

SENATE, No. 4162

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 22, 2021

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Requires use of paper ballots during conduct of election; requires use of open source voting technology; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning voting equipment, supplementing chapter 15 of
2 Title 19 of the Revised Statutes, and amending and repealing
3 various parts of the statutory law, 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. No later than five years following the
9 effective date of this act, P.L. , c. (C.) (pending before the
10 Legislature as this bill), each county board of elections or
11 superintendent of elections, as the case may be, shall implement the
12 provisions of this act. A county board of election or superintendent
13 of elections, as the case may be, may implement the provisions of
14 this act at any time during the five-year phase-in of the use of paper
15 ballots and open source voting technology during the conduct of
16 elections in this State.

17 b. In accordance with the timeframe specified in subsection a. of
18 this section, all voting that occurs at a polling place during the early
19 voting period of an election or on the day of an election shall be
20 conducted using a paper ballot voting system that uses optical
21 scanners or other voting equipment certified for use by the Secretary
22 of State. The optical scanners or other voting equipment certified for
23 use by the Secretary of State shall use open-source software
24 technology. As used in this subsection, the term “open-source”
25 means the complete source code for the software technology is
26 available to the public, under the terms of a general public license, to
27 use, modify, or distribute freely without payment of royalties or other
28 considerations.

29 No voting machines or electronic voting system shall be used to
30 record the votes of voters voting during the early voting period of an
31 election or on the day of an election, except that a limited number of
32 voting machines or electronic voting systems shall be available for
33 use by individuals with disabilities. The Secretary of State shall
34 approve and certify for use any voting machine or electronic voting
35 system intended for use by individuals with disabilities, except that
36 the Secretary of State shall not certify for use any voting machine or
37 electronic voting system that uses proprietary or nonpublic software
38 technology.

39 c. The paper ballot voting system shall:

- 40 (1) provide local election officials with the ability to scan and
41 tabulate a hand-marked paper ballot prepared by the voter at the
42 polling place;
43 (2) provide a record of votes cast for the election;

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 (3) adhere to any federal laws or regulations concerning voting
2 equipment; and

3 (4) adhere to any other requirements the Secretary of State deems
4 appropriate for the implementation of a paper ballot voting system in
5 this State.

6 d. No ballots other than the paper ballots required for use by
7 subsection b. of this section, emergency ballots as provided in
8 P.L.1992, c.3 (C.19:53B-1 et al), and provisional ballots as provided
9 in P.L.1999, c. 232 (C.19:53C-1 et al.), shall be prepared or used at
10 any election in any election district.

11

12 2. (New section) a. The Secretary of State shall require each
13 county board of elections or superintendent of elections, as the case
14 may be, to maintain all paper ballots cast in an election under this
15 act, P.L. , c. (C.) (pending before the Legislature as this bill),
16 for a period of not less than two years following the date of an
17 election. Thereafter, the ballots may be retained in accordance with
18 procedures set forth by the Secretary of State.

19 b. Prior to verification of the official election results by a county
20 clerk or superintendent of elections or a municipal clerk, as the case
21 may be, the county clerk or superintendent of elections or municipal
22 clerk shall:

23 (1) compare and reconcile the record of votes cast provided by
24 the optical scanners or other voting equipment certified by the State
25 with the number of voters who signed in at the polling place and who
26 voted by mail-in, provisional, and military or overseas ballots;

27 (2) compare and reconcile precinct totals with the totals for that
28 election to ensure that the totals add up to the correct sum; and

29 (3) review, and account for, all optical scanner or other voting
30 equipment memory cards or flash drives to ensure the memory cards
31 or flash drives are properly loaded into the tally server.

32

33 3. Section 2 of P.L.1976, c.83 (C.19:4-11) is amended to read as
34 follows:

35 2. a. Subject to the provisions of law as to redistricting, each
36 election district [in which only one voting machine or four electronic
37 system voting devices are used] shall contain no more than 750
38 voters, except an election district in which there is located a public
39 or private institution where persons entitled to vote may reside, and
40 in such district the number of voters shall be as near to 750 as is
41 practicable.

42 b. Notwithstanding the provisions of subsection a. of this
43 section, no later than January 1, 2006 each election district shall also
44 include at least one voting system capable of permitting individuals
45 with disabilities to vote.

46 (cf: P.L.2005, c.145, s.5)

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

3 1. a. A county board of elections shall have posted a voter
4 information notice, which shall be referred to as a voter's bill of
5 rights, in a conspicuous location in each polling place and each
6 specially designated polling place used for early voting before voting
7 begins.

8 The notice shall contain:

9 the date of the election and the hours during which polling places
10 will be open;

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

13 instruction for the use of the voting **【machine】** equipment in that
14 polling place and an explanation of what instructions for voting are
15 available at the polling place for the voter;

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

17 instruction for a voter who is required to provide identification
18 pursuant to the federal "Help America Vote Act of 2002" and
19 R.S.19:15-17 prior to casting a vote;

20 instruction on how to cast a vote if the voter cannot be present at
21 a polling place on the day of the election;

22 an explanation of the right of the voter to vote in private,
23 regardless of the voter's physical abilities;

24 an explanation of the right of the voter to a provisional ballot,
25 including in the event that a mail-in ballot has been applied for and
26 not received or not transmitted to the county board of elections before
27 the day of any election, and the other circumstances under which a
28 voter has a right to a provisional ballot;

29 an explanation of the right of the voter to receive a replacement
30 ballot for a ballot that has been spoiled, destroyed, lost or never
31 received;

32 an explanation of the right of the voter to ask for and receive
33 assistance in voting;

34 an explanation of the right of the voter to take a reasonable amount
35 of time in casting a vote **【on a】** using a paper ballot and any voting
36 **【machine】** equipment at the polling place;

37 an explanation of the right of the voter to bring written material
38 into the polling place for the voter's personal use in casting a vote;

39 instruction on how to contact the appropriate officials if a voter's
40 right to vote or right to otherwise participate in the electoral process
41 has been challenged or violated;

42 general information on federal and State laws that prohibit acts of
43 fraud or misrepresentation and the penalties for those acts;

44 an explanation of the right of the voter to confidentially discover
45 the status of their ballot using the "Track My Ballot" user portal;

46 an explanation that "All ballots are counted and your vote remains
47 anonymous";

1 an explanation of the right of the voter that if their ballot was
2 rejected, a notice will be issued to the voter within 24 hours after a
3 decision is made to reject the ballot. The voter will have up to 48
4 hours prior to the date for the final certification of the results of the
5 election to provide a cure for their ballot;

6 an explanation giving the options for the voter to provide the cure
7 to their rejected ballot;

8 an explanation that no voters shall be intimidated or otherwise
9 unduly influenced by political insignia while voting. No person shall
10 wear, display, sell, give or provide any political or campaign slogan,
11 badge, button or other insignia associated with any political party or
12 candidate to be worn at or within one hundred feet of the polls or
13 within the polling place or room, on any primary, general or special
14 election day or on any commission government election day, except
15 the badge furnished by the county board as provided by law. This
16 includes any political gear representing the campaign slogans, logos,
17 or depictions or representations of any political party or candidate
18 such as merchandise sold directly from a political party, campaign,
19 candidate, or by third parties and vendors representing any political
20 party or campaign or candidate. A person violating any of these
21 provisions is guilty of a disorderly persons offense and will not be
22 permitted on the premises and can only return to vote after the
23 removal of prohibited political insignia; and

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

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

34 b. The Secretary of State shall prescribe the form and specific
35 content of the voter information notice, which may be comprised of
36 more than one page. If the notice is comprised of more than one
37 page, each page shall be posted separately. For an election district in
38 which the primary language of 10 percent or more of the registered
39 voters is a language other than English, the Secretary of State shall
40 prescribe an official version of the voter information notice in that
41 other language or languages for use in that election district. The
42 notice shall be posted in English and in the other language or
43 languages in the polling places in each such district. The alternate
44 language shall be determined based on information from the latest
45 federal decennial census.

