

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY No. 4320

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED AUGUST 24, 2020

Sponsored by:

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District 14 (Mercer and Middlesex)
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SYNOPSIS

Extends ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; requires certain information to increase public awareness and use of voting by mail.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.

(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning voting by mail and certain procedures in an
2 election and amending various parts of the statutory law.

3

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

6

7 1. R.S.19:8-6 is amended to read as follows:

8 19:8-6. The county boards in counties of the first class and the
9 municipal clerks in counties other than counties of the first class
10 shall purchase or lease and furnish the proper equipment of polling
11 places, to enable the district boards to carry out the duties imposed
12 upon them by this title. The equipment shall consist of tables,
13 chairs, lights, booths and all other things necessary for the
14 performance of such duties, and shall be ready for use by the
15 district boards in ample time to enable them to perform their duties.
16 Also to be included, for conspicuous display at each polling place
17 on the days of any election during each year, shall be the voting and
18 registration instructions provided by the county board of elections,
19 the voting by mail information posters provided by the Secretary of
20 State, and mail-in ballot application forms.

21 The Secretary of State shall prepare a voting by mail
22 informational poster for use at all polling places in the State that
23 illustrates and promotes the use of voting by mail, including the
24 description of the vote-by-mail process, and shall distribute the
25 required number of copies, or replacement copies as needed, to the
26 county boards.

27 The clerks of the several municipalities shall keep in repair, store
28 and deliver the polling booths, ballot boxes and other equipment in
29 time for use by the district boards at the cost and expense of the
30 municipality.

31 In case of any election to be held in and for a municipality only,
32 the duties imposed upon the county boards in counties of the first
33 class regarding the equipment of polling places shall devolve upon
34 the clerk of the municipality wherein the election is to be held. Any
35 equipment in possession of the county board may be used in a
36 municipal election upon requisition.

37 (cf: P.L.1991, c.429, s.7)

38

39 2. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
40 read as follows:

41 1. a. A county board of elections shall have posted a voter
42 information notice, which shall be referred to as a voter's bill of
43 rights, in a conspicuous location in each polling place before the
44 opening of the polls on the day of any election.

45 The notice shall contain:

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 date of the election and the hours during which polling places
2 will be open;
- 3 a statement that sample ballots are available at the polling place
4 for review by the voter;
- 5 instruction for the use of the voting machine in that polling place
6 and an explanation of what instructions for voting are available at
7 the polling place for the voter;
- 8 instruction for a voter who is voting for the first time;
- 9 instruction for a voter who is required to provide identification
10 pursuant to the federal "Help America Vote Act of 2002" and
11 R.S.19:15-17 prior to casting a vote;
- 12 instruction on how to cast a vote if the voter cannot be present at
13 a polling place on the day of the election;
- 14 an explanation of the right of the voter to vote in privacy,
15 regardless of the voter's physical abilities;
- 16 an explanation of the right of the voter to a provisional ballot,
17 including in the event that a mail-in ballot has been applied for and
18 not received or not transmitted to the county board of elections
19 before the day of any election, and the other circumstances under
20 which a voter has a right to a provisional ballot;
- 21 an explanation of the right of the voter to receive a replacement
22 ballot for a ballot that has been spoiled, destroyed, lost or never
23 received;
- 24 an explanation of the right of the voter to ask for and receive
25 assistance in voting;
- 26 an explanation of the right of the voter to take a reasonable
27 amount of time in casting a vote on a voting machine;
- 28 an explanation of the right of the voter to bring written material
29 into the polling place for the voter's personal use in casting a vote;
- 30 instruction on how to contact the appropriate officials if a voter's
31 right to vote or right to otherwise participate in the electoral process
32 has been challenged or violated;
- 33 general information on federal and State laws that prohibit acts
34 of fraud or misrepresentation and the penalties for those acts; and
- 35 such other statement, instruction or explanation the Secretary of
36 State may deem appropriate to ensure the full and knowledgeable
37 participation of the voter in the process.
- 38 The requirement to post this notice in each polling place shall
39 not replace, supersede or void any other requirement set forth in law
40 for the posting of information in each polling place apart from the
41 voter information notice. The poster promoting the use of voting by
42 mail prepared and distributed by the Secretary of State pursuant to
43 R.S.19:8-6 shall be displayed next to or as close as may be possible
44 to the voter information notice.
- 45 b. The Secretary of State shall prescribe the form and specific
46 content of the voter information notice, which may be comprised of
47 more than one page. If the notice is comprised of more than one
48 page, each page shall be posted separately. For an election district

