

19:14-1; 19:23-14; 19:62-2; 19:63-16.1 et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 70

NJSA: 19:14-1; 19:23-14; 19:62-2; 19:63-16.1 et al
(Changes certain mail-in ballot deadlines; permits opening and canvassing of mail-in ballots prior to election day; permits pickup schedule for certain mail-in ballots; requires confirmation notice when voter changes party affiliation at MVC.)

BILL NO: A3822 (Substituted for S2865 (2R))

SPONSOR(S) Craig J. Coughlin and others

DATE INTRODUCED: 3/24/2022

COMMITTEE: **ASSEMBLY:** State and Local Government
Judiciary
Appropriations

SENATE: State Government, Wagering, Tourism & Historic Preservation
Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 6/29/2022

SENATE: 6/29/2022

DATE OF APPROVAL: 7/28/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fifth Reprint enacted) Yes

A3822

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes State & Local Gov.
Judiciary
Appropriations

SENATE: Yes State Gov, Wagering, Tourism
& Hist. Preserv.
Budget & Approp.

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2865 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes State Gov, Wagering, Tourism
& Hist. Preserv.
Budget & Approp.

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Matt Arco - For The Star-Ledger, 'Murphy signs voting reform laws to help speed up election results', Star-Ledger, The (online), 30 Jul 2022 006

end

P.L. 2022, CHAPTER 70, *approved July 28, 2022*
Assembly, No. 3822 (*Fifth Reprint*)

1 AN ACT concerning the conduct of elections and amending various
2 parts of the statutory law.

3

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

6

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

8 19:14-1. Every county clerk shall have ready for the printer on
9 or before the **[50th]** 45th day prior to the primary ⁴**[or general]**⁴
10 election a copy of the contents of official ballots as hereinafter
11 required to be printed for use at such election ², except that every
12 county clerk shall have ready for the printer on or before the 50th
13 day prior to a federal primary ⁴election⁴ or ⁴**[federal]** any⁴ general
14 election ⁴in this State⁴ a copy of the contents of the official ballots
15 for use in such election². **[He]** The county clerk shall also on or
16 before that time place another copy of such contents on file in **[his]**
17 the county clerk's office and keep the same open to public
18 inspection until the sample ballots hereinafter provided to be
19 printed shall have been distributed.

20 ²Nothing in this section, as amended by P.L. , c. (pending
21 before the Legislature as this bill), shall be construed to hinder,
22 limit, or interfere with the ability of a county clerk to comply with
23 the federal "Uniformed and Overseas Citizens Absentee Voting
24 Act" (52 U.S.C. s.20301 et seq.).²
25 (cf: P.L.2011, c.37, s.6)

26

27 ⁵**[2.** Section 1 of P.L.2018, c.110 (C.19:52-3.1) is amended to
28 read as follows:

29 1. **[The]** a. On the day of an election, the district boards of
30 election at each polling place shall create and publicly display a
31 notice containing an official count of the cumulative number of
32 voters who have voted at each precinct, indicating the number of
33 voters who have voted using **[a]** the voting **[machine]** equipment
34 at the polling place and the number of voters who have voted using
35 a provisional ballot. The first notice shall be produced two hours
36 from the opening of the polls and updated every two hours
37 thereafter until the time the polls close.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted May 12, 2022.

²Assembly AJU committee amendments adopted June 9, 2022.

³Assembly AAP committee amendments adopted June 13, 2022.

⁴Senate SSG committee amendments adopted June 23, 2022.

⁵Senate SBA committee amendments adopted June 27, 2022.

1 b. (1) At the close of the polls on election day and ²[in real
2 time] until all eligible ballots are counted² thereafter, each county
3 ²[board of elections,] clerk,² in consultation with the county
4 ²[clerk] board of elections² of that county, shall list on ²[its] the
5 county clerk's² Internet site in an easily accessible location the
6 number of ballots that have been received, have been counted, and
7 are remaining to be counted. ¹The ballot tabulations provided by a
8 county ²[board of elections] clerk² shall include a date and time
9 stamp designating the date and time in which the ²county clerk and
10 the² county board ²of elections, as appropriate,² stopped tabulating
11 the number of ballots represented in the totals on that particular
12 list.¹ Each county ²[board of elections] clerk² shall provide the
13 ballot tabulations by the following categories:

14 the number of early in-person ballots that have been received,
15 have been counted, and are remaining to be counted;

16 the number of vote-by-mail ballots that have been received, have
17 been counted, and are remaining to be counted;

18 the number of provisional ballots that have been received, have
19 counted, and are remaining to be counted; and

20 the number of election day ballots that have been received, have
21 been counted, and are remaining to be counted.