46 c. A county board of elections may modify or supplement the
47 voter information notice used in a county or municipality to provide

1 additional information specific to that county or a municipality in that
2 county, provided, however, that any such modification or
3 supplementation shall be submitted to the Secretary of State for prior
4 approval.

5 d. The voter information notice shall be printed on each sample
6 ballot, to the extent practicable, or if not practicable, information on
7 how to view or obtain a copy of the voter information notice shall be
8 printed on each sample ballot.

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

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

15 g. The State shall be liable for the costs incurred by local
16 government entities for compliance with this section, and they shall
17 be reimbursed for those costs, upon application, by the State
18 Treasurer.

19 (cf: P.L.2021, c.40, s.9)

20
21 5. R.S.19:15-17 is amended to read as follows:

22 19:15-17. a. The comparison of signatures of a voter made upon
23 registration and upon election day, and if the voter alleges **his** the
24 voter's inability to write, the comparison of the answers made by
25 such voter upon registration and upon election day, shall be had in
26 full view of the challengers.

27 b. If a voter has registered by mail after January 1, 2003 to vote
28 for the first time in **his or her** the voter's current county of
29 residence and did not provide personal identification when
30 registering pursuant to section 16 of P.L.1974, c.30 (C.19:31-6.4),
31 the voter shall be permitted to vote starting at the first election held
32 after January 1, 2004 at which candidates are seeking federal office
33 after displaying one of the following items: (1) a current and valid
34 photo identification card; (2) a current utility bill, bank statement,
35 government check or pay check; (3) any other government document
36 that shows the voter's name and current address; or (4) any other
37 identifying document that the **Attorney General** Secretary of State
38 has determined to be acceptable for this purpose. If the voter does
39 not display one of these documents, the voter shall **not be permitted**
40 **to vote by machine but shall** instead be provided with a provisional
41 ballot, pursuant to the provisions of P.L.1999, c.232 (C.19:53C-1 et
42 seq.). This subsection shall not apply to any voter entitled to vote by
43 absentee ballot under the "Uniformed and Overseas Citizens
44 Absentee Voting Act" **[(42 U.S.C. 1973ff-1 et seq.)]** (52 U.S.C.
45 s.20302) or to any voter who is provided the right to vote other than
46 in person under section 3 of Pub.L.98-435, (52 U.S.C. s.20104) the

1 "Voting Accessibility for the Elderly and Handicapped Act," or any
2 other voter entitled to vote otherwise than in person under any other
3 federal law. This subsection shall also not apply to any person who
4 registers to vote by appearing in person at any voter registration
5 agency or to any person whose voter registration form is delivered to
6 the county commissioner of registration or to the **【Attorney General】**
7 Secretary of State, as the case may be, through a third party by means
8 other than by mail delivery.

9 c. Each county commissioner of registration shall collect and
10 maintain, in the manner prescribed by the **【Attorney General】**
11 Secretary of State, the information provided pursuant to subsection
12 b. of this section and section 16 of P.L.1974, c.30 (C.19:31-6.4).
13 Access to the personal identification information provided pursuant
14 to subsection b. of this section and section 16 of P.L.1974, c.30
15 (C.19:31-6.4) **【.】** shall be prohibited, in accordance with subsection
16 a. of section 6 of P.L.2001, c.404 (C.47:1A-5).
17 (cf: P.L.2004, c.88, s.9)
18

19 6. R.S.19:15-31 is amended to read as follows

20 19:15-31. **【He】** The voter shall then hand the ballot with the
21 coupon undetached to the member of the election board having
22 charge of the ballot box, which member shall call off the number of
23 the ballot and the name of the voter. If the name and number agree
24 with the record in the poll book, the election officer having charge of
25 the poll book shall so announce and place the word "voted" opposite
26 the poll number to indicate that the person shown thereon as
27 receiving the ballot has voted.

28 In districts having permanent registration the member of the board
29 having charge of the signature copy register shall record the ballot
30 number in the proper column of the record of voting form.

31 The member of the election board in possession of the ballot shall
32 then scan it electronically, if such equipment is available, to ascertain
33 whether the ballot contains any technical errors that would disqualify
34 it from being counted. If such an error exists, it shall be returned to
35 the voter for correction or if determined to be spoiled, a new ballot
36 shall be given to the voter to enable that person to correct any
37 technical error that would otherwise disqualify the voter's vote from
38 being counted. If a voted ballot is scanned electronically and no
39 technical error is found to exist, the ballot shall be considered valid
40 and shall be counted.

41 (cf: R.S.19:15-31)
42

43 7. Section 1 of P.L.2021, c.40 (C.19:15A-1) is amended to read
44 as follows:

45 1. a. In addition to all other forms of voting provided for by this
46 Title, a registered voter shall be permitted to vote at a specially
47 designated polling place before the day of certain primary and

1 general elections in this State. This procedure shall be known as early
2 voting. The early voting period shall:

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

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

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

11 The voting process during the early voting period shall be
12 conducted using electronic poll books and optical-scan voting
13 ~~【machines】 equipment that 【read】 reads~~ hand-marked paper ballots
14 or other voting ~~【machines】 equipment~~ that produce a voter-verifiable
15 paper ballot, except that no later than five years following the
16 effective date of P.L. , c. (C.) (pending before the Legislature
17 as this bill), the voting process during the early voting period shall
18 only be conducted using optical-scan voting equipment that reads
19 hand-marked paper ballots. Any municipality conducting regular
20 municipal elections in May pursuant to the provisions of the
21 "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5
22 et seq.), may, by an ordinance adopted by its governing body, also
23 conduct early voting for the regular municipal election, in accordance
24 with the provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.). If
25 adopted by a municipal governing body, the early voting period for a
26 regular municipal election in May shall start on the 4th calendar day
27 before the regular municipal election and end on the second calendar
28 day before that regular municipal election. An early voting period
29 shall only be permitted for a non-presidential or presidential primary
30 election and a general election in this State and, if adopted by a
31 municipal governing body, a regular municipal election conducted in
32 May. Pursuant to the provisions of this act and Title 19 of the Revised
33 Statutes and in accordance with procedures that may be established
34 by the Secretary of State for verifying eligible voters, each county
35 board of elections shall verify that a registered voter is qualified to
36 vote in the election and shall prescribe the manner by which a
37 registered voter may vote during such period.