1 in which the primary language of 10 percent or more of the
2 registered voters is a language other than English, the Secretary of
3 State shall prescribe an official version of the voter information
4 notice in that other language or languages for use in that election
5 district. The notice shall be posted in English and in the other
6 language or languages in the polling places in each such
7 district. The alternate language shall be determined based on
8 information from the latest federal decennial census.

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

15 d. The voter information notice shall be printed on each sample
16 ballot, to the extent practicable, or if not practicable, information on
17 how to view or obtain a copy of the voter information notice shall
18 be printed on each sample ballot.

19 e. The voter information notice, including one modified or
20 supplemented pursuant to subsection c. of this section, shall be
21 made accessible on the official Internet site of the State by the
22 Secretary of State and each county board of elections shall ensure
23 that the official Internet site of the county contains a link to that
24 notice.

25 f. The provisions of this section shall not give rise to a legal
26 cause of action.

27 g. The State shall be liable for the costs incurred by local
28 government entities for compliance with this section, and they shall
29 be reimbursed for those costs, upon application, by the State
30 Treasurer.

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

32

33 3. R.S.19:19-1 is amended to read as follows:

34 19:19-1. The board of county canvassers of each county shall
35 meet on the **[Wednesday next]** thirteenth day, after any such
36 election, at 12 o'clock noon, at the courthouse of the county, for the
37 purpose of checking the canvass which shall have been made by the
38 county clerk from the statements of the district boards filed in his
39 office as hereinbefore provided. For such purpose the county clerk
40 shall have prepared a compilation in tabulated form of such
41 statements and the combined results shown thereby for the use of
42 the board of canvassers.

43 (cf: P.L.2018, c.72, s.10)

44

45 4. R.S.19:23-54 is amended to read as follows:

46 19:23-54. The municipal clerk shall forthwith canvass the
47 statements of the district board as far as they relate to the election
48 of members of the county committee of any political party, and

1 shall issue a certificate of election to each person shown by the
2 returns filed in the office of such municipal clerk to have been so
3 elected.

4 No person whose name was printed on a primary ballot as a
5 candidate for the county committee shall receive a certificate of
6 election as a member of any other county committee.

7 When a person whose name was not printed on a primary ballot
8 as a candidate for member of the county committee has been elected
9 as a member of the county committee of more than one political
10 party, he shall file with the municipal clerk within three days a
11 statement certifying to which political party he belongs, and a
12 certificate of election shall be issued to such person as a member of
13 the county committee of the political party so certified.

14 Any person elected as a member of the county committee of any
15 political party whose name was not printed upon the primary ballot
16 and to whom a certificate of election has been issued, shall before
17 the organization of the county committee file with the secretary
18 thereof a written statement certifying that he is a member of such
19 political party.

20 The municipal clerk shall within ~~eight~~ thirteen days after the
21 primary election certify to the county clerk and also to the county
22 board two copies of the names and post-office addresses of the
23 persons elected as members of the county committee of the several
24 political parties, together with the ward, district or unit which they
25 respectively represent.

26 (cf: R.S.19:23-54)

27

28 5. Section 6 of P.L.1945, c.59 (C.19:48-3.20) is amended to
29 read as follows:

30 6. Upon receipt of such certification, ~~[such municipal clerk]~~
31 the county clerk of the municipality in which such election is to be
32 held shall proceed to prepare and furnish to such superintendent of
33 elections or such county board of elections, as the case may be, at
34 least seven days before any such election, official ballots of the type
35 and in the number required by law for use in voting machines, and
36 shall make such other arrangements as are necessary to hold such
37 municipal election by the use of voting machines in all election
38 districts of such municipality, in accordance with the provisions of
39 law relating to elections where voting machines are used, and such
40 election shall in all respects be so held and conducted.

