Sponsored by:
Senator NIA H. GILL
District 34 (Essex and Passaic)
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS
Requires availability of early voting for certain elections; makes appropriation.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT requiring early voting to be available for certain elections, 
amending various parts of the statutory law, supplementing Title 
19 of the Revised Statutes, and making an appropriation.

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

1. (New section) a. In addition to all other forms of voting 
provided for by this Title, a registered voter shall be permitted to 
vote at a specially designated polling place before the day of the 
general election, starting on the 15th day before the election and 
ending on the second calendar day before the election. This 
procedure shall be known as early voting. Any municipality 
conducting regular municipal elections in May pursuant to the 
provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, 
c.379 (C:40:45-5 et seq.), may, by an ordinance adopted by its 
governing body, also conduct early voting for the regular municipal 
election, in accordance with the provisions of this act, P.L.    , 
c. (C.    ) (pending before the Legislature as this bill). The 
early voting shall be conducted using paper ballots. The ballot used to 
conduct early voting as provided in this act shall be labeled “Early 
Voting / Vote By Mail Ballot” and shall also be used to conduct the 
vote by mail process for the general election pursuant to the 
provisions of “The Vote By Mail Law,” P.L.2009, c.79 (C:19:63-1 
et seq.). Pursuant to the provisions of this act and Title 19 of the 
Revised Statutes, each county board of elections shall determine the 
method of verifying that a registered voter is qualified to vote in the 
election and shall prescribe the manner by which a registered voter 
may vote during such period.

b. (1) For the general election, each county board of elections 
shall designate three public locations within each county as the sites 
for early voting to occur, except that the county board shall 
designate a total of five public locations for early voting if the 
number of registered voters in the county is at least 150,000 but less 
than 300,000, and shall designate a total of seven public locations 
for early voting if the number of registered voters in the county is 
300,000 or more. The number of registered voters in each county 
shall be determined ahead of the selection of early voting sites 
pursuant to a uniform standard which shall be developed by the 
Secretary of State through the rulemaking process pursuant to the 
seq.). Whenever possible, early voting locations shall be 
geographically located so as to ensure both access in the part of the 
county that features the greatest concentration of population, 
according to the most recent federal decennial census of the United

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.
States, and access in various geographic areas of the county. All 
early voting locations shall be public facilities, such as county 
courthouses, public libraries and the offices of the municipal clerk, 
county clerk, and county board of elections. No public school 
building and no building used as a public school shall, however, be 
designated as an early voting location. The locations shall be 
designated at the same time as all other polling places are 
designated by the board of elections. In the event of a tie vote 
among members of the county board with respect to the selection of 
sites for early voting, the county clerk shall cast the deciding vote. 
Once early voting locations are designated in each county, county 
boards of election shall, as provided by the Secretary of State, 
evaluate and, if deemed necessary, revise these locations in order to 
accommodate significant changes in the number of registered voters 
within each county, reflect the population distribution and density 
within each county, or enhance convenience when an early voting 
site has proven to be inconvenient for the voters, or because of 
similar circumstances. The Secretary of State shall develop the 
criteria to be used by county boards of election to revise the 
location of early voting sites and shall prescribe how often such 
revision shall take place.

(2) Whenever a municipality that conducts regular municipal 
elections in May chooses to participate in early voting for the 
regular municipal election, the county board of elections shall 
designate at least one public location within the municipality as the 
site for early voting to occur. Whenever possible, each such 
location shall be geographically located in the part of the 
municipality that features the greatest concentration of population, 
according to the most recent federal decennial census of the United 
States. All early voting locations shall be public facilities, such as 
municipal courthouses and the offices of the municipal clerk. No 
public school building and no building used as a public school shall, 
however, be designated as an early voting location. The locations 
shall be designated at the same time as all other polling places are 
designated by the board of elections. In the event of a tie vote 
among members of the county board with respect to the selection of 
sites for early voting, the municipal clerk shall cast the deciding 
vote. Once early voting locations are designated in each 
municipality, county boards of election shall, as provided by the 
Secretary of State, evaluate and, if deemed necessary, revise these 
locations in order to accommodate significant changes in the 
number of registered voters within each municipality, reflect the 
population distribution and density within each municipality, or 
enhance convenience when an early voting site has proven to be 
inconvenient for the voters, or because of similar circumstances. 
The Secretary of State shall develop the criteria to be used by 
county boards of election to revise the location of early voting sites 
and shall prescribe how often such revision shall take place.
c. Each early voting site in a county or municipality shall be open for early voting on Monday through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM to 6 PM. Any voter who is on line at the time scheduled for the closing of an early voting site shall be permitted to vote.