38 b. (1) For the primary and the general election, each county board
39 of elections shall designate at least three, but not more than five,
40 public locations within each county as the sites for early voting to
41 occur, except that the county board shall designate at least five, but
42 not more than seven, public locations for early voting if the number
43 of registered voters in the county is at least 150,000 but less than
44 300,000, and shall designate at least seven, but not more than 10,
45 public locations for early voting if the number of registered voters in
46 the county is 300,000 or more. This provision shall not be interpreted
47 to prevent county boards of elections, at their discretion, from

1 establishing additional locations in excess of the five, seven, or 10
2 location limits respectively set forth herein; provided, however, that
3 the State shall be required to provide reimbursement for the costs of
4 locations up to and including the five, seven, or 10 respective limits
5 established herein, and shall not be required to provide
6 reimbursement for additional locations beyond those limits under
7 section 6 of this act, P.L.2021, c.40 (C.19:15A-6). The number of
8 registered voters in each county shall be determined ahead of the
9 selection of early voting sites pursuant to a uniform standard which
10 shall be developed by the Secretary of State through the rulemaking
11 process pursuant to the "Administrative Procedure Act," P.L.1968,
12 c.410 (C.52:14B-1 et seq.). Whenever possible, early voting
13 locations shall be geographically located so as to ensure both access
14 in the part of the county that features the greatest concentration of
15 population, according to the most recent federal decennial census of
16 the United States, and access in various geographic areas of the
17 county. All early voting locations shall be public facilities, such as
18 county courthouses, public libraries and the offices of the municipal
19 clerk, county clerk, and county board of elections, or places of public
20 accommodation as provided under Title 10 of the Revised Statutes.
21 No public school building and no building used as a public school, as
22 that term is defined under N.J.S.18A:1-1, shall, however, be
23 designated as an early voting location. The locations shall be
24 designated at the same time as all other polling places are designated
25 by the board of elections. In the event of a tie vote among members
26 of the county board with respect to the selection of sites for early
27 voting, the county clerk shall cast the deciding vote. Once early
28 voting locations are designated in each county, county boards of
29 election shall evaluate and, if deemed necessary, revise these
30 locations in order to accommodate significant changes in the number
31 of registered voters within each county, reflect the population
32 distribution and density within each county, or because of similar
33 circumstances. The Secretary of State may develop the criteria to be
34 used by county boards of election to revise the location of early
35 voting sites and shall prescribe how often such revision shall take
36 place.

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

39 (2) Whenever a municipality that conducts regular municipal
40 elections in May chooses to participate in early voting for the regular
41 municipal election, the county board of elections shall designate at
42 least one public location, but not more than three public locations,
43 within the municipality as the site or sites for early voting to occur.
44 This provision shall not be interpreted to prevent a county board of
45 elections, at its discretion, from establishing additional locations in
46 excess of the three location limit set forth herein; provided, however,
47 that the State shall be required to provide reimbursement for the costs

1 of locations up to and including the three location limit established
2 herein, and shall not be required to provide reimbursement for
3 additional locations beyond that limit under section 6 of this act,
4 P.L.2021, c.40 (C.19:15A-6). Whenever possible, each such location
5 shall be geographically located in the part of the municipality that
6 features the greatest concentration of population, according to the
7 most recent federal decennial census of the United States. All early
8 voting locations shall be public facilities, such as municipal
9 courthouses and the offices of the municipal clerk, or places of public
10 accommodation as provided under Title 10 of the Revised Statutes.
11 No public school building and no building used as a public school, as
12 that term is defined under N.J.S.18A:1-1, shall be designated as an
13 early voting location. The locations shall be designated at the same
14 time as all other polling places are designated by the board of
15 elections. In the event of a tie vote among members of the county
16 board with respect to the selection of sites for early voting, the
17 municipal clerk shall cast the deciding vote. Once early voting
18 locations are designated in each municipality, county boards of
19 election shall evaluate and, if deemed necessary, revise these
20 locations in order to accommodate significant changes in the number
21 of registered voters within each municipality, reflect the population
22 distribution and density within each municipality, or because of
23 similar circumstances. The Secretary of State may develop the
24 criteria to be used by county boards of election to revise the location
25 of early voting sites and shall prescribe how often such revision shall
26 take place.

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

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

34 d. The election officers responsible for conducting early voting
35 shall be the same as those responsible for conducting a primary and
36 a general election, as appropriate, pursuant to this Title. The number
37 of such officers and their hours of service shall be as determined by
38 each county board of elections. The compensation for such officers
39 shall be the same as provided to district board of election members
40 serving at a school election pursuant to R.S.19:45-6, or that required
41 pursuant to Article I, paragraph 23 of the New Jersey Constitution,
42 whichever is greater.

43 e. The restrictions governing the conduct of voters at a polling
44 place on the days that early voting occurs, the procedures governing
45 who is permitted in a polling place on such occasions and the
46 prohibition on electioneering within 100 feet of a polling place
47 during an election, shall be as provided in chapters 15, 34, 50 and 52

1 of Title 19 of the Revised Statutes and every other applicable section
2 of this Title.

3 f. In real time using the electronic poll books each day during
4 the early voting period, and prior to the start of each regularly
5 scheduled primary and general election, and regular municipal
6 election in each non-partisan municipality choosing to participate in
7 early voting, each county board shall make such changes as may be
8 necessary to the voter's record in the Statewide voter registration
9 system to indicate that a voter has voted in that election using the
10 early voting procedure.

11 g. (1) Each county board shall be responsible for forming and
12 executing a written plan to ensure, to the greatest extent possible, the
13 integrity of the voting process and the security of ballots used during
14 the early voting period, including the security of voting **【machines】**
15 equipment, voted ballots, and election records. The plan shall be
16 based on guidelines established by the Secretary of State and shall be
17 submitted thereto no later than December 15 of each year. The
18 Secretary of State shall review and, if deemed necessary thereby,
19 require changes to a plan no later than February 1 of each year. Each
20 plan shall specify a chain of custody and security plan for the voting
21 **【machines】** equipment, and a chain of custody for the voted ballots
22 and election records and materials, and shall require, among other
23 specifications deemed necessary by the Secretary of State and county
24 boards of election, that all voted ballots shall be transferred at the end
25 of each early voting day to county boards of election for safekeeping.
26 After the voted ballots are transferred to the county board of elections
27 at the end of each early voting day, a county board may elect to
28 impound those voted ballots on a secure server, or by any other means
29 deemed appropriate by the Secretary of State. The voted ballots shall
30 not be canvassed until the closing of the polls on election day as
31 required pursuant to section 4 of this act, P.L.2021, c.40 (C.19:15A-
32 4). The results of the voted ballots cast during early voting shall
33 remain confidential and shall be disclosed only in accordance with
34 the provisions of Title 19 of the Revised Statutes, regulations, and
35 guidelines concerning the disclosure of election results, and a
36 violation shall be subject to the penalties established by law.

37 (2) Notwithstanding the provisions of this subsection, in the year
38 in which P.L.2021, c.40 (C.19:15A-1 et al.) becomes law, each
39 county board shall submit its plan to the Secretary of State within 30
40 days following the effective date of this act and the Secretary of State
41 shall review it and, if deemed necessary thereby, require changes in
42 the plan within 45 days following the effective date of this act.

43 h. Each county board shall make certain that each polling place
44 used for early voting shall be accessible to individuals with
45 disabilities and the elderly, in compliance with the "Americans with
46 Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.), and that each
47 polling place provides such voters, including the blind and visually

1 impaired, the same opportunity for access and participation,
2 including privacy and independence, as other voters in compliance
3 with the "Help America Vote Act of 2002" (42 U.S.C. s.15481).

4 i. The Secretary of State shall establish a printing on demand
5 ballot and elections system. At a minimum, the system shall be
6 compatible with the Statewide voter registration system established
7 pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and any
8 electronic poll books provided by section 1 of P.L.2019, c.80
9 (C.19:31-35). Each polling place used for early voting shall have a
10 computer, tablet, or other electronic device to print provisional
11 ballots for voters required to vote by provisional ballot in accordance
12 with the provisions of Title 19 of the Revised Statutes or due to an
13 equipment malfunction as further provided under section 3 of
14 P.L.2019, c.80 (C.19:31-37), or any other election related material,
15 if needed. A computer, tablet, or other electronic device and the
16 printer used to print election materials at a polling place shall not be
17 used unless it has been certified by the Secretary of State. The
18 Secretary of State shall adopt and publish standards and regulations
19 governing the certification and use of computer, tablets, or other
20 electronic devices and printers to print election materials at each
21 polling place used for early voting. The Secretary of State shall not
22 certify a computer, tablet, or other electronic device or printer unless
23 it is in compliance with the secretary's standards.