22 ²[The] Each² county ²[board of elections] clerk² shall provide
23 ²[real time]² reporting of the ballot tabulations by the listed
24 categories until all eligible ballots are counted.

25 ¹If a county board of elections opts to begin opening the inner
26 envelopes for mail-in ballots and canvassing the mail-in ballots
27 from the inner envelopes prior to the day of an election pursuant to
28 subsection b. of section 22 of P.L.2009, c.79 (C.19:63-22), the
29 county ²[board of elections] clerk² shall report the unofficial ballot
30 tabulations of those mail-in ballots ²on the county clerk's Internet
31 site² as soon as practicable after the closing of the polls on ²[it's
32 Internet site.] election day.²

33 (2) Each county ²[board] clerk, in consultation with the county
34 board² of elections ²of that county,² shall send ¹the ballot
35 tabulations of that county by¹ the same ¹[list] categories¹ to the
36 Secretary of State ¹by 11:59 P.M. on the day of the election and¹
37 each day after the election by 8:00 P.M. until all eligible ballots are
38 counted. Upon receipt of the number of ballots that have been
39 received, have been counted, and are remaining to be counted by
40 each category from each county ²[board of elections] clerk², the
41 Secretary of State shall provide in an easily accessible location on
42 the Internet site of the Division of Elections the total number of
43 ballots for the State and for each county that have been received,
44 have been counted, and are remaining to be counted by the same
45 categories. ¹The Statewide and county-by-county ballot tabulations
46 provided by the Secretary of State shall include a date and time
47 stamp designating the date and time in which the Secretary of State

1 stopped compiling the number of ballots represented in the totals on
2 that particular list.¹ The Secretary of State shall provide the ballot
3 tabulations each day after the election by 9:00 P.M until all eligible
4 ballots are counted.

5 (3) Each county² **【board of elections】** clerk² and the Division of
6 Elections shall note on their respective Internet site that the number
7 of ballots that have been received, have been counted, and are
8 remaining to be counted are unofficial ballot tabulations and are
9 subject to change as each² county clerk and² county board of
10 elections², as appropriate,² receive and process ballots that have
11 been cast in the election.

12 (cf: P.L.2018, c.110, s.1)⁵

13

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

15 19:23-14. Petitions addressed to the Secretary of State, the
16 county clerks, or the municipal clerks shall be filed with such
17 officers, respectively, before 4:00 p.m. of the **【64th】** 71st day next
18 preceding the day of the holding of the primary election for the
19 general election.

20 Not later than noon of the **【54th】** 61st day preceding the primary
21 election for the general election, the municipal clerk shall certify to
22 the county clerk the full and correct names and addresses of all
23 candidates for nomination for public and party office and the name
24 of the political party of which such persons are candidates together
25 with their slogan and designation. The county clerk shall transmit
26 this information to the Election Law Enforcement Commission in
27 the form and manner prescribed by the commission and shall notify
28 the commission immediately upon the withdrawal of a petition of
29 nomination.⁵

30 (cf: P.L.2022, c.7, s.3)

31

32 3. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
33 as follows:

34 2. If an election by mail is authorized pursuant to section 1 of
35 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

36 a. publish, in advance of the election and pursuant to rules and
37 regulations promulgated by the Secretary of State, official notice
38 that the election shall be conducted by mail together with such other
39 information regarding the conduct of the election as shall be
40 deemed necessary by the Secretary of State;

41 b. mail a ballot, including an outer envelope and an inner
42 envelope substantially similar to the envelopes provided for mail-in
43 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
44 and C.19:63-13), not sooner than the 20th day prior to the day of
45 the election nor later than the 14th day prior to the day of the
46 election, to each person registered to vote in the municipality at that
47 election;

1 c. designate the county clerk's office or the municipal clerk's
2 office as the places to obtain a replacement ballot pursuant to
3 section 5 of P.L.2005, c.148 (C.19:62-5);

4 d. designate, after consultation with the county board of
5 elections and pursuant to criteria established by the Secretary of
6 State, places within the county or municipality that shall be
7 available for the deposit of voted ballots for the election;

