

**SENATE, No. 2977**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED SEPTEMBER 24, 2020

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Permits county board of elections to begin counting mail-in ballots up to 14 days prior to election day.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/24/2020)**

1   **AN ACT** concerning the opening and canvassing of mail-in ballots  
2       and amending P.L.2009, c.79.

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

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7       1. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to read  
8 as follows:

9       22. On the day of each election each county board of elections  
10 shall open in the presence of the commissioner of registration, or  
11 the designee thereof, the inner envelopes that contain the mail-in  
12 ballots with the votes cast for the election. A county board of  
13 elections may begin opening the inner envelopes and canvassing the  
14 mail-in ballots no earlier than 14 days prior to the date of the  
15 election. If the county board of elections begins canvassing mail-in  
16 ballots before the date of the election, the county board shall  
17 implement the measures necessary to ensure the security and  
18 secrecy of the mail-in ballots and the canvassing process. The  
19 contents of the mail-in ballots shall remain confidential until the  
20 closing of the polls for that election, and, thereafter, shall be  
21 disclosed only in accordance with the provisions of Title 19 of the  
22 Revised Statutes and regulations concerning the disclosure of  
23 election results.

24       The inner envelopes containing the ballots that the board or the  
25 Superior Court has rejected shall not be so opened, but shall be  
26 retained as provided for by this act. The board shall then proceed to  
27 canvass the votes cast on the mail-in ballots, but no such ballot shall  
28 be counted in any primary election for the general election if the  
29 ballot of the political party marked for voting thereon differs from  
30 the designation of the political party in the primary election of  
31 which such ballot is intended to be voted as marked on the envelope  
32 by the county board of elections.

33       Every mail-in ballot that bears a postmark date of the day of the  
34 election and that is received by the county board within 48 hours  
35 after the time of the closing of the polls for the election that the  
36 ballot was prepared shall be considered valid and shall be  
37 canvassed.

38       Immediately after the canvass is completed, the respective  
39 county boards of election shall certify the result of the canvass to  
40 the county clerk or the municipal or district clerk or other  
41 appropriate officer, as the case may be, showing the result of the  
42 canvass by municipality and ward. The votes thus canvassed shall  
43 be counted in determining the result of the election.

44       The county board of elections shall, immediately after the  
45 canvass is completed for any primary election, certify the results of

**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 votes cast for members of the county committees to the  
2 respective municipal clerks, and those votes shall be counted in  
3 determining the result of the election.

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

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6 2. This act shall take effect immediately.

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STATEMENT

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11 Under current law, mail-in ballots for an election are not  
12 permitted to be counted until election day. Under this bill, a county  
13 board of elections may begin opening the inner envelopes and  
14 canvassing the mail-in ballots no earlier than 14 days prior to the  
15 date of the election. If the county board of elections begins  
16 canvassing mail-in ballots before the day of the election, the county  
17 board is required to ensure the security and secrecy of the mail-in  
18 ballots and the canvassing process. The contents of the mail-in  
19 ballots must remain confidential until the closing of the polls for  
20 that election, and, thereafter, are to be disclosed only in accordance  
21 with the laws and regulations concerning the disclosure of election  
22 results.