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

28 (cf: P.L.2021, c.4, s.1)

29
30 8. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to read
31 as follows:

32 1. a. There shall be established in the Department of State a
33 single Statewide voter registration system, as required pursuant to
34 section 303 of the federal "Help America Vote Act of 2002,"
35 Pub.L.107-252 (42 U.S.C. s.15483). The principal computer
36 components of the system shall be under the direct control of the
37 Secretary of State. The Secretary of State shall be responsible for
38 creating the network necessary to maintain the system and providing
39 the computer software, hardware and security necessary to ensure
40 that the system is accessible only to those executive departments and
41 State agencies so designated by the Secretary of State, each county
42 commissioner of registration, each county and municipal clerk, and
43 individuals under certain circumstances, as provided for by this
44 section. The system shall be the official State repository for voter
45 registration information for every legally registered voter in this
46 State, and shall serve as the official voter registration system for the
47 conduct of all elections in the State.

1 b. The Statewide voter registration system shall include, but not
2 be limited to, the following features:
3 (1) the name and registration information of every legally
4 registered voter in the State;
5 (2) the ability to assign a unique identifier to each legally
6 registered voter in the State;
7 (3) interactivity among appropriate State agencies so designated
8 by the Secretary of State, each county commissioner of registration,
9 each county board of elections, and each county clerk such that these
10 entities shall have immediate electronic access to all or selected
11 records in the system, as determined by the Secretary of State, to
12 receive or transmit all or selected files in the system and to print or
13 review all or selected files in the system;
14 (4) the ability to permit any county commissioner of registration
15 to enter voter registration information on an expedited basis, and to
16 transfer electronically voter registration information from an online
17 voter registration form completed pursuant to section 1 of P.L.2019,
18 c.382 (C.19:31-6.4c), at the time the information is provided thereto
19 and to permit the Secretary of State to provide technical support to
20 do so whenever needed;
21 (5) the ability to permit each municipal clerk to view or print
22 information in the system;
23 (6) the ability to permit an individual, by July 1, 2006, to verify
24 via the Internet whether that individual, and only that individual, is
25 included in the system as a legally registered voter, whether the
26 information pertaining to that individual required by subsection c. of
27 this section is correct, and if not, a means to notify the pertinent
28 county commissioner of registration of the corrections that must be
29 made and to so verify in a way that does not give one individual
30 access to the information required by subsection c. of this section for
31 any other individual;
32 (7) a Statewide street address index and map in electronic form
33 that can accurately identify the location of every legally registered
34 voter in this State;
35 (8) the ability to record and monitor all requests for mail-in
36 ballots; to enable the county clerk to verify the identity and signature
37 of each person requesting a mail-in ballot; to record the name and
38 address of each voter determined to be eligible to receive a mail-in
39 ballot for a particular election and to note when a mail-in ballot has
40 been transmitted to that voter by mail or hand delivery; to update the
41 system to allow the postal tracking of mail-in ballots using Intelligent
42 Mail barcodes, or a similar successor tracking system, upon the
43 finding by the Secretary of State that such technology is viable; and
44 to make such information available to the Secretary of State so that a
45 voter can be notified whether the application for such a ballot was
46 accepted or rejected, and the reason for the rejection, using the free-

1 access system established by section 5 of P.L.2004, c.88 (C.19:61-
2 5); and
3 (9) any other functions required pursuant to Pub.L.107-252 (42
4 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that
5 may be deemed necessary by the Secretary of State.
6 c. The Statewide voter registration system shall include, but not
7 be limited to, the following information for every legally registered
8 voter in this State:
9 (1) last, first and middle name;
10 (2) street address at time of registration or rural route, box
11 number or apartment number, if any;
12 (3) city or municipality, and zip code;
13 (4) date of birth;
14 (5) telephone number and e-mail address, if provided on voter
15 registration form;
16 (6) previous name or address if individual re-registered due to
17 change of name or address;
18 (7) ward and election district number, if either is available;
19 (8) (a) current and valid New Jersey driver's license number; or
20 (b) if the registrant has not been issued a New Jersey driver's
21 license number, the last four digits of the registrant's social security
22 number; or
23 (c) unique identifying number for any individual who has not
24 been issued the information sought in subparagraph (a) or (b) of this
25 paragraph;
26 (9) notation that a copy of one of the following documents has
27 been submitted with the voter registration application, if required:
28 current and valid photo identification card; a current utility bill, bank
29 statement, government check, pay check or any other government
30 document showing the registrant's name and current address;
31 (10) the method by which the individual registered and whether
32 that person needs to provide additional identification information to
33 vote using a **【voting machine】** paper ballot instead of a provisional
34 ballot;
35 (11) political party affiliation, if designated;
36 (12) digitized signature;
37 (13) date of registration or re-registration;
38 (14) name and street address of the individual assisting in the
39 completion of the form, if the applicant for registration is unable to
40 do so;
41 (15) voting participation record for ten-year period; and
42 (16) any other information required pursuant to Pub.L.107-252
43 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or
44 that the Secretary of State determines is necessary to assess the
45 eligibility of an individual to be registered to vote and to vote in this
46 State.
47 (cf: P.L.2019, c.382, s.4)

1 9. R.S.19:32-2 is amended to read as follows:
2 19:32-2. a. Except as provided in section 2 of P.L.1982, c.46
3 (C.19:32-1.2), each superintendent may appoint a chief deputy, a
4 chief clerk, a secretary, such personnel as is authorized under
5 R.S.19:48-6, and any other assistants **[he]** the superintendent
6 considers necessary to carry out the provisions of this Title, and,
7 except as hereinafter provided, may remove the same whenever **[he]**
8 the superintendent deems it necessary and all persons so appointed,
9 by superintendents of elections in counties of the first class having
10 more than 850,000 inhabitants, according to the latest federal census
11 taken in a year ending in zero, to serve for terms of more than six
12 months in any one year, shall be in the classified service of the civil
13 service and shall be appointed in accordance with and shall be subject
14 to the provisions of Title 11A, Civil Service, but all other persons so
15 appointed shall not be subject to any of the provisions of Title 11A,
16 Civil Service, but shall be in the unclassified service. All persons
17 appointed by the commissioner of registration in counties of the first
18 class having more than 600,000, but less than 850,000 inhabitants,
19 according to the latest federal census taken in a year ending in zero,
20 to serve for terms of more than six months in any one year, other than
21 the chief deputy and chief clerk and confidential secretary and chief
22 custodian, shall be in the classified service of the civil service and
23 shall be appointed, and hold their position, in accordance with the
24 provisions of Title 11A, Civil Service, but all other persons so
25 appointed shall not be subject to any of the provisions of Title 11A,
26 Civil Service, but shall be in the unclassified service. Subject to the
27 provisions of subsection b. of this section, the salaries of the persons
28 so appointed shall be fixed and such salaries certified to and approved
29 under his hand shall be paid semimonthly by the county treasurer of
30 the county in which such persons are so engaged. All other necessary
31 expenses incurred in carrying out the provisions of this Title, when
32 certified to and approved by the superintendent, shall be paid by the
33 county treasurer of the county in which the superintendent shall
34 maintain **[his]** the superintendent's office; provided, however, that
35 all necessary expenses incurred by the commissioner of registration,
36 the superintendent of elections, and the custodian of voting
37 **[machines]** equipment in the counties of the first class for the proper
38 performance of all of his duties of all his offices as set forth in Title
39 19, shall not exceed, in the aggregate, the sum of \$2,000,000.00 for
40 the year 1998 or that sum, as adjusted, for each year thereafter. The
41 governing body of the county may increase the sum but the increase
42 shall not exceed 5% or the index rate, whichever is less, over the
43 previous year's sum. As used in this section, "index rate" means the
44 rate of annual percentage increase, rounded to the nearest half-
45 percent, in the Implicit Price Deflator for State and Local
46 Government Purchases of Goods and Services, computed and
47 published quarterly by the United States Department of Commerce,

1 Bureau of Economic Analysis, which annual increase shall be
2 calculated on the basis of the second quarter which occurred in the
3 next preceding local budget year. The Director of the Division of
4 Local Government Services in the Department of Community Affairs
5 shall promulgate annually, on or before October 1, the index rate to
6 apply in the next following local budget year.