8 e. make a provisional ballot available at the office of the
9 county clerk and the office of the municipal clerk so that each
10 person who has been a resident of the county or municipality in
11 which the person seeks to register and vote at least 21 days prior to
12 the day of the election and has moved to a location within the
13 municipality after that 21st day and prior to the day of the election
14 may vote;

15 f. suspend distribution to each registered voter in the
16 municipality of samples of the official ballot of any election, but
17 distribute to each registered voter in the municipality with each
18 ballot a copy of the voter information notice provided for in section
19 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
20 by the Secretary of State as deemed appropriate for use in
21 municipalities conducting elections by mail, and such instruction
22 about the completion of the ballot as deemed necessary by the
23 Secretary of State;

24 g. make certain that all qualified voters in the municipality
25 requesting a mail-in ballot between the ~~45th~~⁵ ~~38th~~⁵ 45th⁵ day
26 and the 21st day prior to the day of an election receive such ballot
27 after the 20th day prior to the day of an election and voters
28 requesting a ballot on or before the seventh day prior to the date of
29 the election shall receive a ballot authorized pursuant to this
30 section; and

31 h. establish, after consultation with the county board of
32 elections and in accordance with rules and regulations adopted by
33 the Secretary of State, the time by which all ballots must be
34 received by the board on the day of an election to be considered
35 valid and counted.

36 (cf: P.L.2011, c.37, s.29)

37
38 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to
39 read as follows:

40 1. a. In addition to delivering a voted mail-in ballot by mail or
41 in person as provided under "The Vote By Mail Law," P.L.2009,
42 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
43 the voter's completed mail-in ballot in a ballot drop box established
44 by the county board of elections as provided under this section.
45 Each mail-in ballot deposited in a ballot drop box by the time
46 designated under current law for the closing of the polls for that
47 election shall be considered valid and shall be canvassed. If, at the
48 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
49 box in a county in which the voter does not reside, the county board

1 of elections, upon discovering that fact, shall notify and timely
2 deliver the ballot to the county board of elections of the county in
3 which the voter resides, who shall accept the ballot for processing.
4 The limitations and prohibitions applicable to mail-in ballot bearers
5 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
6 shall apply under this section.

7 b. (1) For any election, the county board of elections in each
8 county shall establish ballot drop boxes where voters may deposit
9 their voted mail-in ballots at least 45 days before the election. The
10 ballot drop boxes shall be located throughout the county in a
11 manner specified under paragraph (2) of this subsection. The
12 county board of elections may establish a pickup schedule to
13 retrieve mail-in ballots deposited in ballot drop boxes ², consistent
14 with the guidelines established by the Secretary of State pursuant to
15 subparagraph (c) of paragraph (2) of this subsection ².

16 (2) (a) A ballot drop box shall mean a secured drop box that is
17 not required to be within view of a live person for monitoring. All
18 ballot drop boxes shall be available for use by a voter 24 hours a
19 day and shall be placed at locations equipped with security cameras
20 that allow for surveillance of the ballot drop box.

21 (b) Beginning with the 2021 general election, at least one ballot
22 drop box shall be located: at any county government building in
23 which the main office of the county clerk is located; in each
24 municipality with a population larger than 5,000 residents; at the
25 main campus of each State college or university; and the main
26 campus of each independent four-year college or university with
27 enrollments larger than 5,000 students. Notwithstanding the
28 locational criteria established by this subparagraph, whenever two
29 or more ballot drop box locations are separated by a distance of less
30 than 2,000 feet, the board of elections in each county shall
31 determine secondary locations for those ballot drop boxes in
32 compliance with the requirements of this section. The secondary
33 ballot drop box locations shall be located within the municipality
34 where those ballot drop boxes were originally located and shall be
35 approved by a majority vote of the members of the board of
36 elections. However, in the event of a tie in the votes cast by the
37 members of the board of elections, the county clerk shall cast the
38 deciding vote. Whenever possible, at least one ballot drop box shall
39 be located in a municipality with an average per capita income or a
40 median family income at or below 250% of the federal poverty
41 guideline according to the most recent federal American
42 Community Survey.

43 (c) The board of elections in each county shall establish no
44 fewer than 10 ballot drop boxes. To the best of their ability, the
45 board of elections of every county shall place secure ballot drop
46 boxes based on geographic location and population density to best
47 serve the voters of each county in compliance with the guidelines
48 adopted pursuant to subsection c. of this section. The Secretary of
49 State shall establish guidelines for the placement of the ballot drop

1 boxes, the security of the ballot drop boxes, and the schedule for
2 ballot pickup from the ballot boxes.

