

SENATE, No. 3203

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Pou and Singleton

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/28/2021)

S3203 GILL, GREENSTEIN

2

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

26 b. (1) For the general election, each county board of elections
27 shall designate at least three public locations within each county as
28 the sites for early voting to occur, except that the county board shall
29 designate at least five public locations for early voting if the number
30 of registered voters in the county is at least 150,000 but less than
31 300,000, and shall designate at least seven public locations for early
32 voting if the number of registered voters in the county is 300,000 or
33 more. The number of registered voters in each county shall be
34 determined ahead of the selection of early voting sites pursuant to a
35 uniform standard which shall be developed by the Secretary of State
36 through the rulemaking process pursuant to the “Administrative
37 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever
38 possible, early voting locations shall be geographically located so as
39 to ensure both access in the part of the county that features the
40 greatest concentration of population, according to the most recent
41 federal decennial census of the United States, and access in various
42 geographic areas of the county. All early voting locations shall be
43 public facilities, such as county courthouses, public libraries and the
44 offices of the municipal clerk, county clerk, and county board of
45 elections. No public school building and no building used as a public

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.

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

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

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

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

47 c. Each early voting site in a county or municipality shall be
48 open for early voting on Monday through Saturday from at least 10

1 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. Any voter
2 who is on line at the time scheduled for the closing of an early voting
3 site shall be permitted to vote.

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

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

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

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

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

1 effective date of this act.

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

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

14

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

18

19

EARLY VOTING VOTER CERTIFICATE

20

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

31

32

(Voter Signature)

34

35

(Date)

37

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

46 b. A voter who has voted in an election using the early voting
47 procedure established by this act, P.L. _____, c. _____(C. _____)(pending before
48 the Legislature as this bill), shall not be permitted to vote by mail-in

1 ballot or in person at the polling place in the voter's election district
2 on the day of the election.

3
4 3. (New section) a. The appointment of challengers for early
5 voting shall be in the same manner as provided in chapter 7 of Title
6 19 of the Revised Statutes for all elections. The name and address of
7 each challenger, including a candidate acting as a challenger or a
8 challenger representing a grouping of two or more candidates,
9 together with the number or name and location of the polling place
10 at which the challenger is to serve, shall be filed with the county
11 board of elections not later than the fifth day preceding the start of
12 the early voting period.

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

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

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

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

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

43
44 6. (New section) In addition to any publications required under
45 Title 19 of the Revised Statutes, the Secretary of State and each
46 county board of elections shall cause to be published information
47 concerning the early voting procedure on the Department of State's
48 website and on each county's website. The early voting information

1 shall include, but may not be limited to, a notice to the public
2 concerning their eligibility to participate in early voting, the duration
3 of the early voting period, and the locations and hours of operation
4 of specially designated polling places for early voting in each county.
5

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

17 8. (New section) The Secretary of State is hereby authorized to
18 make such adjustments to Title 19 of the Revised Statutes by
19 regulation as may be necessary to effectuate the purposes of this act.
20

21 9. R.S.19:12-7 is amended to read as follows:

22 19:12-7. a. The county board in each county shall cause to be
23 published in a newspaper or newspapers which, singly or in
24 combination, are of general circulation throughout the county, a
25 notice containing the information specified in subsection b. hereof,
26 except for such of the contents as may be omitted pursuant to
27 subsection c. or d. hereof. Such notice shall be published once during
28 the 30 days next preceding the day fixed for the closing of the
29 registration books for the primary election, once during the calendar
30 week next preceding the week in which the primary election for the
31 general election is held, once during the 30 days next preceding the
32 day fixed for the closing of the registration books for the general
33 election, and once during the calendar week **【next】** preceding the
34 week in which the early voting period for the general election **【is**
35 **held】** begins.