d. The election officers responsible for conducting early voting shall be the same as those responsible for conducting a general election pursuant to this Title. The number of such officers and their hours of service shall be as determined by each county board of elections. The compensation for such officers shall be the same as provided to district board of election members serving at a school election pursuant to R.S.19:45-6.

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

f. At least once each day during the early voting period, and prior to the start of each regularly scheduled general election, and regular municipal election in each non-partisan municipality choosing to participate in early voting, each county board shall make such changes as may be necessary to the voter’s record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure.

g. (1) Each county board shall be responsible for forming and executing a written plan to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period, including the security of voted ballots and election records. The plan shall be based on guidelines established by the Secretary of State and shall be submitted thereto no later than December 15 of each year. The Secretary of State shall review and, if deemed necessary thereby, require changes to a plan no later than February 1 of each year. Each plan shall specify a chain of custody for ballots and voted ballots and shall require, among other specifications deemed necessary by the Secretary of State and county boards of election, that all voted ballots shall be transferred at the end of each early voting day to county boards of election for safekeeping until canvassing on election day as required pursuant to section 5 of this act, P.L. , c. (C. ) (pending before the Legislature as this bill).

(2) Notwithstanding the provisions of this subsection, in the year in which P.L. , c. (C. ) (pending before the Legislature as this bill) becomes law, each county board shall submit its plan to the Secretary of State within 15 days following the effective date of this act and the Secretary of State shall review it and, if deemed
necessary thereby, require changes in the plan within 45 days following the effective date of this act.

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

i. Each polling place used for early voting shall have such appropriate supplies, ballots and other materials deemed necessary by the Secretary of State or as is required currently for a polling place on the day of any election by Title 19 of the Revised Statutes.

2. (New section) a. A duly-registered voter shall be permitted to participate in early voting after completing an Early Voting Voter Certificate in substantially the following form:

**EARLY VOTING VOTER CERTIFICATE**

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

__________________________  
(Voter Signature)

__________________________  
(Date)

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

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

3. (New section) a. The appointment of challengers for early voting shall be in the same manner as provided in chapter 7 of Title 19 of the Revised Statutes for all elections. The name and address of each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, together with the number or name and location of the polling place at which the challenger is to serve, shall be filed with the county board of elections not later than the fifth day preceding the start of the early voting period.

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

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

4. (New section) During each early voting period, the county board shall make available to the public a tally of the total number of voters who have cast a ballot at each early voting location during the previous day. The county boards shall prepare an electronic data file listing the names of the individual voters who cast a ballot during the early voting period. This information shall be made available to the public in an electronic format pursuant to rules adopted by the county board and subject to review each year by the Secretary of State. The information shall be updated and made available to the public no later than noon of each day during the early voting period and shall at the same time be provided to the clerk of the county in which early voting is occurring and to the Secretary of State.

5. (New section) An early vote cast in an election, as provided for in this act, P.L. , c. (C. ) (pending before the Legislature as this bill), shall not be canvassed prior to the closing of the polls on the day of an election. Every provisional ballot voted in each such election and determined by a county board to be valid shall be counted and shall be part of the official tally of the results of the election.