3 (d) All ballot drop box locations shall be on sites that meet the
4 accessibility requirements applicable to polling places under
5 R.S.19:8-2 and shall be subject to the same compliance oversight
6 applicable to polling places under section 3 of P.L.1991, c.429
7 (C.19:8-3.3). A ballot drop box site shall be considered accessible
8 if it is in compliance with the federal "Americans with Disabilities
9 Act of 1990" (42 U.S.C. s.12101 et seq.).

10 (e) Except as otherwise provided herein, no ballot drop box
11 shall be located inside, or within 100 feet of an entrance or exit, of a
12 State, county, or municipal police station.

13 Notwithstanding the provisions of this subparagraph, a ballot
14 drop box that has already been installed and permanently affixed
15 prior to the effective date of this act, P.L.2021, c.459, at any of the
16 following locations may remain at that location notwithstanding
17 that the ballot drop box is within 100 feet of an entrance or exit of a
18 State, county, or municipal police station if the county
19 commissioners approve the continued presence at that location by a
20 majority vote of the commissioners and with the reasons therefor
21 subject to public disclosure:

22 any county government building in which the main office of the
23 county clerk is located; any municipal government building in
24 which the main office of the municipal clerk is located in
25 municipalities with populations larger than 5,000 residents; the
26 main campus of a county community college; the main campus of a
27 State college or university; and the main campus of an independent
28 four-year college or university with enrollments larger than 5,000
29 students.

30 (f) Except as otherwise permitted herein, no State, county, or
31 municipal police officer shall remain or stand within 100 feet of a
32 ballot drop box in use during the conduct of an election. Nothing
33 herein shall be interpreted to prohibit the police officer from:

34 voting at that ballot drop box in a personal capacity;

35 traveling to and from, or remaining within, their personal
36 residence if that residence is within 100 feet of a ballot drop box;

37 investigating, addressing, or removing any cause for a
38 disturbance, or otherwise responding to a request for assistance, on
39 or around the premises of the location of that ballot drop box; or

40 escorting to or from, or both, a ballot drop box or the premise on
41 which it is located any person who may require the assistance of the
42 officer.

43 (g) No person shall wear, display, sell, give, or provide any
44 political or campaign slogan, badge, button, or other insignia
45 associated with any political party or candidate within 100 feet of a
46 ballot drop box in use during the conduct of an election, except with
47 respect to the badge furnished by the county board as provided by
48 law. A person violating the provisions of this subparagraph shall be
49 guilty of a disorderly persons offense.

1 c. The Secretary of State, in consultation with county boards of
2 elections, shall establish the guidelines necessary to ensure the
3 secure and successful implementation of the mail-in ballot drop
4 boxes required by this section to ensure adequate access in various
5 geographic areas of the county. In determining the ballot drop box
6 locations, the secretary and county boards of elections shall
7 consider, at a minimum, concentrations of population, geographic
8 areas, voter convenience, proximity to public transportation,
9 community-based locations, travel time to the location, proximity to
10 other voting locations and ballot drop boxes, commuter traffic
11 patterns, and security. The guidelines shall include, but may not be
12 limited to, criteria for each county board of elections to:

13 (1) determine the number of ballot drop boxes required per voter
14 population, considering both the number of registered voters and
15 the number of registered mail-in voters in each county before each
16 election;

17 (2) select the geographic location of each ballot drop box,
18 ensuring an equitable distribution of ballot drop boxes across the
19 county to maximize convenience to voters;

20 (3) ensure the accessibility of ballot drop boxes and drop box
21 locations to persons with disabilities; and

22 (4) maintain the security of ballot drop boxes and of the ballots
23 deposited therein, including standards and procedures for ballot
24 retrieval by authorized persons only, and for ensuring the proper
25 chain of custody and safe storage of voted mail-in ballots before
26 each election.

27 d. Each county clerk shall include the locations of the ballot
28 drop boxes established in the county along with the instructions
29 furnished with the mail-in ballot package sent to each mail-in voter
30 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
31 days before each election, each county board of elections shall
32 cause to be published on their respective websites the location of
33 the ballot drop boxes in each county, and shall provide this
34 information to the Secretary of State for publishing the same on the
35 Division of Elections website.

