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SENATE COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED FEBRUARY 11, 2021

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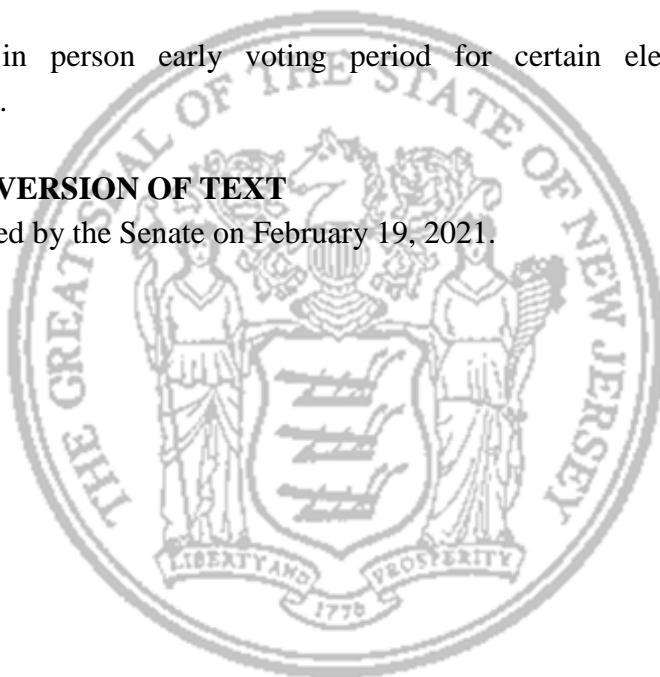
Senators Pou and Singleton

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on February 19, 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 certain
11 primary and general elections in this State. This procedure shall be
12 known as early voting. The early voting period shall:

13 (1) start on the 4th calendar day before a non-presidential
14 primary election for a non-presidential general election and end on
15 the second calendar day before that non-presidential primary
16 election;

17 (2) start on the 6th calendar day before a presidential primary
18 election for a presidential general election and end on the second
19 calendar day before that presidential primary election; or

20 (3) start on the 10th calendar day before a general election and
21 end on the second calendar day before that general election.

22 The voting process during the early voting period shall be
23 conducted using electronic poll books and optical-scan voting
24 machines that read hand-marked paper ballots or other voting
25 machines that produce a voter-verifiable paper ballot. Any
26 municipality conducting regular municipal elections in May
27 pursuant to the provisions of the “Uniform Nonpartisan Elections
28 Law,” P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance
29 adopted by its governing body, also conduct early voting for the
30 regular municipal election, in accordance with the provisions of this
31 act, P.L. , c. (C.) (pending before the Legislature as this bill). If
32 adopted by a municipal governing body, the early voting period for
33 a regular municipal election in May shall start on the 4th calendar
34 day before the regular municipal election and end on the second
35 calendar day before that regular municipal election. An early voting
36 period shall only be permitted for a non-presidential or presidential
37 primary election and a general election in this State and, if adopted
38 by a municipal governing body, a regular municipal election
39 conducted in May. Pursuant to the provisions of this act and Title
40 19 of the Revised Statutes and in accordance with procedures that
41 shall be established by the Secretary of State for verifying eligible
42 voters, each county board of elections shall verify that a registered
43 voter is qualified to vote in the election and shall prescribe the
44 manner by which a registered voter may vote during such period.

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:

¹Senate floor amendments adopted February 19, 2021.

1 b. (1) For the primary and the general election, each county
2 board of elections shall designate at least three public locations
3 within each county as the sites for early voting to occur, except that
4 the county board shall designate at least five public locations for
5 early voting if the number of registered voters in the county is at
6 least 150,000 but less than 300,000, and shall designate at least
7 seven public locations for early voting if the number of registered
8 voters in the county is 300,000 or more. The number of registered
9 voters in each county shall be determined ahead of the selection of
10 early voting sites pursuant to a uniform standard which shall be
11 developed by the Secretary of State through the rulemaking process
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.). Whenever possible, early voting locations
14 shall be geographically located so as to ensure both access in the
15 part of the county that features the greatest concentration of
16 population, according to the most recent federal decennial census of
17 the United States, and access in various geographic areas of the
18 county. All early voting locations shall be public facilities, such as
19 county courthouses, public libraries and the offices of the municipal
20 clerk, county clerk, and county board of elections. No public
21 school building and no building used as a public school shall,
22 however, be designated as an early voting location. The locations
23 shall be designated at the same time as all other polling places are
24 designated by the board of elections. In the event of a tie vote
25 among members of the county board with respect to the selection of
26 sites for early voting, the county clerk shall cast the deciding vote.
27 Once early voting locations are designated in each county, county
28 boards of election shall, as provided by the Secretary of State,
29 evaluate and, if deemed necessary, revise these locations in order to
30 accommodate significant changes in the number of registered voters
31 within each county, reflect the population distribution and density
32 within each county, or because of similar circumstances. The
33 Secretary of State shall develop the criteria to be used by county
34 boards of election to revise the location of early voting sites and
35 shall prescribe how often such revision shall take place.

