of service would be as determined by each county
46 board of elections.

47 The bill provides that each county board will be responsible for
48 forming and executing a written plan for the security of the ballots

1 used during the early voting period for the 2020 general election,
2 including voted ballots and election materials, based on guidelines
3 established by the Secretary of State. The written security plan is to
4 ensure, to the greatest extent possible, the integrity of the voting
5 process and the security of ballots used during the early voting
6 period for the 2020 general election. The security plan must specify
7 a chain of custody of voting machines and voted ballots, which
8 must include the transfer of voted ballots to each county board of
9 elections at the end of each early voting day for safekeeping until
10 canvassing on election day. The procedures for the early voting
11 period for the 2020 general election concerning the conduct of
12 voters at the polling place and the appointment of challengers, as
13 well as the prohibition on electioneering within 100 feet of a polling
14 place, will be as provided for in current law.

15 The bill also provides that, in addition to any publications
16 required under Title 19 of the Revised Statutes, the Secretary of
17 State and county boards of elections must publish on the
18 Department of State's website and the respective county's website
19 information concerning the early voting procedure for the 2020
20 general election. The early voting information must include, but
21 may not be limited to, a notice to the public concerning their
22 eligibility to participate in early voting, the duration of the early
23 voting period, and the locations and hours of operation of specially
24 designated polling places for early voting in each county.

25 Under the bill, the pay of election workers for the 2020 General
26 Election would also be increased from \$200 per day to \$400 per day
27 during the 2020 general election, including during the early voting
28 period. Under current law, election workers are paid \$200 per day
29 each time the primary election, the general election, or any special
30 election is held. This bill provides election workers with
31 compensation of \$400 per day during the 2020 general election
32 period and provides that the State reimburse 100 percent of the
33 costs incurred by counties or municipalities for any compensation
34 paid to election workers during that election.

35 The State, upon application for reimbursement by a county
36 governing body to the Secretary of State and approval of the
37 application by the Director of the Division of Budget and
38 Accounting, would reimburse that county or municipality for any
39 additional costs incurred by the county as a result this bill.

40 The State is also required to consider utilizing a portion of those
41 funds allocated to the State from the federal "Coronavirus Aid,
42 Relief, and Economic Security Act," (15 U.S.C. s.9001 et seq.), to
43 cover the costs of in-person early voting and increased
44 compensation to election workers for the 2020 general election.

45 The bill also requires county board of elections to consider the
46 option of appointing members of the district board of elections that
47 are under the age of 35, including high school and college students,

1 and State employees who have been furloughed because of the
2 novel coronavirus pandemic.

3 This bill is based on the early voting procedures used by other
4 states that permit in-person voting prior to the day of certain
5 elections and would only apply to the 2020 General Election.