41 (cf: P.L.1945, c.59, s.6)

42

43 6. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read
44 as follows:

45 4. a. A qualified voter is entitled to apply for and obtain a
46 mail-in ballot by authorized messenger, who shall be so designated
47 over the signature of the voter and whose printed name and address
48 shall appear on the application in the space provided. The

1 authorized messenger shall be a family member or a registered voter
2 of the county in which the application is made and shall place his or
3 her signature on the application in the space so provided in the
4 presence of the county clerk or the designee thereof. No person
5 shall serve as an authorized messenger or as a bearer for more than
6 three qualified voters in an election, except that an authorized
7 messenger or bearer may serve as such for up to five qualified
8 voters in an election if those voters are immediate family members
9 residing in the same household as the messenger or bearer. No
10 person who is a candidate in the election for which the voter
11 requests a mail-in ballot shall be permitted to serve as an authorized
12 messenger or bearer. The authorized messenger shall show a photo
13 identification card to the county clerk, or the designee thereof, at
14 the time the messenger submits the application form. The county
15 clerk or the designee thereof shall authenticate the signature of the
16 authorized messenger in the event such a person is other than a
17 family member, by comparing it with the signature of the person
18 appearing on a State of New Jersey driver's license, or other
19 identification issued or recognized as official by the federal
20 government, the State, or any of its political subdivisions, providing
21 the identification carries the full address and signature of the
22 person. After the authentication of the signature on the application,
23 the county clerk or the designee thereof is authorized to deliver to
24 the authorized messenger a ballot to be delivered to the qualified
25 voter.

26 b. The Secretary of State shall cause to be prepared a standard
27 authorized messenger application form, which may be included with
28 the mail-in ballot application forms. The authorized messenger
29 section of the application shall contain the following language
30 above the signature of the authorized messenger: "I do hereby
31 certify that I will deliver the mail-in ballot directly to the voter and
32 no other person, under penalty of law."

33 (cf: P.L.2015, c.84, s.1)

34

35 7. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
36 as follows:

37 6. a. The county clerk, in the case of any Statewide election,
38 countywide election, or school election in a regional or other school
39 district comprising more than one municipality; the municipal clerk,
40 in the case of any municipal election or school election in a school
41 district comprising a single municipality; and the commissioners or
42 other governing or administrative body of the district, in the case of
43 any election to be held in any fire district or other special district,
44 other than a municipality, created for specified public purposes
45 within one or more municipalities, shall publish the following
46 notice in substantially the following form:

47 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

1 If you are a qualified and registered voter of the State who
2 wants to vote by mail in the..... (school, municipal,
3 primary, general, or other) election to be held on..... (date of
4 election), the following applies:

5 You must complete the application form below and send it to
6 the county clerk where you reside or write or apply in person to the
7 county clerk where you reside to request a mail-in ballot.

8 The name, address, and signature of any person who has assisted
9 you to complete the mail-in ballot application must be provided on
10 the application, and you must sign and date the application.

11 No person may serve as an authorized messenger or bearer for
12 more than three qualified voters in an election, but a person may
13 serve as such for up to five qualified voters in an election if those
14 voters are immediate family members residing in the same
15 household as the messenger or bearer.

16 No person who is a candidate in the election for which the voter
17 requests a mail-in ballot may provide any assistance in the
18 completion of the ballot or serve as an authorized messenger or
19 bearer.

20 A person who applies for a mail-in ballot must submit his or her
21 application at least seven days before the election, but such person
22 may request an application in person from the county clerk up to 3
23 p.m. of the day before the election.

24 Voters who want to vote by mail in all future elections will,
25 after their initial request and without further action on their part, be
26 provided with a mail-in ballot until the voter requests otherwise in
27 writing.

28 Application forms may be obtained by applying to the
29 undersigned either in writing or by telephone, or the application
30 form provided below may be completed and forwarded to the
31 undersigned.

