

[First Reprint]

ASSEMBLY, No. 4830

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

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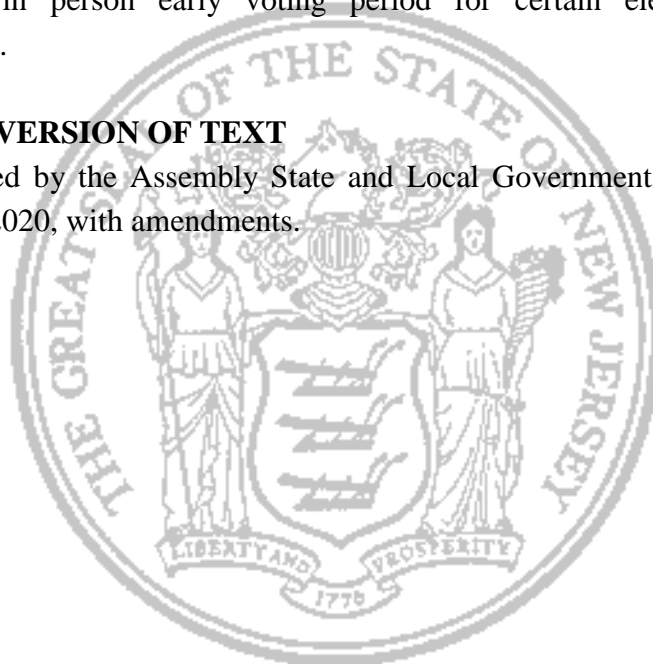
Assemblymen Holley and Mazzeo

SYNOPSIS

Requires in person early voting period for certain elections; makes appropriation.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on October 19, 2020, with amendments.



(Sponsorship Updated As Of: 2/23/2021)

1 AN ACT requiring early voting to be available for certain elections,
2 amending various parts of the statutory law, supplementing Title
3 19 of the Revised Statutes, and making an appropriation.

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

7
8 1. (New section) a. In addition to all other forms of voting
9 provided for by this Title, a registered voter shall be permitted to
10 vote at a specially designated polling place before the day of the
11 general election, starting on the 15th day before the election and
12 ending on the second calendar day before the election. This
13 procedure shall be known as early voting. The voting process
14 during the early voting period shall be conducted using electronic
15 poll books and voting machines. Any municipality conducting
16 regular municipal elections in May pursuant to the provisions of the
17 “Uniform Nonpartisan Elections Law,” P.L.1981, c.379 (C.40:45-5
18 et seq.), may, by an ordinance adopted by its governing body, also
19 conduct early voting for the regular municipal election, in
20 accordance with the provisions of this act, P.L. , c. (C.)
21 (pending before the Legislature as this bill). Pursuant to the
22 provisions of this act and Title 19 of the Revised Statutes, each
23 county board of elections shall determine the method of verifying
24 that a registered voter is qualified to vote in the election and shall
25 prescribe the manner by which a registered voter may vote during
26 such period.

27 b. (1) For the general election, each county board of elections
28 shall designate at least three public locations within each county as
29 the sites for early voting to occur, except that the county board shall
30 designate at least five public locations for early voting if the
31 number of registered voters in the county is at least 150,000 but less
32 than 300,000, and shall designate at least seven public locations for
33 early voting if the number of registered voters in the county is
34 300,000 or more. The number of registered voters in each county
35 shall be determined ahead of the selection of early voting sites
36 pursuant to a uniform standard which shall be developed by the
37 Secretary of State through the rulemaking process pursuant to the
38 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
39 seq.). Whenever possible, early voting locations shall be
40 geographically located so as to ensure both access in the part of the
41 county that features the greatest concentration of population,
42 according to the most recent federal decennial census of the United
43 States, and access in various geographic areas of the county. All
44 early voting locations shall be public facilities, such as county

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted October 19, 2020.