36 e. Whenever a municipal, school, or special election is held,
37 the board **【may】 shall, at a minimum, open **【only】** the ballot drop
38 box located geographically closest to the municipal government
39 building in which the main office of the municipal clerk is located
40 and the ballot drop box located at the board of elections or county
41 office, if one is placed at that location. When a school election
42 encompasses more than one municipality, the board shall be
43 responsible for the selection of the ballot drop box location with
44 respect to each municipality.**

45 (cf: P.L.2021, c.459, s.4)

46

47 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
48 as follows:

1 9. a. ²~~[Starting]~~ Except as provided in subsection d. of this
2 section, starting² on or before the [45th] ⁵~~[38th]~~ 45th⁵ day before
3 the day an election is held, each county clerk shall forward mail-in
4 ballots by first-class postage or hand delivery to each mail-in voter
5 whose request therefor has been approved. Mail-in ballots for that
6 have been approved before the [45th] ⁵~~[38th]~~ 45th⁵ day before an
7 election shall be forwarded or delivered at least [45] ⁵~~[38]~~ 45⁵
8 days before the day of the election. Hand delivery of a mail-in
9 ballot shall be made by the county clerk or the clerk's designee only
10 to the voter, or the voter's authorized messenger, who must appear
11 in person. No person shall serve as an authorized messenger for
12 more than three qualified voters in an election, but a person may
13 serve as such for up to five qualified voters in an election if those
14 voters are immediate family members residing in the same
15 household as the messenger. Ballots that have not been hand
16 delivered shall be addressed to the voter at the forwarding address
17 given in the application.

18 b. (1) Whenever the clerk forwards a mail-in ballot by mail to
19 a mail-in voter between the [45th] ⁵~~[38th]~~ 45th⁵ day and the 13th
20 day before the day of an election, the ballot shall be transmitted
21 within three business days of the receipt of the application.

22 (2) Whenever the clerk forwards a mail-in ballot by mail to a
23 mail-in voter between the 12th day and the seventh day before the
24 day of an election, the ballot shall be transmitted within two
25 business days of the receipt of the application.

26 The provisions of this subsection shall not apply to: (a) annual
27 school elections and special school elections in those school
28 districts holding such elections, pursuant to P.L.1995, c.278
29 (C.19:60-1 et seq.); (b) any municipality in which elections are
30 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
31 (c) annual elections for members of the boards of fire district
32 commissions, pursuant to N.J.S.40A:14-72, when such elections are
33 held at a time other than the time of the general election; and (d) the
34 vote on any public question submitted to the voters of a local unit to
35 increase the amount to be raised by taxation by more than the
36 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
37 c.62 (C.40A:4-45.46).

38 c. (Deleted by amendment, P.L.2011, c.37).

39 ²d. Each uniformed and overseas mail-in voter, as defined by the
40 federal "Uniformed and Overseas Citizens Absentee Voting Act"
41 (52 U.S.C. s.20301 et seq.), ⁴or any general election voter in this
42 State⁴ whose request for a mail-in ballot has been approved, shall
43 be forwarded by the county clerk a mail-in ballot by first-class
44 postage or hand delivery no later than the 45th day before the day
45 of a federal election. Whenever the county clerk forwards a mail-in
46 ballot by mail to a uniformed or overseas mail-in voter ⁴or a State
47 general election voter⁴ between the 45th day and the 13th day
48 before the day of a federal election, the ballot shall be transmitted

1 within three business days of the receipt of the application. Nothing
2 in this section, as amended by P.L. , c. (pending before the
3 Legislature as this bill), shall be construed to be inconsistent with
4 the federal “Uniformed and Overseas Citizens Absentee Voting
5 Act” (52 U.S.C. s.20301 et seq.).²
6 (cf: P.L.2020, c.71, s.9)

7
8 6. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to
9 read as follows:

10 24. a. The Secretary of State, with the assistance of the Chief
11 Administrator of the New Jersey Motor Vehicle Commission, shall
12 provide for an eligible applicant to simultaneously apply for a
13 motor vehicle driver's license, an examination permit, a
14 probationary driver's license, or a non-driver identification card, as
15 applicable, and be automatically registered to vote, or have an
16 existing voter registration updated, in a manner which satisfies both
17 the requirements necessary to receive a license to operate a motor
18 vehicle, pursuant to R.S.39:3-10, or an examination permit, a
19 probationary driver's license, or a non-driver identification card, as
20 applicable, and to register to vote, pursuant to R.S.19:4-1. The
21 applicant shall be offered an opportunity to decline the automatic
22 voter registration under this section. If an applicant² chooses to
23 update] changes the applicant’s party affiliation when updating² an
24 existing voter registration² under this section², the applicant shall
25 ²not be offered the opportunity to change the applicant’s party
26 affiliation] be sent a confirmation notice by the⁵ [Secretary of
27 State] county commissioner of registration⁵ noting that change².

