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

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

1. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read as follows:
   5. a. In the case of any election, the application for a mail-in ballot shall be made to the county clerk. The county clerk shall stamp thereon the date on which the application was received in the clerk's office.
   b. Notwithstanding the provision of subsection a. of this section, applications for mail-in ballot may be hand delivered to the office of the municipal clerk of the municipality in which the voter resides not less than 10 days before an election in which a voter wants to vote by mail. The municipal clerk shall ensure that all applications received are date and time stamped, securely stored and hand delivered to the county clerk pursuant to a schedule established by the county clerk.
   c. In the case of applications for overseas federal election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no application shall be refused on the grounds that it was submitted too early.
   d. In the case of voter registration forms that include a selected vote by mail option, a copy of each such form shall be transmitted to and received by the appropriate county clerk, who shall be responsible for providing mail-in ballots to each qualified voter requesting such ballots for future elections, until the voter requests otherwise in writing.
   (cf: P.L.2018, c.72, s.5)

2. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to read as follows:
   16. a. A mail-in voter shall be entitled to mark any mail-in ballot forwarded to the voter for voting at any election by indicating the voter's choice of candidates for the offices named, and as to public questions, if any, stated thereon, in accordance with current law. In the case of ballots to be voted for any primary election for the general election, as the case may be, the voter's choice shall be limited to the candidates of the voter's political party or to any person or persons whose names are written thereon by the voter. When so marked, such ballot shall be placed in the inner envelope, 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.
of certificate attached to the inner envelope, at the end of which the
voter shall sign and print the voter's name. The inner envelope with
the certificate shall then be placed in the outer envelope, which
shall then be sealed.

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

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

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

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

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

(4) Whenever a person delivers a voted ballot to the office of the
municipal clerk, which shall consist of the sealed outer envelope
with the inner envelope and the ballot enclosed therein, the person
shall sign a record required by the county board of all mail-in ballots received by the office of the municipal clerk. In addition to the person’s signature, the record shall contain the following information:

- the name and address of the voter;
- the name and address of the person delivering the ballot;
- the driver’s license number or type of and number of the alternative form of identification provided of the person delivering the ballot;
- the date and time that the ballot was delivered; and
- the signature of the municipal clerk or designee who accepted the ballot and reviewed the identification of the person delivering the ballot.

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

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

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

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

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

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

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

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

4. This act shall take effect immediately.

STATEMENT

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

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

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

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

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