1 courthouses, public libraries and the offices of the municipal clerk,
2 county clerk, and county board of elections. No public school
3 building and no building used as a public school shall, however, be
4 designated as an early voting location. The locations shall be
5 designated at the same time as all other polling places are
6 designated by the board of elections. In the event of a tie vote
7 among members of the county board with respect to the selection of
8 sites for early voting, the county clerk shall cast the deciding vote.
9 Once early voting locations are designated in each county, county
10 boards of election shall, as provided by the Secretary of State,
11 evaluate and, if deemed necessary, revise these locations in order to
12 accommodate significant changes in the number of registered voters
13 within each county, reflect the population distribution and density
14 within each county, or enhance convenience when an early voting
15 site has proven to be inconvenient for the voters, or because of
16 similar circumstances. The Secretary of State shall develop the
17 criteria to be used by county boards of election to revise the
18 location of early voting sites and shall prescribe how often such
19 revision shall take place.

20 A voter shall be permitted to vote at any early voting site in the
21 voter's county.

22 (2) Whenever a municipality that conducts regular municipal
23 elections in May chooses to participate in early voting for the
24 regular municipal election, the county board of elections shall
25 designate at least one public location within the municipality as the
26 site for early voting to occur. Whenever possible, each such
27 location shall be geographically located in the part of the
28 municipality that features the greatest concentration of population,
29 according to the most recent federal decennial census of the United
30 States. All early voting locations shall be public facilities, such as
31 municipal courthouses and the offices of the municipal clerk. No
32 public school building and no building used as a public school shall
33 be designated as an early voting location. The locations shall be
34 designated at the same time as all other polling places are
35 designated by the board of elections. In the event of a tie vote
36 among members of the county board with respect to the selection of
37 sites for early voting, the municipal clerk shall cast the deciding
38 vote. Once early voting locations are designated in each
39 municipality, county boards of election shall, as provided by the
40 Secretary of State, evaluate and, if deemed necessary, revise these
41 locations in order to accommodate significant changes in the
42 number of registered voters within each municipality, reflect the
43 population distribution and density within each municipality, or
44 enhance convenience when an early voting site has proven to be
45 inconvenient for the voters, or because of similar circumstances.
46 The Secretary of State shall develop the criteria to be used by
47 county boards of election to revise the location of early voting sites
48 and shall prescribe how often such revision shall take place.

1 A voter shall be permitted to vote at any early voting site in the
2 voter's municipality.

3 c. Each early voting site in a county or municipality shall be
4 open for early voting on Monday through Saturday from at least 10
5 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. Any
6 voter who is on line at the time scheduled for the closing of an early
7 voting site shall be permitted to vote.

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

15 e. The restrictions governing the conduct of voters at a polling
16 place on the days that early voting occurs, the procedures governing
17 who is permitted in a polling place on such occasions and the
18 prohibition on electioneering within 100 feet of a polling place
19 during an election, shall be as provided in chapters 15, 34, 50 and
20 52 of Title 19 of the Revised Statutes and every other applicable
21 section of this Title.

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

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

47 (2) Notwithstanding the provisions of this subsection, in the
48 year in which P.L. , c. (C.) (pending before the Legislature

1 as this bill) becomes law, each county board shall submit its plan to
2 the Secretary of State within 15 days following the effective date of
3 this act and the Secretary of State shall review it and, if deemed
4 necessary thereby, require changes in the plan within 45 days
5 following the effective date of this act.

