

SENATE, No. 4255

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 9, 2021

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

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

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.

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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
8 read 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 removing the
14 mail-in ballots from the inner envelopes no earlier than five days
15 prior to the day of the election. If a county board of elections
16 begins opening the inner envelopes and removing the mail-in
17 ballots from the inner envelopes prior to the day of the election, the
18 voted mail-in ballots shall not be canvassed prior to the closing of
19 the polls on the day of the election. The county board shall
20 implement the measures necessary to ensure the security and
21 secrecy of the mail-in ballots. The contents of the mail-in ballots
22 shall remain confidential and shall be disclosed only in accordance
23 with the provisions of Title 19 of the Revised Statutes and
24 regulations concerning the disclosure of election results.

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

34 Every mail-in ballot that bears a postmark date before or of the
35 day of the election and that is received by the county board within
36 144 hours after the time of the closing of the polls for the election
37 that the ballot was prepared shall be considered valid and shall be
38 canvassed. Every mail-in ballot that does not bear a postmark date
39 but that is received by the county board by delivery of the United
40 States Postal Service before, or within 48 hours after, the time of
41 the closing of the polls for the election for which the ballot was
42 prepared shall be considered valid and shall be canvassed.

43 Immediately after the canvass is completed, the respective
44 county boards of election shall certify the result of the canvass to
45 the county clerk or the municipal or district clerk or other

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 appropriate officer, as the case may be, showing the result of the
2 canvass by municipality and ward. The votes thus canvassed shall
3 be counted in determining the result of the election.

4 The county board of elections shall, immediately after the
5 canvass is completed for any primary election, certify the results of
6 the votes cast for members of the county committees to the
7 respective municipal clerks, and those votes shall be counted in
8 determining the result of the election.

9 (cf: P.L.2020, c.71, s.13)

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11 2. This act shall take effect immediately.

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14 STATEMENT

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

25 Under the bill, a county board of elections may begin opening
26 the inner envelopes and removing the mail-in ballots from the inner
27 envelopes no earlier than five days prior to the day of the election.
28 A county board of elections is prohibited from canvassing the mail-
29 in ballots prior to the closing of the polls on the day of the election.
30 The county board of elections is required to implement the
31 measures necessary to ensure the security and secrecy of the mail-in
32 ballots. The contents of the mail-in ballots must remain
33 confidential in compliance with current law and regulations
34 concerning disclosure of election results.