

P.L. 2018, CHAPTER 110, *approved August 24, 2018*
Assembly, No. 3463

1 AN ACT concerning voting activity on election day and the powers
2 of challengers, amending R.S.19:7-5, and supplementing chapter
3 52 of Title 19 of the Revised Statutes.

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

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8 1. (New section) The district boards of election at each polling
9 place shall create and publicly display a notice containing an
10 official count of the cumulative number of voters who have voted at
11 each precinct, indicating the number of voters who have voted using
12 a voting machine and the number of voters who have voted using a
13 provisional ballot. The first notice shall be produced two hours
14 from the opening of the polls and updated every two hours
15 thereafter until the time the polls close.

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17 2. R.S.19:7-5 is amended to read as follows:

18 19:7-5. Such challengers shall be the authorized challengers for
19 their respective political parties and candidates or for the
20 proponents or opponents of a public question. They shall have the
21 power to challenge the right to vote therein of any person claiming
22 such right and shall have power to ask all necessary questions to
23 determine this right. They may be present while the votes cast at
24 any election are being counted, hear and see the ballots counted and
25 shall have the right and power to challenge the counting or rejecting
26 of any ballot or any part of a ballot. They shall be entitled to ask
27 the members of the district boards of election at each polling place,
28 no more than every two hours, for the official count of how many
29 voters have voted at each precinct, and the district boards of
30 election shall provide this information as the notice required
31 pursuant to section 1 of P.L. , c. (C.) (pending before the
32 Legislature as this bill).
33 (cf: P.L.1956, c.66, s.4)

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35 3. This act shall take effect immediately.

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38 STATEMENT

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40 This bill requires the district boards of election to report every
41 two hours the number of voters who have voted at each precinct,

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 and authorizes challengers to request the reported count.

2 Under the bill, the district boards of election at each polling
3 place would be required to create and publicly display a notice
4 containing an official count of the cumulative number of voters who
5 have voted at each precinct, and indicating how many voted by
6 voting machine and by provisional ballot. The first notice would be
7 produced two hours from the opening of the polls and updated
8 every two hours until the polls close.

9 Under current law, certain persons are appointed to act as
10 challengers on election day in each election district for their
11 respective political parties, candidates, or for the proponents or
12 opponents of a public question. Challengers are currently
13 empowered to challenge the right to vote of any person who appears
14 on a challenge list prepared by election officials, or who is
15 suspected to not be entitled to vote. However, challengers are not
16 permitted to challenge, delay, or prevent the right to vote of any
17 person because of that person's race, color, national origin,
18 expected manner of casting a vote, or residence in a particular ward,
19 housing complex, or section of a municipality or county.
20 Challengers may also be present while votes are being counted and
21 may challenge the counting or rejecting of all or part of any ballot.
22 Challenge procedures, and a challenged voter's rights and
23 protections, are further established under N.J.S.A.19:15-18 et seq.

24 This bill expands the powers of challengers by allowing them to
25 ask the members of the district boards of election at each polling
26 place, no more than every two hours, for the official count of how
27 many voters have voted at each precinct. Under the bill, the district
28 boards of election would provide this information as the notice
29 required under section 1 of the bill.

30 This bill is intended to promote greater transparency in the
31 electoral process by requiring the district boards to report how
32 many voters have voted and by allowing challengers to have access
33 to current turnout information during election day.

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38 Requires district boards of election to report every two hours
39 number of voters who have voted at each precinct; authorizes
40 challengers to request reported count.