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

38 (2) Whenever a municipality that conducts regular municipal
39 elections in May chooses to participate in early voting for the
40 regular municipal election, the county board of elections shall
41 designate at least one public location within the municipality as the
42 site for early voting to occur. Whenever possible, each such
43 location shall be geographically located in the part of the
44 municipality that features the greatest concentration of population,
45 according to the most recent federal decennial census of the United
46 States. All early voting locations shall be public facilities, such as
47 municipal courthouses and the offices of the municipal clerk. No
48 public school building and no building used as a public school shall

1 be designated as an early voting location. The locations shall be
2 designated at the same time as all other polling places are
3 designated by the board of elections. In the event of a tie vote
4 among members of the county board with respect to the selection of
5 sites for early voting, the municipal clerk shall cast the deciding
6 vote. Once early voting locations are designated in each
7 municipality, county boards of election shall, as provided by the
8 Secretary of State, evaluate and, if deemed necessary, revise these
9 locations in order to accommodate significant changes in the
10 number of registered voters within each municipality, reflect the
11 population distribution and density within each municipality, or
12 because of similar circumstances. The Secretary of State shall
13 develop the criteria to be used by county boards of election to revise
14 the location of early voting sites and shall prescribe how often such
15 revision shall take place.

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

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

23 d. The election officers responsible for conducting early voting
24 shall be the same as those responsible for conducting a primary and
25 a general election, as appropriate, pursuant to this Title. The
26 number of such officers and their hours of service shall be as
27 determined by each county board of elections. The compensation
28 for such officers shall be the same as provided to district board of
29 election members serving at a school election pursuant to
30 R.S.19:45-6.

31 e. The restrictions governing the conduct of voters at a polling
32 place on the days that early voting occurs, the procedures governing
33 who is permitted in a polling place on such occasions and the
34 prohibition on electioneering within 100 feet of a polling place
35 during an election, shall be as provided in chapters 15, 34, 50 and
36 52 of Title 19 of the Revised Statutes and every other applicable
37 section of this Title.

38 f. At least once each day during the early voting period, and
39 prior to the start of each regularly scheduled primary and general
40 election, and regular municipal election in each non-partisan
41 municipality choosing to participate in early voting, each county
42 board shall make such changes as may be necessary to the voter's
43 record in the Statewide voter registration system and the signature
44 copy register used at each polling place to indicate that a voter has
45 voted in that election using the early voting procedure.

46 g. (1) Each county board shall be responsible for forming and
47 executing a written plan to ensure, to the greatest extent possible,
48 the integrity of the voting process and the security of ballots used

1 during the early voting period, including the security of voting
2 machines, voted ballots, and election records. The plan shall be
3 based on guidelines established by the Secretary of State and shall
4 be submitted thereto no later than December 15 of each year. The
5 Secretary of State shall review and, if deemed necessary thereby,
6 require changes to a plan no later than February 1 of each year.
7 Each plan shall specify a chain of custody and security plan for the
8 voting machines, and a chain of custody for the voted ballots and
9 election records and materials, and shall require, among other
10 specifications deemed necessary by the Secretary of State and
11 county boards of election, that all voted ballots shall be transferred
12 at the end of each early voting day to county boards of election for
13 safekeeping. After the voted ballots are transferred to the county
14 board of elections at the end of each early voting day, a county
15 board may elect to impound those voted ballots on a secure server,
16 or by any other means deemed appropriate by the Secretary of State.
17 The voted ballots shall not be canvassed until the closing of the polls
18 on election day as required pursuant to section 4 of this act, P.L. ,
19 c. (C.) (pending before the Legislature as this bill).

20 (2) Notwithstanding the provisions of this subsection, in the
21 year in which P.L. , c. (C.) (pending before the Legislature
22 as this bill) becomes law, each county board shall submit its plan to
23 the Secretary of State within 15 days following the effective date of
24 this act and the Secretary of State shall review it and, if deemed
25 necessary thereby, require changes in the plan within 45 days
26 following the effective date of this act.