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

14 i. Each polling place used for early voting shall have such
15 appropriate supplies, ballots and other materials deemed necessary
16 by the Secretary of State or as is required currently for a polling
17 place on the day of any election by Title 19 of the Revised Statutes.
18

19 2. (New section) a. A duly-registered voter shall be permitted
20 to participate in early voting after completing an Early Voting Voter
21 Certificate in substantially the following form:
22

23 EARLY VOTING VOTER CERTIFICATE

24
25 I, _____(your name), am a registered voter, residing
26 at _____ (your street address), _____County,
27 New Jersey. I do solemnly swear or affirm that I am the person so
28 listed on the voter registration rolls of _____County and that
29 I reside at the above address. I understand that if I commit or
30 attempt to commit fraud in connection with voting, vote
31 fraudulently or vote more than once in an election I could be
32 convicted of a crime of the third degree and fined up to \$15,000 and
33 imprisoned for up to five years. I understand that my failure to sign
34 this certificate invalidates my vote.
35

36 _____
37 (Voter Signature)

38 _____
39 _____
40 (Date)

41
42 Using the completed early voting certificate, and prior to permitting
43 the voter to vote, an election official shall ascertain, in substantially
44 the same manner as required on the day of an election pursuant to
45 Title 19 of the Revised Statutes, that the voter is a duly-registered
46 voter of the county and is entitled to vote in that election. Each
47 early voting voter certificate shall be collected and forwarded to the
48 county board at the end of each day of the early voting period and

1 shall be kept by the board for two years following the date of the
2 election.

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

8
9 3. New section) a. The appointment of challengers for early
10 voting shall be in the same manner as provided in chapter 7 of Title
11 19 of the Revised Statutes for all elections. The name and address
12 of each challenger, including a candidate acting as a challenger or a
13 challenger representing a grouping of two or more candidates,
14 together with the number or name and location of the polling place
15 at which the challenger is to serve, shall be filed with the county
16 board of elections not later than the fifth day preceding the start of
17 the early voting period.

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

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

27
28 4. (New section) During each early voting period, the county
29 board shall make available to the public a tally of the total number
30 of voters who have cast a ballot at each early voting location during
31 the previous day. The county boards shall prepare an electronic
32 data file listing the names of the individual voters who cast a ballot
33 during the early voting period. This information shall be made
34 available to the public in an electronic format pursuant to rules
35 adopted by the county board and subject to review each year by the
36 Secretary of State. The information shall be updated and made
37 available to the public no later than noon of each day during the
38 early voting period and shall at the same time be provided to the
39 clerk of the county in which early voting is occurring and to the
40 Secretary of State.

41
42 5. (New section) An early vote cast in an election, as provided
43 for in this act, P.L. , c. (C.) (pending before the Legislature
44 as this bill), shall not be canvassed prior to the closing of the polls
45 on the day of an election.

46 Every provisional ballot voted in each such election and
47 determined by a county board to be valid shall be counted and shall
48 be part of the official tally of the results of the election.

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

11
12 7. (New section) In compliance with the provisions of Article
13 VIII, Section II, paragraph 5 of the New Jersey Constitution, upon
14 application for reimbursement by a county governing body or a
15 municipal governing body, as may be appropriate, to the Secretary
16 of State and approval of the application by the Director of the
17 Division of Budget and Accounting in the Department of the
18 Treasury, a county or municipality shall be reimbursed by the State
19 for any additional costs incurred by the county or municipality as a
20 result of the provisions of this act, P.L. , c. (C.) (pending before
21 the Legislature as this bill).

22
23 8. (New section) The Secretary of State is hereby authorized to
24 make such adjustments to ¹regulations issued pursuant to¹ Title 19
25 of the Revised Statutes ¹["by regulation"]¹ as may be necessary to
26 effectuate the purposes of this act ¹, which regulations shall be
27 effective immediately upon filing with the Office of Administrative
28 Law for a period not to exceed 18 months, and may, thereafter, be
29 amended, adopted or readopted in accordance with the provisions of
30 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.)¹.