6. (New section) In compliance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon
application for reimbursement by a county governing body or a municipal governing body, as may be appropriate, to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury, a county or municipality shall be reimbursed by the State for any additional costs incurred by the county or municipality as a result of the provisions of this act, P.L. , c. (C. ) (pending before the Legislature as this bill).

7. (New section) In addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and each county board of elections shall cause to be published information concerning the early voting procedure on the Department of State’s website and on each county’s website. The early voting information shall include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

8. (New section) The Secretary of State is hereby authorized to make such adjustments to Title 19 of the Revised Statutes by regulation as may be necessary to effectuate the purposes of this act.

9. R.S.19:12-7 is amended to read as follows:

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week next preceding the week in which the primary election for the general election is held, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week preceding the week in which the early voting period for the general election begins.

b. Such notice shall set forth:

(1) For the primary election for the general election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of
political parties, will be held on the day and between the hours and at the places provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week next preceding the week in which the primary election is held, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours and at the places provided for by or pursuant to this Title, and the days, hours and places at which early voting shall be available in the county, and, where applicable, shall include annual school elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

c) The several State, county and municipal offices, and where applicable, school board offices to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of
any Statewide proposition directed by the Legislature to be submitted to the people, the State, county and municipal public questions to be voted upon at such general election.

d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week preceding the week in which the early voting period for the general election begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(3) For a school election:

a) The day, time and place thereof,

b) The offices, if any, to be filled at the election,

c) The substance of any public question to be submitted to the voters thereat,

d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner
of registration or municipal clerk to determine the proper polling
place location for the voter; and
(f) Such other information as may be required by law.
c. If such publication is made in more than one newspaper, it
shall not be necessary to duplicate in the notice published in each
such newspaper all the information required under this section, so
long as:
(1) The municipal officers or party positions to be filled, or
nominations made, or municipal public questions to be voted upon
by the voters of any municipality, shall be set forth in at least one
newspaper having general circulation in such municipality;
(2) All offices to be filled, or nominations made therefor, or
public questions to be voted upon, by the voters of the entire State
or of the entire county shall be set forth in a newspaper or
newspapers which, singly or in combination, have general
circulation throughout the county;
(3) Information relating to nominations and elections in each
Legislative District comprised in whole or part in the county, shall
be published in at least a newspaper or newspapers which singly or
in combination, have general circulation in every municipality of
the county which is comprised in such legislative district.
d. Such part or parts of the original notices as published which
pertain to day of registration or primary election which has occurred
shall be eliminated from such notice in succeeding insertions.
e. (Deleted by amendment, P.L.1999, c.232.)
f. The cost of publishing the notices required by this section
shall be paid by the respective counties, unless otherwise provided
for by law.
g. Notices required to be published or posted pursuant to this
section shall set forth a general description of the contents of the
voter information notice provided for in section 1 of P.L.2005,
c.149 (C.19:12-7.1), how the notice may be viewed or obtained
prior to the day of an election, and that the notice will be posted in
each polling place on the day of an election.
(cf: P.L.2011, c.202, s.25)
10. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
read as follows:
1. a. A county board of elections shall have posted a voter
information notice, which shall be referred to as a voter's bill of
rights, in a conspicuous location in each polling place [before the
opening of the polls on the day of any election] and each specially
designated polling place used for early voting before voting begins.
The notice shall contain:
the date of the election and the hours during which polling places
will be open:
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a statement that sample ballots are available at the polling place
for review by the voter;
instruction for the use of the voting machine in that polling place
and an explanation of what instructions for voting are available at
the polling place for the voter;
instruction for a voter who is voting for the first time;
instruction for a voter who is required to provide identification
pursuant to the federal "Help America Vote Act of 2002" and
R.S.19:15-17 prior to casting a vote;
instruction on how to cast a vote if the voter cannot be present at
a polling place on the day of the election;
an explanation of the right of the voter to vote in [privacy]
private, regardless of the voter's physical abilities;
an explanation of the right of the voter to a provisional ballot,
including in the event that a mail-in ballot has been applied for and
not received or not transmitted to the county board of elections
before the day of any election, and the other circumstances under
which a voter has a right to a provisional ballot;
an explanation of the right of the voter to receive a replacement
ballot for a ballot that has been spoiled, destroyed, lost or never
received;
an explanation of the right of the voter to ask for and receive
assistance in voting;
an explanation of the right of the voter to take a reasonable
amount of time in casting a vote on a voting machine;
an explanation of the right of the voter to bring written material
into the polling place for the voter's personal use in casting a vote;
instruction on how to contact the appropriate officials if a voter's
right to vote or right to otherwise participate in the electoral process
has been challenged or violated;
general information on federal and State laws that prohibit acts
of fraud or misrepresentation and the penalties for those acts; and
such other statement, instruction or explanation the Secretary of
State may deem appropriate to ensure the full and knowledgeable
participation of the voter in the process.
The requirement to post this notice in each polling place shall
not replace, supersede or void any other requirement set forth in law
for the posting of information in each polling place apart from the
voter information notice.
b. The Secretary of State shall prescribe the form and specific
content of the voter information notice, which may be comprised of
more than one page. If the notice is comprised of more than one
page, each page shall be posted separately. For an election district
in which the primary language of 10 percent or more of the
registered voters is a language other than English, the Secretary of
State shall prescribe an official version of the voter information
notice in that other language or languages for use in that election
district. The notice shall be posted in English and in the other
government languages in the polling places in each such district.
The alternate language shall be determined based on information
the latest federal decennial census.