7 b. The superintendent shall determine the amount of the salary
8 to be paid to each person appointed by the superintendent, and shall
9 submit the proposed salaries to the governing body for review and
10 approval. Following the review and approval of the governing body,
11 the salaries shall be fixed and shall be paid to those persons pursuant
12 to the provisions of subsection a. of this section.

13 (cf: P.L.2015, c.250, s.3)

14
15 10. Section 24 of P.L.1947, c.167 (C.19:32-49) is amended to
16 read as follows:

17 24. In addition to the foregoing, the superintendent of elections is
18 constituted the commissioner of registration for the county and **[he]**
19 the superintendent of elections shall, within the county, have and
20 exercise all the powers of, and be charged with all the duties had and
21 exercised and required to be performed by, the superintendent of
22 elections and the commissioner of registration in any county,
23 including the custody and control of voting **[machines]** equipment
24 heretofore or hereafter installed in the county in any manner provided
25 by law, except those heretofore or hereafter installed in any
26 municipality by the governing body thereof, which shall be placed
27 and remain in the custody of the municipal clerk unless taken over
28 by the county according to law. The deputy superintendent of
29 elections in counties of the first class, and in counties of the second
30 and fifth classes in which the governing body has established the
31 office of superintendent of elections for the county, is constituted the
32 deputy commissioner of registration.

33 (cf: P.L.2021, c.58, s.2)

34
35 11. Section 28 of P.L.1947, c.167 (C.19:32-53) is amended to
36 read as follows:

37 Upon the taking effect of such resolution the county board of
38 elections of the county shall turn over to the superintendent of
39 elections all voting **[machines]** equipment of the county with the
40 keys thereto, and all records, books, binders, folders, files, card
41 indexes, documents and forms, used or unused, relating to or used or
42 useful in connection with the registration of voters, or the use of
43 voting **[machines]** equipment, in the county, together with all racks,
44 cabinets, furniture, equipment and supplies used or useful for the
45 filing, storing, repair servicing or use of the same.

46 (cf: P.L.1947, s.167, s.28)

1 12. R.S.19:50-3 is amended to read as follows:

2 19:50-3. **【**For instructing the voters on any election day there
3 shall, so far as practicable, be provided by the county board of
4 elections or the superintendent of elections or the municipal clerk, as
5 the case may be, having custody of voting machines, for each polling
6 place a mechanically operated model of a portion of the face of the
7 machine. Such model, if furnished, shall, during the election, be
8 located on the district election officers' table or in some other place
9 which the voters must pass to reach the machine, and each voter shall,
10 before entering the voting machine booth, be instructed regarding the
11 operation of the machine and such instruction illustrated on the
12 model, and the voter given opportunity to personally operate the
13 model. The voter's attention shall also be called to the diagram of
14 the face of the machine so that the voter can become familiar with
15 the location of the questions and the names of the officers and
16 candidates.**】** If any voter, before entering the voting **【machine】**
17 booth, declares under oath, and establishes to the satisfaction of a
18 majority of all the members of the district board that by reason of an
19 inability to read or write, blindness or other physical disability **【he】**
20 the voter is unable to cast **【his】** the voter's vote without assistance,
21 **【he】** the voter shall have the assistance of two members of the board
22 of opposite political faith, to be assigned by the board. Such
23 members shall retire with such voter to the booth and assist **【him】**
24 the voter. The member acting as clerk of the district board shall make
25 an entry on a disability certificate for assistance, which entry shall be
26 on the form of an oath inserted in the front of the duplicate registry
27 binders at each election.

28 In every instance when such oath is administered to a voter as
29 herein provided, it shall state briefly what facts were sworn to and
30 the names of the members of the board who aided such voter shall be
31 signed on the form. Any members of the district board shall be
32 eligible to assist any such voter, but no other person except as
33 hereinafter provided shall be allowed to assist **【him】** the voter. No
34 member of the board shall reveal the name of any person for whom
35 such voter has voted or anything that took place while **【he】** the voter
36 was being assisted.

37 Such voter, if blind, disabled or unable to read or write, may, in
38 lieu of the assistance of the board as above provided, have assistance
39 of some person of **【his】** the voter's own selection. Such person shall
40 retire with such voter to the booth and assist **【him】** the voter in
41 voting. The name and address of such person shall be recorded as
42 above. In such case, no other person than the one so selected by the
43 voter shall be allowed to assist such voter. No person so selected
44 shall reveal the name of any person for whom such voter has voted
45 or anything that took place while **【he】** the voter was being assisted.

1 The disability certificates shall be numbered serially 1 to 20. The
2 commissioner of registration shall furnish sufficient disability
3 certificates for assistance for each election district in **his** the
4 commissioner's county which shall be inserted in the front of the
5 duplicate registry binders.

6 (cf: P.L.1985, c.20, s.2)

7
8 13. R.S.19:52-1 is amended to read as follows:

9 19:52-1. The district boards of each election district shall meet at
10 the polling place three-quarters of an hour before the time set for
11 opening of the polls at each election and shall proceed to arrange the
12 furniture, stationery and voting **machine or machines** equipment
13 for the conduct of the election. The district boards shall then and
14 there have the voting **machine,** equipment, ballots, and stationery
15 required to be delivered to them for such election by the officials
16 charged by law with that duty.

17 The keys to the voting **machine** equipment shall be delivered to
18 the district election officers in any manner that the county board of
19 elections or the superintendent of elections or the municipal clerk, as
20 the case may be, having custody of voting **machines** equipment,
21 may determine, at least three-quarters of an hour before the time set
22 for opening the polls, in a sealed envelope, on which shall be written
23 or printed the number and location of the voting **machine**
24 equipment, the number of the seal with which it is sealed, the number
25 of the green seal with which the emergency ballot box is sealed, and
26 the number registered on the protective counter or device, as reported
27 by the custodian.

28 The envelope containing the keys shall not be opened until at least
29 two members of the board who are not members of the same political
30 party shall be present at the polling place and shall have examined
31 the envelope to see that it has not been opened. Before opening the
32 envelope all election officers present shall examine the number on
33 the seal on the **machine** equipment and the number registered on
34 the protective counter, and shall ascertain if they are the same as the
35 numbers written on the envelope; and if they are not the same, the
36 **machine** equipment must not be **opened** used until such county
37 board of elections or such superintendent of elections or such
38 municipal clerk, as the case may be, after due notice of such
39 discrepancy, shall have caused such **machine** equipment to be re-
40 examined and properly arranged by any person or persons employed
41 or appointed pursuant to R.S.19:48-6. If the numbers on the voting
42 **machine seal** equipment and the protective counter are found to
43 agree with the numbers on the envelope, the district election officers
44 shall proceed to open the doors concealing the counters, and each
45 district election officer shall carefully examine every counter and

1 ascertain whether or not it registers zero (000), and the same shall be
2 subject to the inspection of official watchers.

3 In addition, each district election officer shall carefully examine
4 the emergency ballot box to ascertain whether or not it is properly
5 sealed with a numbered green seal [and examine the number to
6 ascertain if it is the same as the number written on the voting machine
7 key envelope]. If [the numbers are not the same] tampering is
8 suspected, the county board of elections, the superintendent of
9 elections, or the municipal clerk, as the case may be, shall be notified
10 of the discrepancy.