36 b. Such notice shall set forth:

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

38 (a) That a primary election for making nominations for the
39 general election, for the selection of members of the county
40 committees of each political party, and in each presidential year for
41 the selection of delegates and alternates to national conventions of
42 political parties, will be held on the day and between the hours
43 provided for by or pursuant to this Title.

44 (b) The place or places at which and hours during which a person
45 may register, the procedure for the transfer of registration, and the
46 date on which the books are closed for registration or transfer of
47 registration.

48 (c) The several State, county, municipal and party offices or

1 positions to be filled, or for which nominations are to be made, at
2 such primary election

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

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

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

28 (2) For the general election:

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

34 (b) The place or places at which and hours during which a person
35 may register, the procedure for transfer of registration, and the date
36 on which the books are closed for registration or transfer of
37 registration.

38 (c) The several State, county and municipal offices, and where
39 applicable, school board offices and fire district offices to be filled,
40 notice of any school district propositions to be submitted to the
41 people and, except as provided in R.S.19:14-33 of this Title as to
42 publication of notice of any Statewide proposition directed by the
43 Legislature to be submitted to the people, the State, county,
44 municipal and fire district public questions to be voted upon at such
45 general election.

46 (d) The existence of registration and voting aids, including: (i)
47 the availability of registration and voting instructions at places of
48 registration as provided under R.S.19:31-6; and (ii) the accessibility

1 of voter information to the deaf by means of a telecommunications
2 device.

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

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

23 (3) For a school election:

24 (a) The day and time thereof,

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

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

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

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

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

46 c. If such publication is made in more than one newspaper, it
47 shall not be necessary to duplicate in the notice published in each
48 such newspaper all the information required under this section, so

1 long as:

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

6 (2) All offices to be filled, or nominations made therefor, or
7 public questions to be voted upon, by the voters of the entire State or
8 of the entire county shall be set forth in a newspaper or newspapers
9 which, singly or in combination, have general circulation throughout
10 the county;

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

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

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

20 f. The cost of publishing the notices required by this section
21 shall be paid by the respective counties, unless otherwise provided
22 for by law.

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

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

30

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

33 1. a. A county board of elections shall have posted a voter
34 information notice, which shall be referred to as a voter's bill of
35 rights, in a conspicuous location in each polling place **【before the**
36 **opening of the polls on the day of any election】** and each specially
37 designated polling place used for early voting before voting begins.

38 The notice shall contain:

39 the date of the election and the hours during which polling places
40 will be open;

41 a statement that sample ballots are available at the polling place
42 for review by the voter;

43 instruction for the use of the voting machine in that polling place
44 and an explanation of what instructions for voting are available at the
45 polling place for the voter;

46 instruction for a voter who is voting for the first time;

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

1 candidate, or by third parties and vendors representing any political
2 party or campaign or candidate. A person violating any of these
3 provisions is guilty of a disorderly persons offense and will not be
4 permitted on the premises and can only return to vote after the
5 removal of prohibited political insignia; and

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

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

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

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

34 d. The voter information notice shall be printed on each sample
35 ballot, to the extent practicable, or if not practicable, information on
36 how to view or obtain a copy of the voter information notice shall be
37 printed on each sample ballot.

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

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

44 g. The State shall be liable for the costs incurred by local
45 government entities for compliance with this section, and they shall
46 be reimbursed for those costs, upon application, by the State
47 Treasurer.

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

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

2 19:14-21. The county clerk shall cause samples of the official
3 general election ballot to be printed in English, but for each election
4 district within the county in which the primary language of 10% or
5 more of the registered voters is Spanish, shall cause samples of the
6 official general election ballot to be printed bilingually in English
7 and Spanish.