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

d. The voter information notice shall be printed on each sample
ballot, to the extent practicable, or if not practicable, information on
how to view or obtain a copy of the voter information notice shall
be printed on each sample ballot.
e. The voter information notice, including one modified or
supplemented pursuant to subsection c. of this section, shall be
made accessible on the official Internet site of the State by the
Secretary of State and each county board of elections shall ensure
that the official Internet site of the county contains a link to that
notice.
f. The provisions of this section shall not give rise to a legal
cause of action.
g. The State shall be liable for the costs incurred by local
government entities for compliance with this section, and they shall
be reimbursed for those costs, upon application, by the State
Treasurer.

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

11. R.S.19:14-21 is amended to read as follows:

19:14-21. The county clerk shall cause samples of the official
general election ballot to be printed in English, but for each election
district within the county in which the primary language of 10% or
more of the registered voters is Spanish, shall cause samples of the
official general election ballot to be printed bilingually in English
and Spanish.

a. In counties not having a superintendent of elections where
the county board of elections does not have the equipment or
facilities to address and mail sample ballot envelopes, the county
clerk not later than noon of the eighth day prior to the start of the
early voting period for the general election shall furnish to the
municipal clerk of each municipality in his county one and one-
tenth times as many such sample ballots and stamped envelopes as
there are voters registered, less the number of voters who have been
sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
and have not responded, to enable each district board in each
municipality to mail one of such sample ballots to each voter who is
registered in the municipality, except those voters who have been
sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
and have not responded, for such election and shall take a receipt
for the same from each of the municipal clerks, which receipt shall
indicate the number of such sample ballots and stamped envelopes
delivered by the county clerk and the date and hour of their
delivery.

b. In counties having a superintendent of elections, and in other
counties where the county board of elections may have the
equipment or facilities to prepare a properly stamped envelope
addressed to each registered voter in the county for mailing, the
county clerk, not later than the thirtieth day preceding the start of
the early voting period for the general election, shall furnish to the
commissioner of registration located in his county one and one-
tenth times as many stamped envelopes as there are registered
voters in the county, less the number of voters who have been sent a
confirmation notice pursuant to subsection d. of R.S.19:31-15 and
have not responded, and not later than noon of the twelfth day
preceding the start of the early voting period for the general election
shall furnish to the commissioner of registration located in the
county, one and one-tenth times as many sample ballots as there are
registered voters in the county to enable the commissioner of
registration of the county to mail one of such sample ballots to each
voter registered in the county, except those voters who have been
sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
and have not responded, for such election and shall take a receipt
for the same from the commissioner of registration, which receipt
shall indicate the number of such sample ballots and stamped
envelopes delivered by the county clerk and the date and hour of
their delivery. County boards of elections which elect to operate
under the provisions of this paragraph shall notify their county clerk
in sufficient time to enable him to make the necessary arrangements
the first year.