11 The [machine] voting equipment shall remain locked against
12 voting until the polls are formally opened and shall not be operated
13 except by voters in voting. If any counter is found not to register
14 zero (000) the district board shall immediately notify such county
15 board of elections or such superintendent of elections or such
16 municipal clerk, as the case may be, who shall, if practicable, cause
17 such counter to be adjusted at zero (000) by any person or persons
18 employed or appointed pursuant to R.S.19:48-6. If it shall be
19 impracticable for such person or persons to arrive in time to so adjust
20 such counter before the time set for opening the polls, the district
21 election officers shall immediately make a written statement of the
22 designating letter and number of such counter, together with the
23 number registered thereon, and shall sign and post same upon the
24 wall of the polling room, where it shall remain throughout election
25 day, and in filling out the statement of canvass, they shall subtract
26 such number from the number registered thereon at the close of the
27 polls.

28 Each district election officer shall carefully examine the
29 provisional ballot bag to ascertain that it is properly sealed with a
30 numbered security seal and whether it has been subjected to
31 tampering. If the elections officer discovers evidence of tampering,
32 the county board of elections, the superintendent of elections, or the
33 municipal clerk, as the case may be, shall be so notified immediately.
34 (cf: P.L.1999, c.232, s.6)

35

36 14. R.S.19:52-3 is amended to read as follows:

37 19:52-3. Where a voter [presents himself] is present at a polling
38 place for the purpose of voting, the election officer shall follow the
39 procedure as now required by this title regarding the eligibility of a
40 person to vote. If such eligibility is established, one of the district
41 election officers shall announce the name of the voter and permit
42 [him] the voter to pass to the voting booth [of the voting machine]
43 for the purpose of casting his vote. No voter shall remain in the
44 voting [machine] booth longer than two minutes, and having cast
45 [his] a vote the voter shall at once emerge therefrom and leave the
46 polling room; if [he] the voter shall refuse to leave after the lapse of

1 two minutes **【he】** the voter shall be removed by the district election
2 officers. Such election officers shall ascertain the name and address
3 of each voter in the manner now provided by law before **【he】** the
4 voter enters the voting **【machine】** booth for the purpose of voting.
5 No voter after having entered and emerged from the voting
6 **【machine】** booth shall be permitted to reenter the same on any
7 pretext whatever. Only one voter at a time shall be permitted in the
8 voting **【machine】** booth to vote. However, a voter shall be permitted
9 to be accompanied into the voting **【machine】** booth by a dependent
10 child.

11 (cf: P.L.1994, c.154 s.2)

12

13 15. R.S.19:53-1 is amended to read as follows:

14 19:53-1. Any unauthorized person found in possession of any
15 **【such】** voting **【machine】** equipment in use or to be used in any
16 election, or keys thereof, shall be guilty of a crime of the fourth
17 degree. Any person willfully tampering or attempting to tamper with,
18 disarrange, deface or impair in any manner whatsoever, or destroy
19 any **【such】** voting **【machine】** equipment while the same is in use at
20 any election, or who shall, after such **【machine】** equipment is locked
21 in order to preserve the registration or record of any election made
22 by the same, tamper or attempt to tamper with any such voting
23 **【machine】** equipment, shall be guilty of a crime of the third degree.

24 (cf: P.L.2005, c.154, s.53)

25

26 16. Section 10 of P.L.1992, c.3 (C.19:53B-1) is amended to read
27 as follows:

28 10. a. The county clerk or the municipal clerk, in the case of a
29 municipal election, shall prepare an emergency ballot box packet
30 which shall include the appropriate number of emergency ballots, the
31 appropriate number of pre-punched single-hole white envelopes, and
32 two tally sheets, each with a carbon duplicate copy attached. The
33 custodian of the voting **【machines】** equipment shall prepare and
34 place in each emergency ballot box an emergency ballot box packet
35 and an envelope containing a numbered white seal and a numbered
36 red seal. The envelope shall contain, on its face, the instructions for
37 the use of the seals, the number and the election district location of
38 the voting **【machine】** equipment to which the ballot box is attached,
39 and the identification numbers of the white and red seals that were
40 placed in the envelope. The emergency ballot box shall be sealed
41 with a numbered green security seal before being shipped to each
42 election district as provided in R.S.19:48-6.

43 b. For the primary for the general election, the emergency ballots
44 shall be printed on paper of a color that matches the color of the
45 voting authority, which shall indicate the party primary of the voter.
46 The emergency ballots shall be uniform in size, quality and type and

1 of a thickness that the printing thereon cannot be distinguished from
2 the back of the paper, and without any mark, device or figure on the
3 front or back other than as provided in this amendatory and
4 supplementary act, P.L.1992, c.3 (C.19:53B-1 et al.).

5 The clerk of the county or municipality having custody of the
6 emergency ballots shall prepare each emergency ballot package with
7 a minimum of 30 emergency ballots for each political party. If the
8 clerk determines, based upon the number of registered voters with
9 party affiliations, that an election district shall require more than 30
10 emergency ballots per party primary, additional emergency ballots
11 shall be delivered to that election district.

12 c. For the general election the emergency ballots shall be printed
13 on paper of the color of the voting authority. The emergency ballots
14 shall be uniform in size, quality and type and of a thickness that the
15 printing thereon cannot be distinguished from the back of the paper,
16 and without any mark, device or figure on the front or back other than
17 as provided in this amendatory and supplementary act.

18 The clerk of the county or municipality shall prepare each
19 emergency ballot package with a minimum of 30 emergency ballots.
20 If the clerk determines that an election district shall require more than
21 30 emergency ballots based on the number of registered voters,
22 additional emergency ballots shall be delivered to that election
23 district.

24 (cf: P.L.1992, c.3, s.10)

25
26 17. Section 12 of P.L.1992, c.3 (C.19:53B-3) is amended to read
27 as follows:

28 12. a. If for any cause **[a voting machine]** any voting equipment
29 fails to operate or the paper ballots supplied by the county clerk are
30 unusable, the district board shall use the supply of emergency ballots
31 that are on hand at the opening of the polls. The mode and manner
32 of voting the emergency ballots shall in all respects conform as nearly
33 as possible to the mode and manner of voting herein described.

34 b. If for any reason emergency ballots shall not be ready or
35 available for distribution at any polling place, or if the supply of
36 emergency ballots shall be exhausted before the polls are closed, the
37 district board member in charge shall notify the appropriate authority
38 that additional ballots shall be required.

39 (cf: P.L.1992, c.3, s.12)

40
41 18. Section 13 of P.L.1992, c.3 (19:53B-4) is amended to read as
42 follows:

43 13. If it becomes necessary to use the emergency ballot box, and
44 if the numbers on the green seal and the voting **[machine]** equipment
45 key envelope were identical when previously examined as provided
46 in R.S.19:52-1, the judge of the district board shall remove the
47 emergency ballots and the envelope containing the numbered white

1 and red seals from the box; shall open the envelope, remove the seals,
2 compare the numbers on the seals with those on the face of the
3 envelope, and note on the envelope any discrepancies; shall place the
4 red seal back in the envelope and return the envelope to the ballot
5 box; and shall, in an open and public manner, exhibit the emergency
6 ballot box so that those present may see that the box is now empty
7 except for the envelope containing the numbered red seal. The judge
8 shall close and re-seal the emergency ballot box with the numbered
9 white seal removed from the envelope in the box, leaving open the
10 aperture in the lid thereof.