32
33 9. R.S.19:12-7 is amended to read as follows:
34 19:12-7. a. The county board in each county shall cause to
35 be published in a newspaper or newspapers which, singly or in
36 combination, are of general circulation throughout the county, a
37 notice containing the information specified in subsection b. hereof,
38 except for such of the contents as may be omitted pursuant to
39 subsection c. or d. hereof. Such notice shall be published once
40 during the 30 days next preceding the day fixed for the closing of
41 the registration books for the primary election, once during the
42 calendar week next preceding the week in which the primary
43 election for the general election is held, once during the 30 days
44 next preceding the day fixed for the closing of the registration
45 books for the general election, and once during the calendar week
46 **["next"]** preceding the week in which the early voting period for the
47 general election **["is held"] begins.**

1 b. Such notice shall set forth:

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

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

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

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

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

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

23 (f) In the case of the notice published during the calendar week
24 next preceding the week in which the primary election is held, that
25 a voter who, prior to the election, shall have moved within the same
26 county without (i) filing, on or before the 21st day preceding the
27 election, a notice of change of residence with the commissioner of
28 registration of the county or the municipal clerk of the municipality
29 in which the voter resides on the day of the election, (ii) returning
30 the confirmation notice sent to the voter by the commissioner of
31 registration of the county, if such a notice has been sent to the voter,
32 or (iii) otherwise notifying the commissioner of registration of the
33 voter's change of address within the county shall be permitted to
34 correct the voter's registration and to vote in the primary election by
35 provisional ballot at the polling place of the district in which the
36 voter resides on the day of the election. The notice shall further
37 provide that the voter may contact the county commissioner of
38 registration or municipal clerk or may view polling place location
39 information on the Division of Elections website to determine the
40 proper polling place location for the voter.

41 (2) For the general election:

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

47 (b) The place or places at which and hours during which a
48 person may register, the procedure for transfer of registration, and

1 the date on which the books are closed for registration or transfer of
2 registration.

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

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

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

18 (f) In the case of the notice published during the calendar week
19 **【next】** preceding the week in which the early voting period for the
20 general election **【is held】** begins, that a voter who, prior to the
21 election, shall have moved within the same county without (i)
22 filing, on or before the 21st day preceding the election, a notice of
23 change of residence with the commissioner of registration of the
24 county or the municipal clerk of the municipality in which the voter
25 resides on the day of the election, (ii) returning the confirmation
26 notice sent to the voter by the commissioner of registration of the
27 county, if such a notice has been sent to the voter, or (iii) otherwise
28 notifying the commissioner of registration of the voter's change of
29 address within the county shall be permitted to correct the voter's
30 registration and to vote in the general election by provisional ballot
31 at the polling place of the district in which the voter resides on the
32 day of the election. The notice shall further provide that the voter
33 may contact the county commissioner of registration or municipal
34 clerk or may view polling place location information on the
35 Division of Elections website to determine the proper polling place
36 location for the voter.

37 (3) For a school election:

38 (a) The day and time thereof,

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

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

42 (d) That a voter who, prior to the election, shall have moved
43 within the same county without (i) filing, on or before the 21st day
44 preceding the election, a notice of change of residence with the
45 commissioner of registration of the county or the municipal clerk of
46 the municipality in which the voter resides on the day of the
47 election, (ii) returning the confirmation notice sent to the voter by
48 the commissioner of registration of the county, if such a notice has

1 been sent to the voter, or (iii) otherwise notifying the commissioner
2 of registration of the voter's change of address within the county
3 shall be permitted to correct the voter's registration and to vote in
4 the school election by provisional ballot at the polling place of the
5 district in which the voter resides on the day of the election,

6 (e) That if the voter has any questions as to where to vote on the
7 day of the election, the voter may contact the county commissioner
8 of registration or municipal clerk or may view polling place
9 location information on the Division of Elections website to
10 determine the proper polling place location for the voter; and

11 (f) Such other information as may be required by law.