32 Dated.....
33
34 (signature and title of county clerk)
35
36 (address of county clerk)
37
38 (telephone no. of county clerk)

39 b. (1) The Secretary of State shall be responsible for providing
40 all information regarding overseas ballots to each overseas voter
41 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
42 seq.). The secretary shall also make available valid overseas voter
43 registration and ballot applications to any voter who is a member of
44 the armed forces of the United States and who is a permanent
45 resident of this State, or who is an overseas voter who wishes to
46 register to vote or to vote in any jurisdiction in this State. The
47 secretary shall provide such public notice as may be deemed
48 necessary to inform members of the armed forces of the United

1 States and overseas voters how to obtain valid overseas voter
2 registration and ballot applications.

3 (2) The Secretary of State shall undertake a program to inform
4 voters in this State about their eligibility to vote by mail pursuant to
5 this act. Dissemination of this information shall be included in the
6 standard notices required by this section and other provisions of
7 current law, including but not limited to the notice requirements of
8 R.S.19:12-7, and shall be effectuated by such means as the secretary
9 deems appropriate and to the extent that funds for such
10 dissemination are appropriated including, but not limited to, by
11 means of Statewide or local electronic media, public service
12 announcements broadcast by such media, notices on the Internet site
13 of the Department of State or any other department or agency of the
14 Executive Branch of State government or its political subdivisions
15 deemed appropriate by the secretary, and special mailings or notices
16 in newspapers or other publications circulating in the counties or
17 municipalities of this State.

18 c. The mail-in ballot materials shall contain a notice that any
19 person voting by mail-in ballot who has registered by mail after
20 January 1, 2003, who did not provide personal identification
21 information when registering and is voting for the first time in his
22 or her current county of residence following registration shall
23 include copies of the required identification information with the
24 mail-in ballot, and that failure to include such information shall
25 result in the rejection of the ballot.

26 d. The notice provided for in subsection a. of this section shall
27 be published before the 55th day immediately preceding the holding
28 of any election.

29 Notices relating to any Statewide or countywide election shall
30 be published in at least two newspapers published in each county.
31 All officials charged with the duty of publishing such notices shall
32 publish the same in at least one newspaper published in each
33 municipality or district in which the election is to be held, or if no
34 newspaper is published in the municipality or district, then in a
35 newspaper published in the county and circulating in the
36 municipality or district. All such notices shall be display
37 advertisements.

38 (cf: P.L.2018, c.72, s.2)

39

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

42 8. Upon receipt of a request for a mail-in ballot, the county
43 clerk shall, with the cooperation of the commissioner of
44 registration, cause the signature of the applicant to be compared
45 with the signature of the person appearing on the permanent
46 registration form, or the digitalized image of the voter's signature
47 stored in the Statewide voter registration system, to determine from

1 such examination, and any other available information, if the
2 applicant is a voter qualified to cast a ballot in the election in which
3 the voter wants to vote, and determine in case of a primary election
4 the political party primary in which the voter is entitled to vote.
5 The commissioner of registration, or the superintendent of elections
6 in counties having a superintendent of elections may, at the request
7 of the county clerk, investigate any application or request for a
8 mail-in ballot.

9 If, after such examination, the county clerk is satisfied that the
10 applicant is entitled to a ballot, the clerk shall mark on the
11 application "Approved." If, after such examination the county clerk
12 determines that the applicant is not entitled to a ballot, the clerk
13 shall mark on the application "Disapproved" and shall so notify the
14 applicant, stating the reason therefor, as required by section 5 of
15 P.L.2004, c.88 (C.19:61-5). Notification to the applicant shall be
16 made in writing within 24 hours of the determination of disapproval
17 and shall state the specific reason, or reasons, for the disapproval
18 and inform the applicant of the opportunity to challenge the
19 disapproval by contacting the county clerk's office. The county
20 clerk shall provide every disapproved applicant with the
21 opportunity to (1) submit evidence either in person or via fax, postal
22 mail or electronic mail, (2) submit a voter registration application to
23 update signature or change name, address, or party affiliation, (3)
24 submit a new application to vote by mail, or (4) in the case of an
25 application disapproved for a reason related to signature
26 verification, sign an affidavit in the presence of the county clerk, or
27 designee, after presenting current and valid photo identification.