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

35 i. The Secretary of State shall establish a printing on demand
36 ballot and elections system. At a minimum, the system shall be
37 compatible with the Statewide voter registration system established
38 pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and any
39 electronic poll books provided by section 1 of P.L.2019, c.80
40 (C.19:31-35). Each polling place used for early voting shall have a
41 computer, tablet, or other electronic device to print provisional
42 ballots for voters required to vote by provisional ballot in
43 accordance to the provisions of Title 19 of the Revised Statutes or
44 due to an equipment malfunction, a voter file, a polling record or
45 signature copy register, or any other election related material, if
46 needed. A computer, tablet, or other electronic device and the
47 printer used to print election materials at a polling place shall not be
48 used unless it has been certified by the Secretary of State. The

1 Secretary of State shall adopt and publish standards and regulations
2 governing the certification and use of computer, tablets, or other
3 electronic devices and printers to print election materials at each
4 polling place used for early voting. The Secretary of State shall not
5 certify a computer, tablet, or other electronic device or printer
6 unless it is in compliance with the secretary's standards.

7 j. Each polling place used for early voting shall also have such
8 appropriate supplies, ballots and other materials deemed necessary
9 by the Secretary of State or as is required currently for a polling
10 place on the day of any election by Title 19 of the Revised Statutes.

11

12 2. (New section) a. The appointment of challengers for early
13 voting shall be in the ¹ [manner provided in subsection b. of section 1
14 of P.L.1960, c.82 (C. 19:7-6.1) for all elections.] following manner:

15 (1) The chairperson of the county committee of any political party
16 that has duly nominated any candidate for public office to be voted for
17 at an election by all the voters within the county or any political
18 division thereof greater than a single municipality, or where the
19 election is within and for a single municipality only, or any
20 subdivision thereof, then the chairperson of the municipal committee
21 of the political party making such nomination within and for such
22 single municipality, or subdivision thereof, may appoint two
23 challengers for each grouping of candidates choosing to be grouped
24 together on the ballot for each early voting site in the chairperson's
25 county or municipality, as the case may be. If two or more candidates
26 choosing to be grouped together on the ballot do not belong to an
27 organization represented by a county or municipal committee of any
28 political party, as the case may be, the candidate listed on the highest
29 position on the ballot for that grouping of candidates may appoint two
30 challengers for that grouping of candidates for each early voting site in
31 the county or municipality, as the case may be.

32 (2) A candidate who has filed a petition for an office to be voted
33 for at the primary election, and a candidate for an office whose name
34 may appear upon the ballot to be used in any election, may act as a
35 challenger. A candidate who is not grouped with any other candidate
36 on the ballot may appoint two challengers for each early voting site at
37 which the candidate is to appear on the ballot, but only two challengers
38 shall be allowed for each early voting site to represent all the
39 candidates choosing to be grouped together on the ballot.

40 (3) Whenever a public question shall appear on the ballot to be
41 voted upon by the voters of an election district and application has
42 been made by the proponents or opponents of such public question for
43 the appointment of challengers, the county board may in its discretion
44 appoint two challengers each to represent such proponents or
45 opponents at each early voting site.

46 b. Not more than the challengers authorized pursuant to paragraphs
47 (1) through (3) of subsection a. of this section shall be present at any
48 one time in any early voting site while serving and exercising the

1 powers of a challenger and during the hours when the polls are open
2 for early voting.

3 c.¹ The name and address of each challenger, including a candidate
4 acting as a challenger or a challenger representing a grouping of two or
5 more candidates, together with the number or name and location of the
6 **1**[polling place] early voting site¹ at which the challenger is to serve,
7 shall be filed with the county board of elections not later than the fifth
8 day preceding the start of the early voting period.

9 **1**[b.] d.¹ Each challenger, including a candidate acting as a
10 challenger or a challenger representing a grouping of two or more
11 candidates, shall have all of the powers of challengers serving at other
12 elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

13 **1**[c.] e.¹ Any voter whose name does not appear on a challenge
14 list but who is challenged as not qualified or entitled to vote by a
15 challenger duly appointed pursuant to this section shall be entitled to
16 the rights and protections provided by R.S.19:15-18 et seq., and every
17 other applicable section of this Title.

18

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

32

33 4. (New section) An early vote cast in an election, as provided
34 for in this act, P.L. , c. (C.) (pending before the Legislature
35 as this bill), shall not be canvassed prior to the closing of the polls
36 on the day of an election.

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

40

41 5. (New section) In addition to any publications required under
42 Title 19 of the Revised Statutes, the Secretary of State and each
43 county board of elections shall cause to be published information
44 concerning the early voting procedure on the Department of State's
45 website and on each county's website. The early voting
46 information shall include, but may not be limited to, a notice to the
47 public concerning their eligibility to participate in early voting, the
48 duration of the early voting period, and the locations and hours of

1 operation of specially designated polling places for early voting in
2 each county.