28 b. (1) Pursuant to subsection a. of this section, for every
29 application for a motor vehicle driver's license, an examination
30 permit, a probationary driver's license, or a non-driver identification
31 card, and each related update, renewal, or change of address, except
32 as provided in paragraphs (2) and (3) of this subsection, the Chief
33 Administrator shall ensure that the information necessary for voter
34 registration is collected from the application and promptly
35 transmitted electronically to the Secretary of State. The Chief
36 Administrator shall ensure that electronic records are not
37 transmitted to the Secretary of State for any applicant who has
38 declined registration. The Commissioner of Registration shall
39 register to vote or update an existing registration for any eligible
40 applicant who has not declined voter registration.

41 (2) Voter registration information from an application received
42 online for the renewal of a motor vehicle driver's license or non-
43 driver identification card shall be collected and promptly
44 transmitted electronically to the Secretary of State upon the
45 implementation by the Secretary of State of online voter
46 registration. Subsection c. of this section shall be inapplicable to
47 such applications until that time.

1 (3) Voter registration information from an application received
2 through the mail for the renewal of a motor vehicle driver's license
3 or non-driver identification card shall be exempt from collection
4 and electronic transmission to the Secretary of State until such time
5 as the Chief Administrator determines that the prompt electronic
6 transmission of the information is practicable. Subsection c. of this
7 section shall be inapplicable to such applications until that time.
8 Following the effective date of P.L.2018, c.6, the Chief
9 Administrator shall inform the Governor and the Legislature every
10 six months of the practicability of collecting and transmitting to the
11 Secretary of State voter registration information from such
12 applications. This paragraph shall not be construed to preclude the
13 Motor Vehicle Commission from processing voter registration
14 applications received in the manner in which such applications were
15 processed in connection with such renewals prior to the effective
16 date of P.L.2018, c.6.

17 c. The Chief Administrator shall provide for the following
18 notices to be provided with every application for a motor vehicle
19 driver's license, an examination permit, a probationary driver's
20 license, or a non-driver identification card and every related update,
21 renewal, or change of address:

22 (1) a notice that the applicant will be registered to vote, if
23 eligible, unless the applicant specifically declines the automatic
24 voter registration;

25 (2) a notice of the voter eligibility requirements under R.S.19:4-
26 1 and the penalties for false registration and illegal voting under
27 Title 19 of the Revised Statutes, which notice shall contain an
28 affirmation that the applicant meets each such requirement and shall
29 require the signature of the applicant, under penalty of law; and

30 (3) a notice that an applicant who is a victim of domestic
31 violence or stalking may decline the automatic voter registration
32 and register to vote without disclosing the applicant's street address
33 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

34 d. For each applicant already registered to vote, any change of
35 address notification submitted to the Chief Administrator for the
36 purpose of maintaining current information on an applicant shall be
37 promptly reported to the Secretary of State. A change of address
38 notification received by the Chief Administrator in paper format
39 shall be reported to the Secretary of State no later than the 10th day
40 following its receipt by the Chief Administrator. The
41 Commissioner of Registration shall use the change of address
42 notification to update an existing voter registration unless the
43 applicant declines the automatic voter registration pursuant to this
44 section and indicates that the change of address is not for voter
45 registration purposes. A change of address notification submitted to
46 the commission, which is used for voter registration purposes, shall
47 be subject to the provisions of section 1 of P.L.1994, c.148
48 (C.19:31-3.2) if the person submitting the change of address

1 notification previously registered to vote in accordance with that
2 section.

3 e. If a person who is not entitled to vote becomes registered to
4 vote pursuant to this section, that person's registration shall be
5 presumed to have been effected with official authorization, and the
6 person shall not be deemed to have committed a crime under
7 R.S.19:34-1. This subsection shall not apply to a person who
8 knowingly and willfully makes a false statement to effectuate voter
9 registration.

10 f. The Secretary of State, with the assistance of the Chief
11 Administrator, shall take appropriate measures to educate the public
12 about voter registration under this section.