12 c. If such publication is made in more than one newspaper, it
13 shall not be necessary to duplicate in the notice published in each
14 such newspaper all the information required under this section, so
15 long as:

16 (1) The municipal officers or party positions to be filled, or
17 nominations made, or municipal public questions to be voted upon
18 by the voters of any municipality, shall be set forth in at least one
19 newspaper having general circulation in such municipality;

20 (2) All offices to be filled, or nominations made therefor, or
21 public questions to be voted upon, by the voters of the entire State
22 or of the entire county shall be set forth in a newspaper or
23 newspapers which, singly or in combination, have general
24 circulation throughout the county;

25 (3) Information relating to nominations and elections in each
26 Legislative District comprised in whole or part in the county, shall
27 be published in at least a newspaper or newspapers which singly or
28 in combination, have general circulation in every municipality of
29 the county which is comprised in such legislative district.

30 d. Such part or parts of the original notices as published which
31 pertain to day of registration or primary election which has occurred
32 shall be eliminated from such notice in succeeding insertions.

33 e. (Deleted by amendment, P.L.1999, c.232.)

34 f. The cost of publishing the notices required by this section
35 shall be paid by the respective counties, unless otherwise provided
36 for by law.

37 g. Notices required to be published or posted pursuant to this
38 section shall set forth a general description of the contents of the
39 voter information notice provided for in section 1 of P.L.2005,
40 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
41 prior to the day of an election, and that the notice will be posted in
42 each polling place on the day of an election.

43 (cf: P.L.2019, c.170, s.1)

44

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

47 1. a. A county board of elections shall have posted a voter
48 information notice, which shall be referred to as a voter's bill of

1 rights, in a conspicuous location in each polling place **【before the**
2 **opening of the polls on the day of any election】** and each specially
3 designated polling place used for early voting before voting begins.
4 The notice shall contain:
5 the date of the election and the hours during which polling places
6 will be open;
7 a statement that sample ballots are available at the polling place
8 for review by the voter;
9 instruction for the use of the voting machine in that polling place
10 and an explanation of what instructions for voting are available at
11 the polling place for the voter;
12 instruction for a voter who is voting for the first time;
13 instruction for a voter who is required to provide identification
14 pursuant to the federal "Help America Vote Act of 2002" and
15 R.S.19:15-17 prior to casting a vote;
16 instruction on how to cast a vote if the voter cannot be present at
17 a polling place on the day of the election;
18 an explanation of the right of the voter to vote in **【privacy】**
19 private, regardless of the voter's physical abilities;
20 an explanation of the right of the voter to a provisional ballot,
21 including in the event that a mail-in ballot has been applied for and
22 not received or not transmitted to the county board of elections
23 before the day of any election, and the other circumstances under
24 which a voter has a right to a provisional ballot;
25 an explanation of the right of the voter to receive a replacement
26 ballot for a ballot that has been spoiled, destroyed, lost or never
27 received;
28 an explanation of the right of the voter to ask for and receive
29 assistance in voting;
30 an explanation of the right of the voter to take a reasonable
31 amount of time in casting a vote on a voting machine;
32 an explanation of the right of the voter to bring written material
33 into the polling place for the voter's personal use in casting a vote;
34 instruction on how to contact the appropriate officials if a voter's
35 right to vote or right to otherwise participate in the electoral process
36 has been challenged or violated;
37 general information on federal and State laws that prohibit acts
38 of fraud or misrepresentation and the penalties for those acts;
39 an explanation of the right of the voter to confidentially discover
40 the status of their ballot using the "Track My Ballot" user portal;
41 an explanation that "All ballots are counted and your vote
42 remains anonymous";
43 an explanation of the right of the voter that if their ballot was
44 rejected, a notice will be issued to the voter within 24 hours after a
45 decision is made to reject the ballot. The voter will have up to 48
46 hours prior to the date for the final certification of the results of the
47 election to provide a cure for their ballot;

1 an explanation giving the options for the voter to provide the
2 cure to their rejected ballot;