c. The county clerk in counties having a superintendent of
elections shall also deliver to the county board not later than the
twelveth day preceding the start of the early voting period for the
general election 10 such sample ballots of each election district of
each municipality in the county.

(cf: P.L.2009, c.110, s.1)

12. R.S.19:14-22 is amended to read as follows:

19:14-22. The official general election sample ballots shall be as
nearly as possible facsimiles of the official general election ballot to
be voted at such election and shall have printed thereon, after the
words which indicate the number of the election district for which
such sample ballots are printed, the name of the school district,
when appropriate, the street address or location of the polling place
in the election district, the hours between which the polls shall be
open, and shall be printed on paper different in color from the
official general election ballot, and have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official general election ballot used on election day." The sample ballot shall also state clearly the days, hours and places at which early voting shall be available in the county.

(cf: P.L.2011, c.202, s.30)

13. R.S.19:14-24 is amended to read as follows:

19:14-24. The municipal clerk to whom the sample ballots and stamped envelopes have been so delivered by the county clerk shall deliver the same at his office, or in any other way he sees fit, on or before noon of the Tuesday preceding the start of the early voting period for the general election, to a member or members of each district board, and shall take a receipt for the same from the member or members of the district boards of such municipality, which receipt shall indicate the number of sample ballots and stamped envelopes delivered by the municipal clerk and the date and hour of their delivery.

(cf: R.S.19:14-24)

14. R.S.19:14-25 is amended to read as follows:

19:14-25. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, all the members of each of the district boards shall prepare and deposit in the post office, on or before 12 noon on Wednesday preceding the start of the early voting period for the general election [day], a properly stamped envelope containing a copy of the sample ballot printed in English, addressed to each registered voter in the district of such board at the address shown on the register, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The board shall also post the appropriate sample ballots in the polling place in its district.

The board shall return to the municipal clerk all ballots and envelopes not mailed or posted by it, with a sworn statement in writing signed by a majority of the board that all the remainder of such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, the commissioner of registration shall prepare and deposit in the post office on or before 12:00 o’clock noon, on the Wednesday preceding the start of the early voting period for the general election
1 [day], a properly stamped envelope containing a copy of the
2 sample ballot printed in English addressed to each registered voter
3 in the county at the address shown on the registry, except that for
4 districts in which the primary language of 10% or more of the
5 registered voters is Spanish, a properly stamped envelope
6 containing a copy of the bilingual sample ballot, addressed to each
7 registered voter in the district of such board at the address shown on
8 the register shall be prepared and deposited. The commissioner of
9 registration shall return to the county clerk all ballots and envelopes
10 not mailed or posted by him, with a sworn statement in writing
11 signed by him that all the remainder of such ballots and envelopes
12 have been mailed.
13 The county board of elections, in all counties having a
14 superintendent of elections, and in other counties where the county
15 board of elections shall elect to operate under the provisions of
16 subsection b. of section 19:14-21 of this Title, shall, not later than
17 noon of the second Monday preceding the start of the early voting
18 period for the election, deliver or mail to the members of the district
19 board three appropriate sample ballots for their respective election
20 district. The board shall post the appropriate sample ballots in the
21 polling place in its district.
22 (cf: P.L.1974, c.30, s.3)
23
24 15. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
25 as follows:
26 3. Except as may otherwise be provided by law for initial
27 elections conducted in a municipality following its adoption of a
28 plan or form of government, or a charter or an amendment thereto,
29 regular municipal elections shall be held in each municipality
30 governed by this act on the second Tuesday in May, or the day of
31 the general election in November if chosen by the municipality
32 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
33 7.1), in the years in which municipal officers are to be elected. The
34 municipal election shall be held at the same place or places and
35 conducted in the same manner, so far as possible, as the general
36 election. The election officers shall be those provided for
37 conducting the general election.
38 A municipality holding municipal elections on the second
39 Tuesday in May, in addition to those elections and by an ordinance
40 adopted by its governing body, may also conduct early voting for
41 those municipal elections, in accordance with the provisions of
42 P.L. , c. (C. ) (pending before the Legislature as this bill). A
43 municipality holding municipal elections on the day of the general
44 election in November shall conduct early voting in accordance with
45 the provisions of P.L. , c. (C. ) (pending before the
46 Legislature as this bill).
Notwithstanding the provisions of this section, the Secretary of
State may change in any year the date provided for a regular
municipal election if the date coincides with a period of religious
observance that limits significantly the usual activities of the
followers of a particular religion or that would result in significant
religious consequences for such followers. The secretary shall
inform the municipal clerks, county clerks and boards of election of
the adjustment no later than the first working day in January of the
year in which the adjustments are to occur.