3
4 6. (New section) In compliance with the provisions of Article
5 VIII, Section II, paragraph 5 of the New Jersey Constitution, upon
6 application for reimbursement by a county governing body or a
7 municipal governing body, as may be appropriate, to the Secretary
8 of State and approval of the application by the Director of the
9 Division of Budget and Accounting in the Department of the
10 Treasury, a county or municipality shall be reimbursed by the State
11 for any additional costs incurred by the county or municipality as a
12 result of the provisions of this act, P.L. , c. (C.) (pending before
13 the Legislature as this bill).

14
15 7. (New section) The Secretary of State is hereby authorized to
16 make such adjustments to regulations issued pursuant to Title 19 of
17 the Revised Statutes as may be necessary to effectuate the purposes
18 of this act, which regulations shall be effective immediately upon
19 filing with the Office of Administrative Law for a period not to
20 exceed 18 months, and may, thereafter, be amended, adopted or
21 readopted in accordance with the provisions of the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

23
24 8. R.S.19:12-7 is amended to read as follows:

25 19:12-7. a. The county board in each county shall cause to be
26 published in a newspaper or newspapers which, singly or in
27 combination, are of general circulation throughout the county, a
28 notice containing the information specified in subsection b. hereof,
29 except for such of the contents as may be omitted pursuant to
30 subsection c. or d. hereof. Such notice shall be published once
31 during the 30 days next preceding the day fixed for the closing of
32 the registration books for the primary election, once during the
33 calendar week **[next]** preceding the week in which the early voting
34 period for the primary election for the general election **[is held]**
35 begins, once during the 30 days next preceding the day fixed for the
36 closing of the registration books for the general election, and once
37 during the calendar week **[next]** preceding the week in which the
38 early voting period for the general election **[is held]** begins.

39 b. Such notice shall set forth:

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

41 (a) That a primary election for making nominations for the
42 general election, for the selection of members of the county
43 committees of each political party, and in each presidential year for
44 the selection of delegates and alternates to national conventions of
45 political parties, will be held on the day and between the hours
46 provided for by or pursuant to this Title, and the days, hours, and
47 places at which early voting shall be available in the county.

1 (b) The place or places at which and hours during which a
2 person may register, the procedure for the transfer of registration,
3 and the date on which the books are closed for registration or
4 transfer of registration.

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

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

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

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

34 (2) For the general election:

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

40 (b) The place or places at which and hours during which a
41 person may register, the procedure for transfer of registration, and
42 the date on which the books are closed for registration or transfer of
43 registration.

44 (c) The several State, county and municipal offices, and where
45 applicable, school board offices and fire district offices to be filled,
46 notice of any school district propositions to be submitted to the
47 people and, except as provided in R.S.19:14-33 of this Title as to
48 publication of notice of any Statewide proposition directed by the

1 Legislature to be submitted to the people, the State, county,
2 municipal and fire district public questions to be voted upon at such
3 general election.

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

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

11 (f) In the case of the notice published during the calendar week
12 **[next]** preceding the week in which the early voting period for the
13 general election [is held] begins, that a voter who, prior to the
14 election, shall have moved within the same county without (i)
15 filing, on or before the 21st day preceding the election, a notice of
16 change of residence with the commissioner of registration of the
17 county or the municipal clerk of the municipality in which the voter
18 resides on the day of the election, (ii) returning the confirmation
19 notice sent to the voter by the commissioner of registration of the
20 county, if such a notice has been sent to the voter, or (iii) otherwise
21 notifying the commissioner of registration of the voter's change of
22 address within the county shall be permitted to correct the voter's
23 registration and to vote in the general election by provisional ballot
24 at the polling place of the district in which the voter resides on the
25 day of the election. The notice shall further provide that the voter
26 may contact the county commissioner of registration or municipal
27 clerk or may view polling place location information on the
28 Division of Elections website to determine the proper polling place
29 location for the voter.(3) For a school election:

30 (a) The day and time thereof,

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

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

34 (d) That a voter who, prior to the election, shall have moved
35 within the same county without (i) filing, on or before the 21st day
36 preceding the election, a notice of change of residence with the
37 commissioner of registration of the county or the municipal clerk of
38 the municipality in which the voter resides on the day of the
39 election, (ii) returning the confirmation notice sent to the voter by
40 the commissioner of registration of the county, if such a notice has
41 been sent to the voter, or (iii) otherwise notifying the commissioner
42 of registration of the voter's change of address within the county
43 shall be permitted to correct the voter's registration and to vote in
44 the school election by provisional ballot at the polling place of the
45 district in which the voter resides on the day of the election,

46 (e) That if the voter has any questions as to where to vote on the
47 day of the election, the voter may contact the county commissioner
48 of registration or municipal clerk or may view polling place