3 an explanation that no voters shall be intimidated or otherwise
4 unduly influenced by political insignia while voting. No person
5 shall wear, display, sell, give or provide any political or campaign
6 slogan, badge, button or other insignia associated with any political
7 party or candidate to be worn at or within one hundred feet of the
8 polls or within the polling place or room, on any primary, general or
9 special election day or on any commission government election day,
10 except the badge furnished by the county board as provided by law.
11 This includes any political gear representing the campaign slogans,
12 logos, or depictions or representations of any political party or
13 candidate such as merchandise sold directly from a political party,
14 campaign, candidate, or by third parties and vendors representing
15 any political party or campaign or candidate. A person violating
16 any of these provisions is guilty of a disorderly persons offense and
17 will not be permitted on the premises and can only return to vote
18 after the removal of prohibited political insignia; and

19 such other statement, instruction or explanation the Secretary of
20 State may deem appropriate to ensure the full and knowledgeable
21 participation of the voter in the process.

22 The requirement to post this notice in each polling place shall
23 not replace, supersede or void any other requirement set forth in law
24 for the posting of information in each polling place apart from the
25 voter information notice. The poster promoting the use of voting by
26 mail prepared and distributed by the Secretary of State pursuant to
27 R.S.19:8-6 shall be displayed next to or as close as may be possible
28 to the voter information notice.

29 b. The Secretary of State shall prescribe the form and specific
30 content of the voter information notice, which may be comprised of
31 more than one page. If the notice is comprised of more than one
32 page, each page shall be posted separately. For an election district
33 in which the primary language of 10 percent or more of the
34 registered voters is a language other than English, the Secretary of
35 State shall prescribe an official version of the voter information
36 notice in that other language or languages for use in that election
37 district. The notice shall be posted in English and in the other
38 language or languages in the polling places in each such district.
39 The alternate language shall be determined based on information
40 from the latest federal decennial census.

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

47 d. The voter information notice shall be printed on each sample
48 ballot, to the extent practicable, or if not practicable, information on

1 how to view or obtain a copy of the voter information notice shall
2 be printed on each sample ballot.

3 e. The voter information notice, including one modified or
4 supplemented pursuant to subsection c. of this section, shall be
5 made accessible on the official Internet site of the State by the
6 Secretary of State and each county board of elections shall ensure
7 that the official Internet site of the county contains a link to that
8 notice.

9 f. (Deleted by amendment, P.L.2020, c.70)

10 g. The State shall be liable for the costs incurred by local
11 government entities for compliance with this section, and they shall
12 be reimbursed for those costs, upon application, by the State
13 Treasurer.

14 (cf: P.L.2020, c.71, s.2)

15

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

17 19:14-21. The county clerk shall cause samples of the official
18 general election ballot to be printed in English, but for each election
19 district within the county in which the primary language of 10% or
20 more of the registered voters is Spanish, shall cause samples of the
21 official general election ballot to be printed bilingually in English
22 and Spanish.

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

41 b. In counties having a superintendent of elections, and in other
42 counties where the county board of elections may have the
43 equipment or facilities to prepare a properly stamped envelope
44 addressed to each registered voter in the county for mailing, the
45 county clerk, not later than the thirtieth day preceding the start of
46 the early voting period for the general election, shall furnish to the
47 commissioner of registration located in his county one and one-
48 tenth times as many stamped envelopes as there are registered

1 voters in the county, less the number of voters who have been sent a
2 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
3 have not responded, and not later than noon of the twelfth day
4 preceding the start of the early voting period for the general election
5 shall furnish to the commissioner of registration located in the
6 county, one and one-tenth times as many sample ballots as there are
7 registered voters in the county to enable the commissioner of
8 registration of the county to mail one of such sample ballots to each
9 voter registered in the county, except those voters who have been
10 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
11 and have not responded, for such election and shall take a receipt
12 for the same from the commissioner of registration, which receipt
13 shall indicate the number of such sample ballots and stamped
14 envelopes delivered by the county clerk and the date and hour of
15 their delivery. County boards of elections which elect to operate
16 under the provisions of this paragraph shall notify their county clerk
17 in sufficient time to enable him to make the necessary arrangements
18 the first year.

