

**SENATE, No. 2496**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 28, 2020

**Sponsored by:**  
**Senator PAUL A. SARLO**  
**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Allows office of municipal clerk to receive voted mail-in ballots and applications for those ballots by hand delivery; extends deadline for mail-in ballots to be received and canvassed.

**CURRENT VERSION OF TEXT**

As introduced.



S2496 SARLO

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1 AN ACT concerning the applications for mail-in ballots and delivery  
2 of voted mail-in ballots in an election and amending P.L.2009,  
3 c.79.

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

7  
8 1. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read  
9 as follows:

10 5. a. In the case of any election, the application for a mail-in  
11 ballot shall be made to the county clerk. The county clerk shall  
12 stamp thereon the date on which the application was received in the  
13 clerk's office.

14 b. Notwithstanding the provision of subsection a. of this  
15 section, applications for mail-in ballot may be hand delivered to the  
16 office of the municipal clerk of the municipality in which the voter  
17 resides not less than 10 days before an election in which a voter  
18 wants to vote by mail. The municipal clerk shall ensure that all  
19 applications received are date and time stamped, securely stored  
20 and hand delivered to the county clerk pursuant to a schedule  
21 established by the county clerk.

22 c. In the case of applications for overseas federal election voter  
23 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no  
24 application shall be refused on the grounds that it was submitted too  
25 early.

26 d. In the case of voter registration forms that include a selected  
27 vote by mail option, a copy of each such form shall be transmitted  
28 to and received by the appropriate county clerk, who shall be  
29 responsible for providing mail-in ballots to each qualified voter  
30 requesting such ballots for future elections, until the voter requests  
31 otherwise in writing.

32 (cf: P.L.2018, c.72, s.5)

33  
34 2. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
35 read as follows:

36 16. a. A mail-in voter shall be entitled to mark any mail-in  
37 ballot forwarded to the voter for voting at any election by indicating  
38 the voter's choice of candidates for the offices named, and as to  
39 public questions, if any, stated thereon, in accordance with current  
40 law. In the case of ballots to be voted for any primary election for  
41 the general election, as the case may be, the voter's choice shall be  
42 limited to the candidates of the voter's political party or to any  
43 person or persons whose names are written thereon by the voter.  
44 When so marked, such ballot shall be placed in the inner envelope,  
45 which shall then be sealed, and the voter shall then fill in the form

**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.**

S2496 SARLO

1 of certificate attached to the inner envelope, at the end of which the  
2 voter shall sign and print the voter's name. The inner envelope with  
3 the certificate shall then be placed in the outer envelope, which  
4 shall then be sealed.

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

10 c. A mail-in voter shall be entitled to assistance from a family  
11 member in performing any of the actions provided for in this  
12 section. The family member or other person providing such  
13 assistance shall certify that he or she assisted the voter and will  
14 maintain the secrecy of the vote by both printing and signing his or  
15 her name in the space provided on the certificate. In no event may a  
16 candidate for election provide such assistance, nor may any person,  
17 at the time of providing such assistance, campaign or electioneer on  
18 behalf of any candidate.

19 d. (1) The sealed outer envelope with the inner envelope and  
20 the ballot enclosed therein shall then either be mailed to the county  
21 board of elections to which it is addressed or delivered personally  
22 by the voter or a bearer designated by the voter to the board or to  
23 the office of the municipal clerk of the municipality in which the  
24 voter resides. To be counted, the ballot must be received by the  
25 board or its designee or the office of the municipal clerk before the  
26 time designated by R.S.19:15-2 or R.S.19:23-40 for the closing of  
27 the polls, as may be appropriate, on the day of an election.

28 (2) Whenever a person delivers a ballot to the county board or  
29 the office of the municipal clerk, that person shall provide proof of  
30 the person's identity in the form of a New Jersey driver's license, or  
31 another form of identification issued or recognized as official by the  
32 federal government, the State, or any of its subdivisions, providing  
33 the identification carries the full address and signature of the  
34 person. The person shall sign a record maintained by the county of  
35 all mail-in ballots personally delivered to it.

36 (3) No person shall serve as an authorized messenger or as a  
37 bearer for more than three qualified voters in an election. No  
38 person who is a candidate in the election for which the voter  
39 requests a mail-in ballot shall be permitted to serve as an authorized  
40 messenger or bearer. The bearer, by signing the certification  
41 provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies  
42 that he or she received a mail-in ballot directly from the voter, and  
43 no other person, and is authorized to deliver the ballot to the  
44 appropriate board of election or designee or the office of the  
45 municipal clerk on behalf of the voter.