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

25 b. In counties having a superintendent of elections, and in other
26 counties where the county board of elections may have the equipment
27 or facilities to prepare a properly stamped envelope addressed to each
28 registered voter in the county for mailing, the county clerk, not later
29 than the thirtieth day preceding the start of the early voting period for
30 the general election, shall furnish to the commissioner of registration
31 located in his county one and one-tenth times as many stamped
32 envelopes as there are registered voters in the county, less the number
33 of voters who have been sent a confirmation notice pursuant to
34 subsection d. of R.S.19:31-15 and have not responded, and not later
35 than noon of the twelfth day preceding the start of the early voting
36 period for the general election shall furnish to the commissioner of
37 registration located in the county, one and one-tenth times as many
38 sample ballots as there are registered voters in the county to enable
39 the commissioner of registration of the county to mail one of such
40 sample ballots to each voter registered in the county, except those
41 voters who have been sent a confirmation notice pursuant to
42 subsection d. of R.S.19:31-15 and have not responded, for such
43 election and shall take a receipt for the same from the commissioner
44 of registration, which receipt shall indicate the number of such
45 sample ballots and stamped envelopes delivered by the county clerk
46 and the date and hour of their delivery. County boards of elections
47 which elect to operate under the provisions of this paragraph shall

1 notify their county clerk in sufficient time to enable him to make the
2 necessary arrangements the first year.

3 c. The county clerk in counties having a superintendent of
4 elections shall also deliver to the county board not later than the
5 twelfth day preceding the start of the early voting period for the
6 general election 10 such sample ballots of each election district of
7 each municipality in the county.

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

9

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

11 19:14-22. The official general election sample ballots shall be as
12 nearly as possible facsimiles of the official general election ballot to
13 be voted at such election and shall have printed thereon, after the
14 words which indicate the number of the election district for which
15 such sample ballots are printed, the name of the school district, when
16 appropriate, the number or name and municipality or municipalities
17 of the fire district, when appropriate, the street address or location of
18 the polling place in the election district, and the hours between which
19 the polls shall be open. Such sample ballots shall be printed on paper
20 different in color from the official general election ballot, and have
21 the following words printed in large type at the top: "This ballot
22 cannot be voted. It is a sample copy of the official general election
23 ballot used on election day." The sample ballot shall also state
24 clearly the days, hours and places at which early voting shall be
25 available in the county.

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

27

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

29 19:14-24. The municipal clerk to whom the sample ballots and
30 stamped envelopes have been so delivered by the county clerk shall
31 deliver the same at his office, or in any other way he sees fit, on or
32 before noon of the Tuesday preceding the start of the early voting
33 period for the general election, to a member or members of each
34 district board, and shall take a receipt for the same from the member
35 or members of the district boards of such municipality, which receipt
36 shall indicate the number of sample ballots and stamped envelopes
37 delivered by the municipal clerk and the date and hour of their
38 delivery.

39 (cf: R.S.19:14-24)

40

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

42 19:14-25. In counties not having a superintendent of elections
43 where the county board of elections does not have the equipment or
44 facilities to address and mail sample ballot envelopes, all the
45 members of each of the district boards shall prepare and deposit in
46 the post office, on or before 12 noon on Wednesday preceding the
47 start of the early voting period for the general election **[day]**, a
48 properly stamped envelope containing a copy of the sample ballot

1 printed in English, addressed to each registered voter in the district
2 of such board at the address shown on the register, except that for
3 districts in which the primary language of 10% or more of the
4 registered voters is Spanish, a properly stamped envelope containing
5 a copy of the bilingual sample ballot, addressed to each registered
6 voter in the district of such board at the address shown on the register
7 shall be prepared and deposited. The board shall also post the
8 appropriate sample ballots in the polling place in its district.

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

13 In counties having a superintendent of elections, and in other
14 counties where the county board of elections shall elect to operate
15 under the provisions of subsection b. of section 19:14-21 of this Title,
16 the commissioner of registration shall prepare and deposit in the post
17 office on or before 12:00 o'clock noon, on the Wednesday preceding
18 the start of the early voting period for the general election [day], a
19 properly stamped envelope containing a copy of the sample ballot
20 printed in English addressed to each registered voter in the county at
21 the address shown on the registry, except that for districts in which
22 the primary language of 10% or more of the registered voters is
23 Spanish, a properly stamped envelope containing a copy of the
24 bilingual sample ballot, addressed to each registered voter in the
25 district of such board at the address shown on the register shall be
26 prepared and deposited. The commissioner of registration shall
27 return to the county clerk all ballots and envelopes not mailed or
28 posted by him, with a sworn statement in writing signed by him that
29 all the remainder of such ballots and envelopes have been mailed.