11 If the numbers on the green seal and the voting **[machine]**
12 equipment key envelope were not identical when previously
13 examined as provided in R.S.19:52-1 but the appropriate county
14 board of elections, superintendent of elections, or municipal clerk, as
15 the case may be, has authorized the use of the emergency ballot box,
16 the emergency ballot box may be opened and handled in the manner
17 prescribed above. If the appropriate county board, superintendent, or
18 municipal clerk, as the case may be, has not yet authorized the use of
19 the emergency ballot box, the appropriate county board,
20 superintendent, or municipal clerk shall again be notified and the
21 emergency ballot box shall not be opened until that county board,
22 superintendent, or municipal clerk authorizes the use of the box.
23 (cf: P.L.1992, c.3, s.13)

24

25 19. Section 14 of P.L.1992, c.3 (C.19:53B-5) is amended to read
26 as follows:

27 14. After the district board ascertains that a voter is properly
28 registered and qualified to vote, the member of the board charged
29 with maintaining the signature copy register shall require the voter to
30 sign the signature copy register and shall have the voter sign the part
31 of the two-part perforated voting authority that shall remain bound in
32 the pad. The member shall record the voting authority number in the
33 proper column of the signature copy register, except that in a primary
34 for the general election, the member shall also record the party
35 primary in which the voter voted.

36 In the proper columns, the voter shall sign the reverse side of the
37 signature copy register and the board member shall initial the
38 signature of the voter.

39 After the voter signs the voting authority, the member of the board
40 in charge of the signature copy register shall give the voter the
41 unsigned portion of the two-part voting authority. The voter shall
42 return that portion to the district election board member in charge of
43 the operation of the voting **[machine]** equipment at that time. The
44 member shall place each authority in consecutive order on a string or
45 wire prior to furnishing a voter with an emergency ballot and a plain
46 white single-hole punched envelope.

1 No emergency ballot shall be handed to a voter until there is a
2 polling booth ready for occupancy or, if a booth is unusable, the area
3 designated for voters to mark the emergency ballot is ready. If a
4 voting area is used, the voter shall be provided with a privacy screen
5 at the same time that the emergency ballot is provided.

6 The inspector shall instruct the voter how to place the voted
7 emergency ballot into the pre-punched single-hole plain white
8 envelope.

9 (cf: P.L.1992, c.3, s.14)

10
11 20. Section 19 of P.L.1992, c.3 (C.19:53B-10) is amended to read
12 as follows:

13 19. After voting the emergency ballot and before leaving the
14 polling booth or the designated voting area, as the case may be, the
15 voter shall place the voted emergency ballot in the pre-punched
16 single-hole plain white envelope. The voter shall seal the envelope
17 and shall retain custody of the envelope until the member of the board
18 having charge of the voting **【machine】** equipment at that time is
19 ready to accept the envelope.

20 (cf: P.L.1992, c.3, s.19)

21
22 21. Section 20 of P.L.1992, c.3 (C.19:53B-11) is amended to read
23 as follows:

24 20. The voter shall hand the sealed envelope to the member of the
25 election board having charge of the voting **【machine】** equipment.
26 The member shall keep the sealed white envelope in full view of the
27 voter, the other district board members and all other persons present
28 until it is deposited in the ballot box. The voter may also take hold of
29 the envelope, with that member of the board, until the emergency
30 ballot is deposited into the emergency ballot box.

31 (cf: P.L.1992, c.3, s.20)

32
33 22. Section 21 of P.L.1992, c.3 (C.19:53B-12) is amended to read
34 as follows:

35 21. The right to challenge a voter who uses the emergency ballot
36 shall exist until the emergency ballot is deposited in the emergency
37 ballot box. If the right of a person to vote is challenged, the same
38 procedures shall be used as prescribed when the right of a person to
39 cast a vote **【on an electronic voting machine】** using any voting
40 equipment or by paper ballot is challenged.

41 (cf: P.L.2004, c.88, s.21)

42
43 23. Section 29 of P.L.1992, c.3 (C.19:53B-20) is amended to read
44 as follows:

45 29. When district board members have processed both voted and
46 non-voted emergency ballots, the ballots shall remain sealed within
47 the box for a period of 15 calendar days, which shall begin on the

1 first business day after the day of the election, except that if a judge
2 of the Superior Court issues a court order to open the box within the
3 15-day period, the box shall be opened.

4 On the first business day after the 15-day period, the custodian of
5 the voting **【machines】** equipment shall break the numbered security
6 seals and the emergency ballot boxes shall be opened. All voted
7 emergency ballots located within an emergency ballot box shall be
8 removed from the box and shall be placed in a container or an
9 envelope and sealed. The front of each container or envelope shall
10 contain the number of the voting **【machine】** equipment, the name of
11 the municipality and the ward or district number where the
12 **【machine】** equipment was located during the election. The
13 commissioner of registration shall preserve the containers or
14 envelopes and the contents of the containers or envelopes for a period
15 of two years from the date that the election occurred.

16 (cf: P.L.1992, c.3, s.29)

17
18 24. Section 14 of P.L.1981, c.379 (C.40:45-18) is amended to read
19 as follows:

20 14. Notwithstanding the provisions of section 13 of P.L.1981,
21 c.379 (C.40:45-17), if the voters of any municipality shall adopt the
22 proposition of holding run-off elections in the municipality, either
23 prior to or subsequent to May 2, 1990, at the regular municipal
24 election held in that municipality the candidates receiving the
25 greatest number and a majority of votes cast shall be elected to the
26 respective offices, except that if:

27 a. Nine councilmen-at-large (or commissioners, or village
28 trustees) are to be elected and four or more candidates for that office
29 receive a majority of the votes cast, the nine candidates receiving the
30 greatest number of votes shall be elected; or

31 b. Eight councilmen-at-large (or commissioners, or village
32 trustees) are to be elected and four or more candidates for that office
33 receive a majority of the votes cast, the eight candidates receiving the
34 greatest number of votes shall be elected; or

35 c. Seven councilmen-at-large (or commissioners, or village
36 trustees) are to be elected and three or more candidates for that office
37 receive a majority of the votes cast, the seven candidates receiving
38 the greatest number of votes shall be elected; or

39 d. Six councilmen-at-large (or commissioners, or village
40 trustees) are to be elected and three or more candidates for that office
41 receive a majority of the votes cast, the six candidates receiving the
42 greatest number of votes shall be elected; or

43 e. Five councilmen-at-large (or commissioners, or village
44 trustees) are to be elected and two or more candidates for that office
45 receive a majority of the votes cast, the five candidates receiving the
46 greatest number of votes shall be elected; or

1 f. Four councilmen-at-large (or commissioners, or village
2 trustees) are to be elected and two or more candidates for that office
3 receive a majority of the votes cast, the four candidates receiving the
4 greatest number of votes shall be elected; or

5 g. Three councilmen-at-large (or commissioners, or village
6 trustees) are to be elected and one or more candidates for that office
7 receive a majority of the votes cast, the three candidates receiving the
8 greatest number of votes shall be elected; or

9 h. Two councilmen-at-large (or commissioners, or village
10 trustees) are to be elected and one or more candidates for that office
11 receive a majority of the votes cast, the two candidates receiving the
12 greatest number of votes shall be elected.

13 For the purpose of this section, the number constituting a majority
14 of the votes cast shall be computed by dividing by two the number of
15 voters who cast a vote for at least one candidate for councilman-at-
16 large (or commissioner, or village trustee) and then adding one.

17 **【**Voting machines to be used in the election shall be equipped, as
18 soon as practicable, with one or more counters so connected as to
19 keep a tally of the number of voters who cast votes for one or more
20 of the candidates for councilman-at-large (or commissioner, or
21 village trustee). Until suitable counters have been provided, or
22 whenever Whenever the tally of the number of voters cannot be
23 determined for any reason, then the number constituting the majority
24 of the votes cast shall be computed by adding all the votes cast for
25 each candidate for that office, dividing that total by twice the number
26 of councilmen-at-large (or commissioners, or village trustees) to be
27 elected and then adding one.