1 location information on the Division of Elections website to
2 determine the proper polling place location for the voter; and
3 (f) Such other information as may be required by law.
4 c. If such publication is made in more than one newspaper, it
5 shall not be necessary to duplicate in the notice published in each
6 such newspaper all the information required under this section, so
7 long as:
8 (1) The municipal officers or party positions to be filled, or
9 nominations made, or municipal public questions to be voted upon
10 by the voters of any municipality, shall be set forth in at least one
11 newspaper having general circulation in such municipality;
12 (2) All offices to be filled, or nominations made therefor, or
13 public questions to be voted upon, by the voters of the entire State
14 or of the entire county shall be set forth in a newspaper or
15 newspapers which, singly or in combination, have general
16 circulation throughout the county;
17 (3) Information relating to nominations and elections in each
18 Legislative District comprised in whole or part in the county, shall
19 be published in at least a newspaper or newspapers which singly or
20 in combination, have general circulation in every municipality of
21 the county which is comprised in such legislative district.
22 d. Such part or parts of the original notices as published which
23 pertain to day of registration or primary election which has occurred
24 shall be eliminated from such notice in succeeding insertions.
25 e. (Deleted by amendment, P.L.1999, c.232.)
26 f. The cost of publishing the notices required by this section
27 shall be paid by the respective counties, unless otherwise provided
28 for by law.
29 g. Notices required to be published or posted pursuant to this
30 section shall set forth a general description of the contents of the
31 voter information notice provided for in section 1 of P.L.2005,
32 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
33 prior to the day of an election, and that the notice will be posted in
34 each polling place on the day of an election.
35 (cf: P.L.2019, c.170, s.1)
36
37 9. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
38 read as follows:
39 1. a. A county board of elections shall have posted a voter
40 information notice, which shall be referred to as a voter's bill of
41 rights, in a conspicuous location in each polling place **【before the**
42 **opening of the polls on the day of any election】** and each specially
43 designated polling place used for early voting before voting begins.
44 The notice shall contain:
45 the date of the election and the hours during which polling places
46 will be open;
47 a statement that sample ballots are available at the polling place
48 for review by the voter;

- 1 instruction for the use of the voting machine in that polling place
- 2 and an explanation of what instructions for voting are available at
- 3 the polling place for the voter;
- 4 instruction for a voter who is voting for the first time;
- 5 instruction for a voter who is required to provide identification
- 6 pursuant to the federal "Help America Vote Act of 2002" and
- 7 R.S.19:15-17 prior to casting a vote;
- 8 instruction on how to cast a vote if the voter cannot be present at
- 9 a polling place on the day of the election;
- 10 an explanation of the right of the voter to vote in **[privacy]**
- 11 private, regardless of the voter's physical abilities;
- 12 an explanation of the right of the voter to a provisional ballot,
- 13 including in the event that a mail-in ballot has been applied for and
- 14 not received or not transmitted to the county board of elections
- 15 before the day of any election, and the other circumstances under
- 16 which a voter has a right to a provisional ballot;
- 17 an explanation of the right of the voter to receive a replacement
- 18 ballot for a ballot that has been spoiled, destroyed, lost or never
- 19 received;
- 20 an explanation of the right of the voter to ask for and receive
- 21 assistance in voting;
- 22 an explanation of the right of the voter to take a reasonable
- 23 amount of time in casting a vote on a voting machine;
- 24 an explanation of the right of the voter to bring written material
- 25 into the polling place for the voter's personal use in casting a vote;
- 26 instruction on how to contact the appropriate officials if a voter's
- 27 right to vote or right to otherwise participate in the electoral process
- 28 has been challenged or violated;
- 29 general information on federal and State laws that prohibit acts
- 30 of fraud or misrepresentation and the penalties for those acts;
- 31 an explanation of the right of the voter to confidentially discover
- 32 the status of their ballot using the "Track My Ballot" user portal;
- 33 an explanation that "All ballots are counted and your vote
- 34 remains anonymous";
- 35 an explanation of the right of the voter that if their ballot was
- 36 rejected, a notice will be issued to the voter within 24 hours after a
- 37 decision is made to reject the ballot. The voter will have up to 48
- 38 hours prior to the date for the final certification of the results of the
- 39 election to provide a cure for their ballot;
- 40 an explanation giving the options for the voter to provide the
- 41 cure to their rejected ballot;
- 42 an explanation that no voters shall be intimidated or otherwise
- 43 unduly influenced by political insignia while voting. No person
- 44 shall wear, display, sell, give or provide any political or campaign
- 45 slogan, badge, button or other insignia associated with any political
- 46 party or candidate to be worn at or within one hundred feet of the
- 47 polls or within the polling place or room, on any primary, general or
- 48 special election day or on any commission government election day,