28 (cf: P.L.2009, c.79, s.8)

29

30 9. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
31 as follows:

32 9. a. Starting on or before the 45th day before the day an
33 election is held, each county clerk shall forward mail-in ballots by
34 first-class postage or hand delivery to each mail-in voter whose
35 request therefor has been approved. Mail-in ballots that have been
36 approved before the 45th day before an election shall be forwarded
37 or delivered at least 45 days before the day of the election. Hand
38 delivery of a mail-in ballot shall be made by the county clerk or the
39 clerk's designee only to the voter, or the voter's authorized
40 messenger, who must appear in person. No person shall serve as an
41 authorized messenger for more than three qualified voters in an
42 election, but a person may serve as such for up to five qualified
43 voters in an election if those voters are immediate family members
44 residing in the same household as the messenger. Ballots that have
45 not been hand delivered shall be addressed to the voter at the
46 forwarding address given in the application.

47 b. (1) Whenever the clerk forwards a mail-in ballot by mail to
48 a mail-in voter between the 45th day and the 13th day before the

1 day of an election, the ballot shall be transmitted within three
2 business days of the receipt of the application.

3 (2) Whenever the clerk forwards a mail-in ballot by mail to a
4 mail-in voter between the 12th day and the seventh day before the
5 day of an election, the ballot shall be transmitted within two
6 business days of the receipt of the application.

7 The provisions of this subsection shall not apply to: (a) annual
8 school elections and special school elections in those school
9 districts holding such elections, pursuant to P.L.1995, c.278
10 (C.19:60-1 et seq.); (b) any municipality in which elections are
11 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
12 (c) annual elections for members of the boards of fire district
13 commissions, pursuant to N.J.S.40A:14-72, when such elections are
14 held at a time other than the time of the general election; and (d) the
15 vote on any public question submitted to the voters of a local unit to
16 increase the amount to be raised by taxation by more than the
17 allowable adjusted tax levy, pursuant to section 11 of
18 P.L.2007, c.62 (C.40A:4-45.46).

19 c. (Deleted by amendment, P.L.2011, c.37).
20 (cf: P.L.2017, c.206, s.8)

21

22 10. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to
23 read as follows:

24 12. Each county clerk shall send, with each mail-in ballot,
25 printed directions for the preparation and transmitting of the ballots
26 as required by this act. The directions shall be printed in such
27 manner and form as the Secretary of State shall require, together
28 with two envelopes of such sizes that one will contain the other.
29 The directions prepared by the Secretary of State shall inform the
30 voter that the status of the voter's mail-in ballot may be checked
31 using the free-access system provided in section 5 of P.L.2004, c.88
32 (C.19:61-5).

33 The outer envelope shall be addressed to the county board of
34 elections of the county in which is located the home address of the
35 person to whom the mail-in ballot is sent, as certified by the county
36 clerk. At the discretion of the county clerk, the outer envelope may
37 be a postage paid return envelope. On the outside and front of each
38 outer envelope, there shall be printed or stamped the following:

39 To protect your vote:

40 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
41 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
42 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
43 IS COMPLETED:

44 Ballot mailed or transported by

45 (signature of bearer)

46 (print name of bearer)

47 (address of bearer)

1 The reserve side of the outer envelope shall contain the
2 following:

3 REMINDER

4 For your vote to count, you must:

5 1) Vote your ballot and place it in the inner envelope with the
6 attached certificate.

7 2) Seal the envelope.

8 3) Place the envelope into the larger envelope addressed to the
9 board of elections and seal that envelope.

10 4) If another person will be mailing your ballot or bringing it to
11 the board of elections, MAKE CERTAIN THAT PERSON
12 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
13 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
14 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
15 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
16 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
17 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
18 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
19 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
20 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF
21 THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS
22 RESIDING IN THE SAME HOUSEHOLD AS THE BEARER.

23 The Secretary of State is authorized to make such changes to the
24 instructions for mail-in ballot materials as the Secretary of State
25 deems necessary or as is mandated by federal or State law.

26 The inner envelope shall be so designed that it can be sealed
27 after the mail-in ballot has been placed therein and the flap thereof
28 shall be of such length and size as to leave sufficient margin, after
29 sealing, for the printing thereon of the certificate hereinafter
30 described. The flap shall be so arranged that, after the inner
31 envelope has been sealed, the certificate can be contained, with the
32 inner envelope, in the outer envelope, and that the margin
33 containing the certificate can be detached without unsealing the
34 inner envelope.

35 On the outside of each envelope in which a mail-in ballot is sent
36 to a mail-in voter by the clerk, there shall be printed or stamped the
37 words "Official Mail-In Ballot." In addition, there shall be printed
38 or stamped the following:

39 To protect your vote:

40 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
41 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS
42 BALLOT.