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

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

25

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

27 19:14-22. The official general election sample ballots shall be
28 as nearly as possible facsimiles of the official general election
29 ballot to be voted at such election and shall have printed thereon,
30 after the words which indicate the number of the election district for
31 which such sample ballots are printed, the name of the school
32 district, when appropriate, the number or name and municipality or
33 municipalities of the fire district, when appropriate, the street
34 address or location of the polling place in the election district, and
35 the hours between which the polls shall be open. Such sample
36 ballots shall be printed on paper different in color from the official
37 general election ballot, and have the following words printed in
38 large type at the top: "This ballot cannot be voted. It is a sample
39 copy of the official general election ballot used on election day."
40 The sample ballot shall also state clearly the days, hours and places
41 at which early voting shall be available in the county.

42 (cf: P.L.2017, c.206, s.7)

43

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

45 19:14-24. The municipal clerk to whom the sample ballots and
46 stamped envelopes have been so delivered by the county clerk shall
47 deliver the same at his office, or in any other way he sees fit, on or
48 before noon of the Tuesday preceding the start of the early voting

1 period for the general election, to a member or members of each
2 district board, and shall take a receipt for the same from the
3 member or members of the district boards of such municipality,
4 which receipt shall indicate the number of sample ballots and
5 stamped envelopes delivered by the municipal clerk and the date
6 and hour of their delivery.
7 (cf: R.S.19:14-24)

8

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

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

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

30 In counties having a superintendent of elections, and in other
31 counties where the county board of elections shall elect to operate
32 under the provisions of subsection b. of section 19:14-21 of this
33 Title, the commissioner of registration shall prepare and deposit in
34 the post office on or before 12:00 o'clock noon, on the Wednesday
35 preceding the start of the early voting period for the general election
36 **[day]**, a properly stamped envelope containing a copy of the
37 sample ballot printed in English addressed to each registered voter
38 in the county at the address shown on the registry, except that for
39 districts in which the primary language of 10% or more of the
40 registered voters is Spanish, a properly stamped envelope
41 containing a copy of the bilingual sample ballot, addressed to each
42 registered voter in the district of such board at the address shown on
43 the register shall be prepared and deposited. The commissioner of
44 registration shall return to the county clerk all ballots and envelopes
45 not mailed or posted by him, with a sworn statement in writing
46 signed by him that all the remainder of such ballots and envelopes
47 have been mailed.

48 The county board of elections, in all counties having a

1 superintendent of elections, and in other counties where the county
2 board of elections shall elect to operate under the provisions of
3 subsection b. of section 19:14-21 of this Title, shall, not later than
4 noon of the second Monday preceding the start of the early voting
5 period for the election, deliver or mail to the members of the district
6 board three appropriate sample ballots for their respective election
7 district. The board shall post the appropriate sample ballots in the
8 polling place in its district.

9 (cf: P.L.1974, c.30, s.3)

10

11 15. Section 1 of P.L.2019, c.80 (C.19:31-35) is amended to read
12 as follows:

13 1. Each county commissioner of registration and county board
14 of elections **【may adopt】** shall require the use of electronic poll
15 books, as further provided by this act, P.L.2019, c.80 (C.19:31-
16 35 et seq.), **【electronic poll books for use】** at each polling place
17 during the early voting period and on the day of any election, in
18 place of the paper polling record or signature copy register, to
19 access the registration record, eligibility, signature, and other
20 information of each registered voter in the election district. The
21 electronic poll books shall enable at least the same functionality
22 currently provided by the paper polling records or signature copy
23 register to be accomplished in the conduct of an election. An
24 electronic poll book shall not be used unless it has been certified by
25 the Secretary of State. The Secretary of State shall adopt and
26 publish electronic poll books standards and regulations governing
27 the certification and use of electronic poll books. The Secretary of
28 State shall not certify an electronic poll book unless it is in
29 compliance with at least the capabilities and standards specified
30 under section 2 of P.L.2019, c.80 (C.19:31-36) and the Secretary of
31 State's standards and regulations. The Secretary of State shall
32 provide **【each county commissioner of registration and board of**
33 **elections that adopts the use of electronic poll books under this act**
34 **with】** the rules, regulations, and instructions regarding the
35 examination, testing, and use of electronic poll books, including
36 rules regarding the security and protection of the information stored
37 in such electronic poll books, to each county commissioner of
38 registration and board of elections.