1 except the badge furnished by the county board as provided by law.
2 This includes any political gear representing the campaign slogans,
3 logos, or depictions or representations of any political party or
4 candidate such as merchandise sold directly from a political party,
5 campaign, candidate, or by third parties and vendors representing
6 any political party or campaign or candidate. A person violating
7 any of these provisions is guilty of a disorderly persons offense and
8 will not be permitted on the premises and can only return to vote
9 after the removal of prohibited political insignia; and

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

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

20 b. The Secretary of State shall prescribe the form and specific
21 content of the voter information notice, which may be comprised of
22 more than one page. If the notice is comprised of more than one
23 page, each page shall be posted separately. For an election district
24 in which the primary language of 10 percent or more of the
25 registered voters is a language other than English, the Secretary of
26 State shall prescribe an official version of the voter information
27 notice in that other language or languages for use in that election
28 district. The notice shall be posted in English and in the other
29 language or languages in the polling places in each such district.
30 The alternate language shall be determined based on information
31 from the latest federal decennial census.

32 c. A county board of elections may modify or supplement the
33 voter information notice used in a county or municipality to provide
34 additional information specific to that county or a municipality in
35 that county, provided, however, that any such modification or
36 supplementation shall be submitted to the Secretary of State for
37 prior approval.

38 d. The voter information notice shall be printed on each sample
39 ballot, to the extent practicable, or if not practicable, information on
40 how to view or obtain a copy of the voter information notice shall
41 be printed on each sample ballot.

42 e. The voter information notice, including one modified or
43 supplemented pursuant to subsection c. of this section, shall be
44 made accessible on the official Internet site of the State by the
45 Secretary of State and each county board of elections shall ensure
46 that the official Internet site of the county contains a link to that
47 notice.

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

1 g. The State shall be liable for the costs incurred by local
2 government entities for compliance with this section, and they shall
3 be reimbursed for those costs, upon application, by the State
4 Treasurer.

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

6
7 10. R.S.19:14-21 is amended to read as follows:

8 19:14-21. The county clerk shall cause samples of the official
9 general election ballot to be printed in English, but for each election
10 district within the county in which the primary language of 10% or
11 more of the registered voters is Spanish, shall cause samples of the
12 official general election ballot to be printed bilingually in English
13 and Spanish.

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

32 b. In counties having a superintendent of elections, and in other
33 counties where the county board of elections may have the
34 equipment or facilities to prepare a properly stamped envelope
35 addressed to each registered voter in the county for mailing, the
36 county clerk, not later than the **thirtieth** eighth day preceding the
37 start of the early voting period for the general election, shall furnish
38 to the commissioner of registration located in his county one and
39 one-tenth times as many stamped envelopes as there are registered
40 voters in the county, less the number of voters who have been sent a
41 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
42 have not responded, and not later than noon of the **twelfth**
43 seventh day preceding the start of the early voting period for the
44 general election shall furnish to the commissioner of registration
45 located in the county, one and one-tenth times as many sample
46 ballots as there are registered voters in the county to enable the
47 commissioner of registration of the county to mail one of such
48 sample ballots to each voter registered in the county, except those

1 voters who have been sent a confirmation notice pursuant to
2 subsection d. of R.S.19:31-15 and have not responded, for such
3 election and shall take a receipt for the same from the commissioner
4 of registration, which receipt shall indicate the number of such
5 sample ballots and stamped envelopes delivered by the county clerk
6 and the date and hour of their delivery. County boards of elections
7 which elect to operate under the provisions of this paragraph shall
8 notify their county clerk in sufficient time to enable him to make
9 the necessary arrangements the first year.

10 c. The county clerk in counties having a superintendent of
11 elections shall also deliver to the county board not later than the
12 **[twelfth]** seventh day preceding the start of the early voting period
13 for the general election 10 such sample ballots of each election
14 district of each municipality in the county.

15 d. During the early voting period for the general election, the
16 county clerk may provide for the electronic display of sample
17 ballots at each early voting location. If a county clerk elects to
18 provide for the electronic display of sample ballots at each early
19 voting location, at a minimum, the electronic display shall provide
20 the sample ballot in at least the five most commonly spoken
21 languages in this State, based on the most recent federal decennial
22 census data, and any other language deemed necessary by the
23 county clerk.