43 However, a family member may assist you in doing so.

44 The reverse side of each inner envelope shall contain the
45 following statement:

46 A PERSON MAY BE FINED AND IMPRISONED AND MAY
47 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY
48 LAW if that person attempts to vote fraudulently by mail-in ballot,

1 prevents the voting of a legal voter, certifies falsely any
2 information, interferes with a person's secrecy of voting, tampers
3 with ballots or election documents or helps another person to do so.
4 (cf: P.L.2015, c.84, s.4)

5

6 11. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to
7 read as follows:

8 16. a. A mail-in voter shall be entitled to mark any mail-in
9 ballot forwarded to the voter for voting at any election by indicating
10 the voter's choice of candidates for the offices named, and as to
11 public questions, if any, stated thereon, in accordance with current
12 law. In the case of ballots to be voted for any primary election for
13 the general election, as the case may be, the voter's choice shall be
14 limited to the candidates of the voter's political party or to any
15 person or persons whose names are written thereon by the voter.
16 When so marked, such ballot shall be placed in the inner envelope,
17 which shall then be sealed, and the voter shall then fill in the form
18 of certificate attached to the inner envelope, at the end of which the
19 voter shall sign and print the voter's name. The inner envelope with
20 the certificate shall then be placed in the outer envelope, which
21 shall then be sealed.

22 b. No mail-in voter shall permit any person in any way, except
23 as provided by this act, to unseal, mark or inspect the voter's ballot,
24 interfere with the secrecy of the voter's vote, complete or sign the
25 certificate, or seal the inner or outer envelope, nor shall any person
26 do so.

27 c. A mail-in voter shall be entitled to assistance from a family
28 member in performing any of the actions provided for in this
29 section. The family member or other person providing such
30 assistance shall certify that he or she assisted the voter and will
31 maintain the secrecy of the vote by both printing and signing his or
32 her name in the space provided on the certificate. In no event may a
33 candidate for election provide such assistance, nor may any person,
34 at the time of providing such assistance, campaign or electioneer on
35 behalf of any candidate.

36 d. (1) The sealed outer envelope with the inner envelope and
37 the ballot enclosed therein shall then either be mailed to the county
38 board of elections to which it is addressed or delivered personally
39 by the voter or a bearer designated by the voter to the board. To be
40 counted, the ballot must be received by the board or its designee
41 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the
42 closing of the polls, as may be appropriate, on the day of an
43 election.

44 (2) Whenever a person delivers a ballot to the county board, that
45 person shall provide proof of the person's identity in the form of a
46 New Jersey driver's license, or another form of identification issued
47 or recognized as official by the federal government, the State, or
48 any of its subdivisions, providing the identification carries the full

1 address and signature of the person. The person shall sign a record
2 maintained by the county of all mail-in ballots personally delivered
3 to it.

4 (3) No person shall serve as an authorized messenger or as a
5 bearer for more than three qualified voters in an election, but a
6 person may serve as such for up to five qualified voters in an
7 election if those voters are immediate family members residing in
8 the same household as the messenger or bearer. No person who is a
9 candidate in the election for which the voter requests a mail-in
10 ballot shall be permitted to serve as an authorized messenger or
11 bearer. The bearer, by signing the certification provided for in
12 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
13 received a mail-in ballot directly from the voter, and no other
14 person, and is authorized to deliver the ballot to the appropriate
15 board of election or designee on behalf of the voter.
16 (cf: P.L.2015, c.84, s.5)

17

18 12. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
19 read as follows:

20 17. The county board of elections shall, promptly after receiving
21 each mail-in ballot, remove the inner envelope containing the ballot
22 from the outer envelope and shall compare the signature and the
23 information contained on the flap of the inner envelope with the
24 signature and information contained in the respective requests for
25 mail-in ballots. In addition, as to mail-in ballots issued less than
26 seven days prior to an election, the county board of elections shall
27 also check to establish that the mail-in voter did not vote in person.
28 The county board shall reject such a ballot if it is not satisfied,
29 pursuant to a comparison with the Statewide voter registration
30 system, that the voter is legally entitled to vote and that the ballot
31 conforms with the requirements of this act.