As used in this section “a period of religious observance” means
any day or portion thereof on which a religious observance imposes
a substantial burden on an individual’s ability to vote.
(cf: P.L.2009, c.196, s.4)

16. There is appropriated from the General Fund as State aid to
each county governing body and to each municipal governing body
that approves conducting early voting such sums as the State
Treasurer and the Director of the Division of Budget and
Accounting in the Department of the Treasury deem necessary to
effectuate the purpose of section 6 of this act.

17. This act shall take effect on the January 1 next following the
date of enactment.

STATEMENT

This bill establishes an in-person early voting procedure to allow
voters to cast their votes at specially designated polling places,
starting on the 15th day before the general election, and ending on
the second calendar day before the election (a Sunday). A
municipality holding municipal elections on the second Tuesday in
May, by an ordinance adopted by its governing body, may also
conduct in-person early voting for those municipal elections.

Under the bill, in-person early voting will enable a registered
voter to vote at a designated polling place before the day of a
general election using a paper ballot. The ballot used to conduct in-
person early voting will be labeled “Early Voting / Vote By Mail
Ballot,” and will also be used to conduct the vote by mail process
for the general election provided for in “The Vote By Mail Law.”
Designated polling places must be open for early voting on Monday
through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM
to 6 PM. A duly-registered voter will be permitted to vote after
signing an early voting voter certificate, and after the voter’s
eligibility to vote is ascertained in substantially the same manner as
done on election day. At least once each day during the early
voting period, and prior to the start of the regularly scheduled
election, each county board must make such changes as may be
necessary to the voter’s record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on election day.

The bill provides that each county board of elections is to designate three early voting locations in each county, except that the county board must designate a total of five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate a total of seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Under the bill, the number of registered voters in each county must be determined ahead of the election of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State must develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law for poll workers serving at a school election.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the ballots used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period. The security plan must specify a chain of custody of ballots and voted ballots, which must
include the transfer of voted ballots to each county board of
elections at the end of each early voting day for safekeeping until
canvassing on election day. For the elections that early voting is
available, the procedures concerning the conduct of voters at the
polling place and the appointment of challengers, as well as the
prohibition on electioneering within 100 feet of a polling place, will
be as provided for in current law.

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

Funds to pay for early voting would be provided to each county
governing body and each non-partisan municipal governing body
that approves early voting in such amounts as the State Treasurer
and the Director of the Division of Budget and Accounting in the
Department of the Treasury deem necessary to cover any additional
costs incurred as a result of this bill.

This bill will take effect on January 1 next following the date of
enactment. This bill is based on the early voting procedures used
by other states that permit in-person voting prior to the day of
certain elections.