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

25

26 11. 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 12. 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 13. 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]** the municipal clerk shall
14 prepare and deposit in the post office, on or before 12 noon on
15 Wednesday preceding the start of the early voting period for the
16 general election **[day]**, a properly stamped envelope containing a
17 copy of the sample ballot printed in English, addressed to each
18 registered voter in the district of such board at the address shown on
19 the register, except that for districts in which the primary language
20 of 10% or more of the registered voters is Spanish, a properly
21 stamped envelope containing a copy of the bilingual sample ballot,
22 addressed to each registered voter in the district of such board at the
23 address shown on the register shall be prepared and deposited. The
24 board shall also post the appropriate sample ballots in the polling
25 place in its 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.

1 The county board of elections, in all counties having a
2 superintendent of elections, and in other counties where the county
3 board of elections shall elect to operate under the provisions of
4 subsection b. of section 19:14-21 of this Title, shall, not later than
5 **【noon of the second Monday preceding】** the start of the early
6 voting period for the election, deliver **【or mail】** to the members of
7 the district board three appropriate sample ballots for their
8 respective election district. The board shall post the appropriate
9 sample ballots in the polling place in its district.
10 (cf: P.L.1974, c.30, s.3)

11

12 14. R.S.19:23-31 is amended to read as follows:

13 19:23-31. The official primary sample ballot shall be, as nearly
14 as possible, a facsimile of the official primary ballot to be voted at
15 the primary election and shall be printed on paper different in color
16 from the official primary ballot, so that the same may be readily
17 distinguished from the official primary ballot. It shall state clearly
18 the days, hours, and places at which early voting shall be available
19 in the county. The official primary sample ballot shall have printed
20 at the top in large type the words: "This official primary sample
21 ballot is an exact copy of the official primary ballot to be used on
22 primary election day. This ballot cannot be voted." The official
23 primary sample ballot shall also have printed thereon, following the
24 words which indicate the election district, the following words:
25 "The polling place for this election district is
26 (Stating the location of said polling place)."
27 (cf: R.S.19:23-31)

28

29 15. R.S.19:23-33 is amended to read as follows:

30 19:23-33. In counties not having a superintendent of elections
31 where the county board of elections does not have the equipment or
32 facilities to address and mail sample ballot envelopes, the municipal
33 clerk in each municipality shall furnish to a member of each district
34 board in his municipality, at his office, or in any other way that he
35 sees fit, on or before Tuesday preceding the start of the early voting
36 period for the primary election in each year, sufficient sample
37 ballots and sufficient stamped envelopes to enable the board to mail
38 sample ballots to the voters as hereinbefore provided. Each of the
39 boards shall give the municipal clerk a receipt for such sample
40 ballots and envelopes signed by one of its members.

41 In counties having a superintendent of elections, and in other
42 counties where the county board of elections shall elect to operate
43 under the provisions of subsection b. of section 19:23-30 of this
44 Title, the municipal clerk in each municipality shall furnish to the
45 commissioner of registration of his county not later than **【thirty**
46 **days】** the eighth day preceding the start of the early voting period
47 for the primary election of each year, sufficient stamped envelopes
48 to enable the commissioner of registration to mail sample ballots to

1 each voter who is registered in the county, less the number of voters
2 who have been sent a confirmation notice pursuant to subsection d.
3 of R.S.19:31-15 and have not responded, and shall, not later than
4 noon of the **【twelfth】** seventh day preceding the start of the early
5 voting period for the primary election furnish sufficient sample
6 ballots to the commissioner of registration of his county for that
7 purpose. The commissioner of registration shall give the municipal
8 clerk a receipt for such sample ballots and envelopes.

9 (cf: P.L.2009, c.110, s.3)

10

11 16. R.S.19:23-34 is amended to read as follows:

12 19:23-34. Each of such district boards, in counties not having a
13 superintendent of elections where the county board of elections
14 does not have the equipment or facilities to address and mail sample
15 ballot envelopes, and the commissioner of registration in all other
16 counties, shall prepare and deposit in the post office, on or before
17 twelve o'clock noon on Wednesday preceding the start of the early
18 voting period for the primary **【day】**, the stamped envelopes
19 containing a copy of the sample primary ballot of each political
20 party addressed to each voter whose name appears in the primary
21 election registry book.

22 (cf: P.L.1947, c.168, s.11)

23

24 17. R.S.19:23-35 is amended to read as follows:

25 19:23-35. In counties not having a superintendent of elections,
26 where the county board of elections does not have the equipment or
27 facilities to address and mail sample ballot envelopes, such district
28 board shall also post three sample ballots in the polling place in its
29 district.

30 The county board of elections in all counties of the first class,
31 and in other counties where the county board of elections shall elect
32 to operate under the provisions of subsection b of section 19:23-30
33 of this Title, shall, not later than **【noon of the second Monday**
34 **preceding】** the start of the early voting period for the primary
35 election, deliver **【or mail】** to the members of the district board three
36 sample ballots for their respective election district. The board shall
37 post the sample ballots in the polling place in its district.