46 (4) Whenever a person delivers a voted ballot to the office of the  
47 municipal clerk, which shall consist of the sealed outer envelope  
48 with the inner envelope and the ballot enclosed therein, the person

S2496 SARLO

1 shall sign a record required by the county board of all mail-in  
2 ballots received by the office of the municipal clerk. In addition to  
3 the person's signature, the record shall contain the following  
4 information:

- 5 the name and address of the voter;
- 6 the name and address of the person delivering the ballot;
- 7 the driver's license number or type of and number of the  
8 alternative form of identification provided of the person delivering  
9 the ballot;
- 10 the date and time that the ballot was delivered; and
- 11 the signature of the municipal clerk or designee who accepted the  
12 ballot and reviewed the identification of the person delivering the  
13 ballot.

14 (5) The municipal clerk shall ensure that all ballots received are  
15 date and time stamped, securely stored and hand delivered, along  
16 with the record of mail-in ballots received, to the county board  
17 pursuant to a schedule established by the county board. Upon  
18 receipt of the ballots and record of mail-in ballots received, the  
19 county board shall mark as received and date and time stamp the  
20 record and furnish copy of the record to the municipal clerk or  
21 designee to be filed in the office of the municipal clerk. The record  
22 shall also be maintained on file by the county board. The period of  
23 retention for the record for both the county board and the municipal  
24 clerk shall be two years following the date of the election to which  
25 the record pertains.

26 (cf: P.L.2015, c.84, s.5)

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28 3. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to  
29 read as follows:

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

43 Every mail-in ballot that bears a postmark date of the day of the  
44 election and that is received by the county board within **[48]** 144  
45 hours after the time of the closing of the polls for the election that  
46 the ballot was prepared shall be considered valid and shall be  
47 canvassed. Every mail-in ballot that does not bear a postmark date  
48 but that is received by the county board by delivery of the United

1 States Postal Service within 48 hours after the time of the closing of  
2 the polls for the election for which the ballot was prepared shall be  
3 considered valid and shall be canvassed.

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

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

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

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17 4. This act shall take effect immediately.

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#### STATEMENT

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22 The purpose of this bill is to provide voters with a location  
23 within their own municipality to hand deliver applications for mail-  
24 in ballots and voted mail-in ballots so that they do not have to travel  
25 to their county seat, or rely on the United States Postal Service  
26 which may be unreliable in the timely delivery of mail-in ballots.  
27 The intent of this bill is to reduce the number of voted mail-in  
28 ballots that are rejected, but otherwise valid, due to delays in their  
29 delivery to the county board of elections by the United States Postal  
30 Service.

31 Under current law, municipal clerks serve as the chief  
32 administrative officer of all elections and chief registrar of voters in  
33 their respective municipality. Municipal clerks currently have  
34 numerous responsibilities related to conducting elections including  
35 registering voters, accepting candidate petitions and certifying or  
36 rejecting them, and receiving election results and voted provisional  
37 ballots from district voting polls and transporting them to the  
38 county board of elections.

39 This bill allows the office of the municipal clerk to receive voted  
40 mail-in ballots by hand delivery and requires that the municipal  
41 clerk hand deliver them to the county board of elections. Under the  
42 bill, a voter, or a bearer designated by the voter, may personally  
43 deliver a voted mail-in ballot to the office of the municipal clerk of  
44 the municipality in which the voter resides. To be counted, the  
45 ballot must be received by the office of the municipal clerk before  
46 the closing of the polls on the date of the election. Under the bill,  
47 whenever a person delivers a voted ballot to the municipal clerk, the  
48 person would have to provide proof of identity and sign a record

**S2496 SARLO**

6

1 required by the county board of all mail-in ballots received by the  
2 office of the municipal clerk.

3 This bill allows the office of the municipal clerk to receive  
4 applications for mail-in ballots by hand delivery and requires that  
5 the municipal clerk hand deliver them to the county clerk.

6 This bill also extends the deadline by which mail-in ballots  
7 bearing a post mark of the day of the election must be received by  
8 the county board of elections in order to be canvassed from 48  
9 hours after the closing of the polls to 144 hours after the closing of  
10 the polls. The bill also eliminates the requirement that a mail-in  
11 ballot bear a post mark if it is received by the county board of  
12 elections by the United States Postal Service within 48 hours after  
13 the closing of the polls.