30 The county board of elections, in all counties having a
31 superintendent of elections, and in other counties where the county
32 board of elections shall elect to operate under the provisions of
33 subsection b. of section 19:14-21 of this Title, shall, not later than
34 noon of the second Monday preceding the start of the early voting
35 period for the election, deliver or mail to the members of the district
36 board three appropriate sample ballots for their respective election
37 district. The board shall post the appropriate sample ballots in the
38 polling place in its district.

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

40

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

43 1. Each county commissioner of registration and county board
44 of elections **[may adopt]** shall require the use of electronic poll
45 books, as further provided by this act, P.L.2019, c.80 (C.19:31-
46 35 et seq.), **[electronic poll books for use]** at each polling place
47 during the early voting period and on the day of any election, in place
48 of the paper polling record or signature copy register, to access the

1 registration record, eligibility, signature, and other information of
2 each registered voter in the election district. The electronic poll
3 books shall enable at least the same functionality currently provided
4 by the paper polling records or signature copy register to be
5 accomplished in the conduct of an election. An electronic poll book
6 shall not be used unless it has been certified by the Secretary of State.
7 The Secretary of State shall adopt and publish electronic poll books
8 standards and regulations governing the certification and use of
9 electronic poll books. The Secretary of State shall not certify an
10 electronic poll book unless it is in compliance with at least the
11 capabilities and standards specified under section 2 of P.L.2019, c.80
12 (C.19:31-36) and the Secretary of State's standards and regulations.
13 The Secretary of State shall provide [each county commissioner of
14 registration and board of elections that adopts the use of electronic
15 poll books under this act with] the rules, regulations, and instructions
16 regarding the examination, testing, and use of electronic poll books,
17 including rules regarding the security and protection of the
18 information stored in such electronic poll books, to each county
19 commissioner of registration and board of elections.
20 (cf: P.L.2019, c.80, s.1)

21

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

24 3. A county commissioner of registration and county board of
25 elections [opting to use electronic poll books] shall submit to the
26 Secretary of State a request for approval in the form, content, and
27 timeframe specified by the Secretary of State. Within 10 days of
28 receiving the request, the Secretary of State shall review the request
29 for compliance with the Secretary of State's standards and regulations
30 and all of the capabilities and standards required under this act,
31 P.L.2019, c.80 (C.19:31-35 et seq.). A county commissioner of
32 registration and county board of elections approved to use electronic
33 poll books shall furnish at least two electronic poll books for each
34 polling place and a backup paper polling record or signature copy
35 register for each election district in the polling place. Each voter
36 shall be offered the option to sign either the electronic poll book or
37 the backup paper polling record or signature copy register.
38 Electronic poll books for each election shall be prepared by the
39 commissioner of registration no later than the 10th day preceding the
40 start of the early voting period for the election. At each election, the
41 delivery of the electronic poll books to the municipal clerk and to the
42 district boards or other officials charged with the same duties as the
43 district boards in connection with the conduct of an election, and the
44 return of those electronic poll books by the district boards or such
45 other election officials to the commissioner of registration, shall be
46 made in the manner prescribed by the commissioner of registration
47 and shall comply with Title 19 of the Revised Statutes. The
48 commissioner of registration shall retain the electronic poll books

1 records for any election for a period of not less than six years
2 following that election.