38 (cf: P.L.1952, c.61, s.2)

39

40 18. R.S.19:49-3 is amended to read as follows:

41 19:49-3. At least one week prior to the start of the early voting
42 period for any primary, local, or general election two sets of official
43 ballots shall be provided for each voting machine, for each polling
44 place, for each election district, for use in and upon the voting
45 machine. One set thereof shall be inserted or placed in or upon the
46 voting machine and the other shall be retained in the custody and
47 possession of the county board of elections or the superintendent of

1 elections or the municipal clerk, as the case may be, having custody
2 of voting machines, unless it shall become necessary during the
3 course of the election to make use of the same upon or in the voting
4 machine. At the close of the election all official ballots, except
5 those actually in or upon the voting machine at the close of the
6 election, whether the same shall have been used in the machine or
7 not, shall be returned to the official providing the same in the
8 manner by this Title provided.

9 (cf: P.L.1945, c.56, s.4)

10

11 19. 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 20. 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 ¹~~["offered the option"]~~
9 required¹ to sign ¹["either"]¹ the electronic poll book ¹["or"]¹, except
10 that each voter shall be required to sign¹ the backup paper polling
11 record or signature copy register ¹if the electronic poll book ceases to
12 operate¹. Electronic poll books for each election shall be prepared
13 by the commissioner of registration no later than the 10th day
14 preceding the start of the early voting period for the election. At
15 each election, the delivery of the electronic poll books to the
16 municipal clerk and to the district boards or other officials charged
17 with the same duties as the district boards in connection with the
18 conduct of an election, and the return of those electronic poll books
19 by the district boards or such other election officials to the
20 commissioner of registration, shall be made in the manner
21 prescribed by the commissioner of registration and shall comply
22 with Title 19 of the Revised Statutes. The commissioner of
23 registration shall retain the electronic poll books records for any
24 election for a period of not less than six years following that
25 election.

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

27

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

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

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

1 election in November shall conduct early voting in accordance with
2 the provisions of P.L. , c. (C.) (pending before the
3 Legislature as this bill).

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

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

17

18 ¹22. Section 1 of P.L.1960, c.82 (C.19:7-6.1) is amended to
19 read as follows:

20 1. a. Unless express permission be given by the district board,
21 not more than one challenger appointed for a party, candidate, or on
22 a public question, shall be present at any one time in any polling
23 place while serving and exercising the powers of a challenger and
24 during the hours when the polls are open for voting. If the district
25 board shall in any case give permission for more than one
26 challenger so appointed to be present at any one time in any polling
27 place, it shall on the same grounds and on request permit a like
28 number to be present on behalf of any opposing party, or on behalf
29 of any other candidate for the same office, or on the other side of
30 any public question.

31 The provisions of this section shall not apply to any challengers
32 appointed by the **chairman** chairperson of a county committee,
33 pursuant to paragraph 2 of subsection b. of R.S.19:7-1, except that
34 no more than one such challenger shall be present at any time in a
35 polling place while serving and exercising his or her power as a
36 challenger during the hours when the polling place is open for
37 voting.

38 b. Notwithstanding the provisions of subsection a. of this
39 section, or any other law, rule, or regulation to the contrary, not
40 more than one challenger appointed for a party, candidate, or on a
41 public question, shall be present at any one time in any early voting
42 site while serving and exercising the powers of a challenger and
43 during the hours when the polls are open for early voting. No
44 challengers shall be appointed by the chairman of a county
45 committee, pursuant to paragraph 2 of subsection b. of R.S.19:7-1,
46 to be present at any time in an early voting site to serve and
47 exercise any powers as a challenger during the hours when the polls

1 are open for early voting.
2 (cf: P.L.1999, c.232, s.30)】¹

3
4 ¹【23.】 22.¹ (New section) The provisions of this act, P.L. , c.
5 (C.) (pending before the Legislature as this bill), shall only apply
6 to the 2021 general election and general elections thereafter; the
7 2022 primary election and primary elections thereafter; and, if
8 adopted by a municipal governing body, a municipal election
9 conducted in May 2022 and municipal elections conducted in May
10 thereafter.

11
12 ¹【24.】 23.¹ a. There is appropriated from the General Fund to
13 the Department of State the sum of \$2,000,000 for the purposes
14 described in subsection i. of section 1 of this act.

15 b. 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 Treasurer
18 and the Director of the Division of Budget and Accounting in the
19 Department of the Treasury deem necessary to effectuate the purpose
20 of section 6 of this act.

21
22 ¹【25.】 24.¹ This act shall take effect immediately.