39 (cf: P.L.2019, c.80, s.1)

40

41 16. Section 3 of P.L.2019, c.80 (C.19:31-37) is amended to read
42 as follows:

43 3. A county commissioner of registration and county board of
44 elections **【opting to use electronic poll books】** shall submit to the
45 Secretary of State a request for approval in the form, content, and
46 timeframe specified by the Secretary of State. Within 10 days of
47 receiving the request, the Secretary of State shall review the request

1 for compliance with the Secretary of State's standards and
2 regulations and all of the capabilities and standards required under
3 this act, P.L.2019, c.80 (C.19:31-35 et seq.). A county
4 commissioner of registration and county board of elections
5 approved to use electronic poll books shall furnish at least two
6 electronic poll books for each polling place and a backup paper
7 polling record or signature copy register for each election district in
8 the polling place. Each voter shall be offered the option to sign
9 either the electronic poll book or the backup paper polling record or
10 signature copy register. Electronic poll books for each election
11 shall be prepared by the commissioner of registration no later than
12 the 10th day preceding the start of the early voting period for the
13 election. At each election, the delivery of the electronic poll books
14 to the municipal clerk and to the district boards or other officials
15 charged with the same duties as the district boards in connection
16 with the conduct of an election, and the return of those electronic
17 poll books by the district boards or such other election officials to
18 the commissioner of registration, shall be made in the manner
19 prescribed by the commissioner of registration and shall comply
20 with Title 19 of the Revised Statutes. The commissioner of
21 registration shall retain the electronic poll books records for any
22 election for a period of not less than six years following that
23 election.

24 (cf: P.L.2019, c.80, s.3)

25

26 17. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
27 as follows:

28 3. Except as may otherwise be provided by law for initial
29 elections conducted in a municipality following its adoption of a
30 plan or form of government, or a charter or an amendment thereto,
31 regular municipal elections shall be held in each municipality
32 governed by this act on the second Tuesday in May, or the day of
33 the general election in November if chosen by the municipality
34 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
35 7.1), in the years in which municipal officers are to be elected. The
36 municipal election shall be held at the same place or places and
37 conducted in the same manner, so far as possible, as the general
38 election. The election officers shall be those provided for
39 conducting the general election.

40 A municipality holding municipal elections on the second
41 Tuesday in May, in addition to those elections and by an ordinance
42 adopted by its governing body, may also conduct early voting for
43 those municipal elections, in accordance with the provisions of
44 P.L. , c. (C.) (pending before the Legislature as this bill). A
45 municipality holding municipal elections on the day of the general
46 election in November shall conduct early voting in accordance with
47 the provisions of P.L. , c. (C.) (pending before the
48 Legislature as this bill).

1 Notwithstanding the provisions of this section, the Secretary of
2 State may change in any year the date provided for a regular
3 municipal election if the date coincides with a period of religious
4 observance that limits significantly the usual activities of the
5 followers of a particular religion or that would result in significant
6 religious consequences for such followers. The secretary shall
7 inform the municipal clerks, county clerks and boards of election of
8 the adjustment no later than the first working day in January of the
9 year in which the adjustments are to occur.

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

14

15 18. There is appropriated from the General Fund as State aid to
16 each county governing body and to each municipal governing body
17 that approves conducting early voting such sums as the State
18 Treasurer and the Director of the Division of Budget and
19 Accounting in the Department of the Treasury deem necessary to
20 effectuate the purpose of section 7 of this act.

21

22 19. This act shall take effect on the 120th day following the date
23 of enactment.