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

4

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

7 3. Except as may otherwise be provided by law for initial
8 elections conducted in a municipality following its adoption of a plan
9 or form of government, or a charter or an amendment thereto, regular
10 municipal elections shall be held in each municipality governed by
11 this act on the second Tuesday in May, or the day of the general
12 election in November if chosen by the municipality pursuant to
13 subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), in the
14 years in which municipal officers are to be elected. The municipal
15 election shall be held at the same place or places and conducted in
16 the same manner, so far as possible, as the general election. The
17 election officers shall be those provided for conducting the general
18 election.

19 A municipality holding municipal elections on the second
20 Tuesday in May, in addition to those elections and by an ordinance
21 adopted by its governing body, may also conduct early voting for
22 those municipal elections, in accordance with the provisions of
23 P.L. , c. (C.) (pending before the Legislature as this bill). A
24 municipality holding municipal elections on the day of the general
25 election in November shall conduct early voting in accordance with
26 the provisions of P.L. , c. (C.) (pending before the Legislature
27 as this bill).

28 Notwithstanding the provisions of this section, the Secretary of
29 State may change in any year the date provided for a regular
30 municipal election if the date coincides with a period of religious
31 observance that limits significantly the usual activities of the
32 followers of a particular religion or that would result in significant
33 religious consequences for such followers. The secretary shall
34 inform the municipal clerks, county clerks and boards of election of
35 the adjustment no later than the first working day in January of the
36 year in which the adjustments are to occur.

37 As used in this section “a period of religious observance” means
38 any day or portion thereof on which a religious observance imposes
39 a substantial burden on an individual's ability to vote.

40 (cf: P.L.2009, c.196, s.4)

41

42 18. There is appropriated from the General Fund as State aid to
43 each county governing body and to each municipal governing body
44 that approves conducting early voting such sums as the State
45 Treasurer and the Director of the Division of Budget and Accounting
46 in the Department of the Treasury deem necessary to effectuate the
47 purpose of section 7 of this act.

1 within each county, reflect the population distribution and density
2 within each county, or enhance convenience when an early voting
3 site has proven to be inconvenient for the voters, or because of similar
4 circumstances. The Secretary of State must develop the criteria to be
5 used by county boards of election to revise the location of early
6 voting sites and must prescribe how often such revision must take
7 place.

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

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

16 The bill provides that each county board will be responsible for
17 forming and executing a written plan for the security of the voting
18 machines, ballots, and election records used during the early voting
19 period, including voted ballots and election materials, based on
20 guidelines established by the Secretary of State and submitted thereto
21 no later than December 15 of each year. The written security plan is
22 to ensure, to the greatest extent possible, the integrity of the voting
23 process and the security of voting machines, voted ballots, and
24 election records and materials used during the early voting period.
25 The security plan must specify a chain of custody for voting machines
26 and voted ballots, which must include the transfer of voted ballots to
27 each county board of elections at the end of each early voting day for
28 safekeeping until canvassing on election day. For the elections that
29 early voting is available, the procedures concerning the conduct of
30 voters at the polling place and the appointment of challengers, as well
31 as the prohibition on electioneering within 100 feet of a polling place,
32 will be as provided for in current law.

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

42 Under current law, each commissioner of registration and board
43 of elections may elect to use electronic poll books at a polling place
44 on election day. Under the bill, each commissioner of registration
45 and board of elections would be required to use electronic polls books
46 during the early voting period and on election day. The bill also
47 provides that each voter would be offered the option to sign either

S3203 GILL, GREENSTEIN

20

1 the electronic poll book or the backup paper polling record or
2 signature copy register.

3 Funds to pay for early voting would be provided to each county
4 governing body and each non-partisan municipal governing body that
5 approves early voting in such amounts as the State Treasurer and the
6 Director of the Division of Budget and Accounting in the Department
7 of the Treasury deem necessary to cover any additional costs incurred
8 as a result of this bill.

9 This bill is based on the early voting procedures used by other
10 states that permit in-person voting prior to the day of certain
11 elections.