

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3203

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2021

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Committee Substitute for Senate Bill No. 3203.

This bill establishes an in-person early voting procedure to allow voters to cast their votes at specially designated polling places before the day of certain primary and general elections. Under the bill, the early voting period would:

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

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

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

A municipality holding municipal elections on the second Tuesday in May, by an ordinance adopted by its governing body, may also conduct in-person early voting for those municipal elections, starting on the 4th calendar day before the regular municipal election and ending on the second calendar day before that regular municipal election.

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early

voting would not be permitted to vote by mail-in ballot or in person on election day.

The bill provides that each county board of elections is to designate at least three early voting locations in each county, except that the county board must designate at least five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State must develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

Under the bill, a voter would be permitted to vote at any early voting site in the voter's county or municipality.

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of

voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on election day.

For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law. Under the bill, not more than one challenger appointed for a party, candidate, or on a public question, would be present at any one time in any early voting site while serving and exercising the powers of a challenger and during the hours when the polls are open for early voting. No challengers would be appointed by the chairman of a county committee, pursuant to paragraph 2 of subsection b. of R.S.19:7-1, to be present at any time in an early voting site to serve and exercise any powers as a challenger during the hours when the polls are open for early voting.

The bill directs the Secretary of State to establish a printing on demand ballot and elections system. At a minimum, the system must be compatible with the Statewide voter registration system and any electronic poll books authorized under current law. Each polling place used for early voting would have a computer, tablet, or other electronic device to print provisional ballots for voters required to vote by provisional ballot in accordance to the provisions of Title 19 of the Revised Statutes or due to an equipment malfunction, a voter file, a polling record or signature copy register, or any other election related material, if needed. A computer, tablet, or other electronic device and the printer used to print election materials at a polling place would not be used unless it has been certified by the Secretary of State. The Secretary of State would adopt and publish standards and regulations governing the certification and use of computer, tablets, or other electronic devices and printers to print election materials at each polling place used for early voting. The Secretary of State would be prohibited from certifying a computer, tablet, or other electronic device or printer unless it is in compliance with the secretary's standards.

Under the bill, during the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display shall provide the sample ballot in at least the five most commonly spoken languages in this State, based on the most recent federal decennial

census data, and any other language deemed necessary by the county clerk.

The bill also provides that, in addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and county boards of elections must publish on the Department of State's website and the respective county's website information concerning the early voting procedure. The early voting information must include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

Under current law, each commissioner of registration and board of elections may elect to use electronic poll books at a polling place on election day. Under the bill, each commissioner of registration and board of elections would be required to use electronic polls books during the early voting period and on election day. The bill also provides that each voter would be offered the option to sign either the electronic poll book or the backup paper polling record or signature copy register.

Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill. In addition, the bill appropriates from the General Fund to the Department of State the sum of \$2,000,000 for the printing on demand purposes as specified in the bill.

The bill would take effect immediately, but would apply to the 2021 general election and general elections thereafter; the 2022 primary election and primary elections thereafter; and, if adopted by a municipal governing body, a municipal election conducted in May 2022 and municipal elections conducted in May thereafter.