32 In the case of a mail-in ballot to be voted at a primary election
33 for the general election, the ballot shall be rejected if the mail-in
34 voter has indicated in the certificate the voter's intention to vote in a
35 primary election of any political party in which the voter is not
36 entitled to vote according to the Statewide voter registration system,
37 and if it shall appear from the record that the voter is not entitled to
38 vote in a primary election of the political party which has been so
39 indicated.

40 Any mail-in ballot which is received by a county board of
41 elections shall be rejected if **[both]** the inner **[and outer envelopes**
42 **are]** envelope is unsealed or if either the inner or outer envelope has
43 a seal that has been tampered with. Mail-in ballots shall not be
44 rejected due to any defect arising out of or relating to the
45 preparation or mailing of the ballot or envelope that was not
46 reasonably caused by the voters, such as a torn envelope and
47 missing or insufficient glue to allow the ballot to be sealed.

1 Disputes about the qualifications of a mail-in voter to vote or
2 about whether or not or how any mail-in ballot shall be counted in
3 such election shall be referred to the Superior Court for
4 determination.

5 After such investigation, the county board of elections shall
6 detach or separate the certificate from the inner envelope containing
7 the mail-in ballot, unless it has been rejected by it or by the
8 Superior Court, marking the envelope so as to identify the election
9 district in which the ballot contained therein is to be voted as
10 indicated by the voter's home address appearing on the certificate
11 attached to or accompanying the inner envelope and, in the case of
12 ballots to be voted at a primary election for a general election, so as
13 to identify the political party in the primary election of which it is
14 to be voted.

15 The location at which a county board of elections determines
16 whether a mail-in ballot shall be accepted or rejected shall be
17 considered an election district for the purposes of appointment of
18 challengers.

19 The Secretary of State shall prepare educational materials
20 regarding this section that all employed county boards of elections
21 employees handling ballots shall read and have available for
22 review. The materials shall provide clear information regarding the
23 standards for acceptance and rejection of mail-in ballots and the
24 safe-keeping of all materials in the case of rejection. The materials
25 shall serve an educational purpose for the county board of elections
26 and shall not replace, supersede, or void the authority of the county
27 board or a judge of the Superior Court to accept or reject a mail-in
28 ballot.

29 (cf: P.L.2011, c.134, s.55)

30

31 13. Section 22 of P.L.2009, c.22 (C.19:63-22) is amended to
32 read as follows:

33 22. On the day of each election each county board of elections
34 shall open in the presence of the commissioner of registration, or
35 the designee thereof, the inner envelopes that contain the mail-in
36 ballots with the votes cast for the election. The inner envelopes
37 containing the ballots that the board or the Superior Court has
38 rejected shall not be so opened, but shall be retained as provided for
39 by this act. The board shall then proceed to canvass the votes cast
40 on the mail-in ballots, but no such ballot shall be counted in any
41 primary election for the general election if the ballot of the political
42 party marked for voting thereon differs from the designation of the
43 political party in the primary election of which such ballot is
44 intended to be voted as marked on the envelope by the county board
45 of elections.

46 Every mail-in ballot that bears a postmark date before or of the
47 day of the election and that is received by the county board within
48 **[48]** 144 hours after the time of the closing of the polls for the

1 election that the ballot was prepared shall be considered valid and
2 shall be canvassed. Every mail-in ballot that does not bear a
3 postmark date but that is received by the county board by delivery
4 of the United States Postal Service before, or within 48 hours after,
5 the time of the closing of the polls for the election for which the
6 ballot was prepared shall be considered valid and shall be
7 canvassed.

8 Immediately after the canvass is completed, the respective
9 county boards of election shall certify the result of the canvass to
10 the county clerk or the municipal or district clerk or other
11 appropriate officer, as the case may be, showing the result of the
12 canvass by municipality and ward. The votes thus canvassed shall
13 be counted in determining the result of the election.

14 The county board of elections shall, immediately after the
15 canvass is completed for any primary election, certify the results of
16 the votes cast for members of the county committees to the
17 respective municipal clerks, and those votes shall be counted in
18 determining the result of the election.

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

20

21 14. This act shall take effect immediately, except that sections 6
22 through 11 shall take effect on February 1, 2021.