28 (cf: P.L.1995, c.97, s.2)

29

30 25. Section 3 of P.L.2015, c.249 (C.40A:4-45.45b) is amended to
31 read as follows:

32 3. a. A budget request submitted to the county governing body
33 by a county entity budget authority on behalf of a county entity shall
34 be comprised of two parts: the amount to be raised by property
35 taxation, and the amount to be funded wholly through federal or State
36 funds, fees raised by the county entity, or other sources.

37 b. In the preparation of the portion of its budget request to be
38 raised by property taxation, a county entity budget authority shall
39 limit any increase in that portion of its budget request to 2.0% of the
40 previous year's budget request, subject to the exclusions set forth in
41 subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-45.45), except
42 that election expenses shall be exempt from the requirements of this
43 subsection. For purposes of this subsection, "election expenses" shall
44 mean and include all necessary expenses incurred by the
45 superintendent of elections, county clerk, and board of elections for
46 each county related to election costs and the administration,
47 preparation, and implementation of all elections, including all vendor

1 related contract services; voting **【machine】** equipment maintenance,
2 repairs**【,】** parts **【and equipment】**, certification, and technical coding;
3 transportation of voting **【machines】** and election supplies; overtime
4 for all staff related to election duty; food services during election;
5 poll workers, **【machine】** equipment technicians, and other temporary
6 workers; supplies; office equipment; printing; postage;
7 advertisement costs, upon being certified to by the superintendent of
8 elections, county clerk, and board of elections for each county; but
9 shall not mean or include staff salaries for the office of the
10 superintendent of elections, staff salaries for the county clerk, or staff
11 salaries for the county board of elections.

12 c. Nothing in P.L.2015, c.249 (C.40A:4-45.45b et al.) shall
13 diminish the obligations of a county under a collective bargaining
14 agreement with its employees in force on the effective date of
15 P.L.2015, c.249 (C.40A:4-45.45b et al.).
16 (cf: P.L.2015, c.249, s.3)

17
18 26. (New section) Upon application for reimbursement by a
19 county governing body to the Secretary of State and approval of the
20 application by the Director of the Division of Budget and
21 Accounting, a county shall be reimbursed by the State for the cost of
22 implementing the provisions of this act, P.L. , c. (C.)(pending
23 before the Legislature as this bill).

24
25 27. On the last day of the fifth year following the effective date
26 of this act, P.L. , c. (C.) (pending before the Legislature as
27 this bill), the following sections are repealed:

28 Section 3 of P.L.1976, c.83 (C.19:4-12);
29 R.S.19:47-1 and R.S.19:47-2;
30 R.S.19:48-1 through R.S.19:48-3;
31 Sections 2 and 3 of P.L.1940, c.197 (C.19:48-3.1 and 19:48-3.2);
32 Sections 1 through 12 of P.L.1944, c.7 (C.19:48-3.3 through
33 19:48-3.14);
34 Sections 1 through 7 of P.L.1945, c.59 (C.19:48-3.15 through
35 19:48-3.21);
36 R.S.19:48-4 through R.S.19:48-8;
37 R.S.19:49-1 through R.S.19:49-5;
38 R.S.19:50-2;
39 R.S.19:52-5 and R.S.19:52-6;
40 Section 2 of P.L.1955, c.260 (C.19:52-6.1);
41 R.S.19:52-7; and
42 N.J.S.40A:14-75.

43
44 28. (New section) There is appropriated from the General Fund
45 to the Department of State such sums as the State Treasurer and the
46 Director of the Division of Budget and Accounting deem necessary
47 to effectuate the purposes of section 1 of P.L. , c. (C.)(pending

1 before the Legislature as this bill) and for the reimbursements
2 provided in section 26 of P.L. , c. (C.)(pending before the
3 Legislature as this bill).

4
5 29. Notwithstanding the provisions of the “Administrative
6 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
7 contrary, the Secretary of State, immediately upon filing with the
8 Office of Administrative Law and within six months of the effective
9 date of this act, shall adopt such rules and regulations as the secretary
10 deems necessary or proper to implement the provisions of this act.
11 The rules and regulations shall be effective as regulations
12 immediately upon filing with the Office of Administrative Law and
13 shall be effective for a period not to exceed 18 months, and may,
14 thereafter, be amended, adopted or readopted by the Secretary of
15 State in accordance with the provisions of the “Administrative
16 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

17
18 30. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 The purpose of this bill is to require voters who vote in person at
24 a polling place, whether during the early voting period or on election
25 day, to vote by paper ballot only, except in certain circumstances.
26 Under the bill, a limited number of voting machines would be
27 available for use by individuals with disabilities.

28 The bill requires a five-year phase-in of the use of paper ballots
29 and open source voting technology during the conduct of elections in
30 this State. The bill specifies that within five years all counties in this
31 State must (1) use paper ballots and optical scanners that read hand-
32 marked paper ballots and (2) use voting equipment certified for use
33 by the Secretary of State that has open-source software technology.
34 As used in the bill, the term “open-source” means the complete
35 source code for the software is available to the public, under the terms
36 of a license, to use, modify, or distribute freely without payment of
37 royalties or other considerations.

38 Under the bill, the paper ballot voting system must:

39 (1) provide the local elections officials with the ability to scan
40 and tabulate a hand-marked paper ballot prepared by the voter at the
41 polling place;

42 (2) provide a record of votes cast for the election;

43 (3) adhere to any federal laws or regulations concerning voting
44 equipment; and

45 (4) adhere to any other requirements the Secretary of State deems
46 appropriate for the implementation of a paper ballot voting system in
47 this State.

1 The bill directs the Secretary of State to require that each county
2 board of elections or superintendent of elections, as the case may be,
3 to maintain all paper ballots cast in an election for a period of not less
4 than two years following the date of an election. Thereafter, the
5 ballots may be retained in accordance with procedures set forth by
6 the Secretary of State.

7 The bill also requires that prior to verification of the official
8 election results by a county clerk or superintendent of elections or a
9 municipal clerk, as the case may be, the county clerk or
10 superintendent of elections or municipal clerk must:

11 (1) compare and reconcile the record of votes casts provided by
12 the optical scanners or other voting equipment certified by the State
13 with the number of voters who signed in at the polling place and who
14 voted by mail-in, provisional, and military or overseas ballots;

15 (2) compare and reconcile precinct totals with the totals for that
16 election to ensure that the totals add up to the correct sum; and

17 (3) review, and account for, all optical scanner or other voting
18 equipment memory cards or flash drives to ensure the memory cards
19 or flash drives are properly loaded into the tally server.

20 Under the bill, after a voter is deemed qualified to vote in an
21 election, the voter would receive a paper ballot, which would be
22 completed by the voter in a voting booth. Once completed, the ballot
23 would be scanned electronically for technical errors, if such
24 equipment is available, to ascertain whether the ballot contains any
25 technical errors that would disqualify it from being counted. If such
26 an error exists, it would be returned to the voter for correction or if
27 determined to be spoiled, a new ballot would be given to the voter to
28 enable that person to correct any technical error that would otherwise
29 disqualify the voter's vote from being counted. If a voted ballot is
30 scanned electronically and no technical error is found, the ballot
31 would be considered valid and would be counted.

32 The bill also makes an appropriation and provides that the cost of
33 replacing exiting direct recording electronic voting machines with
34 paper ballots and the voting equipment necessary to tabulate those
35 ballots would be paid for by the State upon application for
36 reimbursement by a county governing body to the Secretary of State
37 and approval of the application by the Director of the Division of
38 Budget and Accounting.

39 The bill also repeals various statutes concerning certain
40 requirements and the certification of electronic voting machines and
41 the purchasing and delivery of those voting machines.