13 For the purposes of this section, "eligible applicant" means a
14 person submitting to the commission an application for a motor
15 vehicle driver's license, an examination permit, a probationary
16 driver's license, or a non-driver identification card who meets all
17 requirements for eligibility to vote under R.S.19:4-1.

18 (cf: P.L.2018, c.6, s.3)

19

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

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

36 Every mail-in ballot that bears a postmark date before or of the
37 day of the election and that is received by the county board within
38 ~~144 hours~~ ²~~72~~ ⁴~~96~~ ¹⁴⁴ hours after the time of the closing
39 of the polls for the election that the ballot was prepared shall be
40 considered valid and shall be canvassed. Every mail-in ballot that
41 does not bear a postmark date but that is received by the county
42 board by delivery of the United States Postal Service before, or
43 within 48 hours after, the time of the closing of the polls for the
44 election for which the ballot was prepared shall be considered valid
45 and shall be canvassed.

46 b. A county board of elections may begin opening the inner
47 envelopes for each mail-in ballot and canvassing each mail-in ballot
48 from the inner envelope no earlier than five days prior to the day of
49 the election. The Secretary of State shall establish guidelines

1 concerning the early canvassing process. If a county board of
2 elections begins opening the inner envelopes and canvassing the
3 mail-in ballots from the inner envelopes prior to the day of the
4 election, the county board shall implement the measures necessary
5 to ensure the security and secrecy of the mail-in ballots. The
6 contents of the mail-in ballots and the results of the ballot
7 canvassing shall remain confidential and shall be disclosed only in
8 accordance with the provisions of Title 19 of the Revised Statutes,
9 regulations and guidelines concerning the disclosure of election
10 results, and in no circumstances disclosed prior to the close of polls
11 on the day of the election. ³In addition to the guidelines concerning
12 the early canvassing process, the Secretary of State shall
13 promulgate regulations to ensure that any county board of elections
14 that begins opening the inner envelopes and canvassing the mail-in
15 ballots from the inner envelopes prior to the closing of the polls on
16 election day shall do so in a manner that prevents any person⁵,
17 including any person⁵ who is authorized to receive and canvass
18 completed mail-in ballots^{5,5} from obtaining knowledge of the
19 unofficial results of ballots cast for any candidate for public office
20 or any public question submitted to the voters until after the closing
21 of the polls on election day. No tally or tabulation of results shall
22 occur prior to the opening of polls on election day. ³ As provided
23 under R.S.19:34-13, any person who is authorized to receive and
24 canvass completed mail-in-ballots who knowingly discloses to the
25 public the contents of a mail-in ballot prior to the time designated
26 by law for the closing of the polls for each election shall be guilty
27 of a crime of the third degree.

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

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

39 Each mail-in ballot cast, canvassed, and tallied in an election
40 under this section ³, excluding a fire district election,³ shall be
41 reported in the results for the election district in which the voter
42 resides.¹ ³Whenever the reporting requirement of this subsection
43 would cause a voter's privacy to be violated, the election results
44 shall be reported in a manner that maintains the privacy of the
45 vote⁵], provided that the election results posted on the county
46 clerk's and the Division of Elections Internet site shall contain a
47 disclosure stating that the results reported for some individual

1 districts reflect measures to protect the privacy of the vote while the
2 general tally accurately reflects the results】⁵ 3

3 (cf: P.L.2020, c.71, s.13)

4

5 ⁵8. The Secretary of State may adopt regulations necessary to
6 effectuate the purposes of this act, which regulations shall be
7 effective immediately upon filing with the Office of Administrative
8 Law for a period not to exceed 18 months, and may, thereafter, be
9 amended, adopted or readopted in accordance with the provisions of
10 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.).⁵

12

13 ¹[7.] ⁵[8.1] ^{9.}⁵ This act shall take effect immediately, except
14 that section 6 thereof shall take effect on the first day of the fourth
15 month next following the date of enactment. The Secretary of State
16 and Chief Administrator of the New Jersey Motor Vehicle
17 Commission may take such anticipatory administrative action in
18 advance thereof as shall be necessary for the implementation of this
19 act.

20

21

22

23

24 Changes certain mail-in ballot deadlines; permits opening and
25 canvassing of mail-in ballots prior to election day; permits pickup
26 schedule for certain mail-in ballots; requires confirmation notice
27 when voter changes party affiliation at MVC.

ASSEMBLY, No. 3822

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

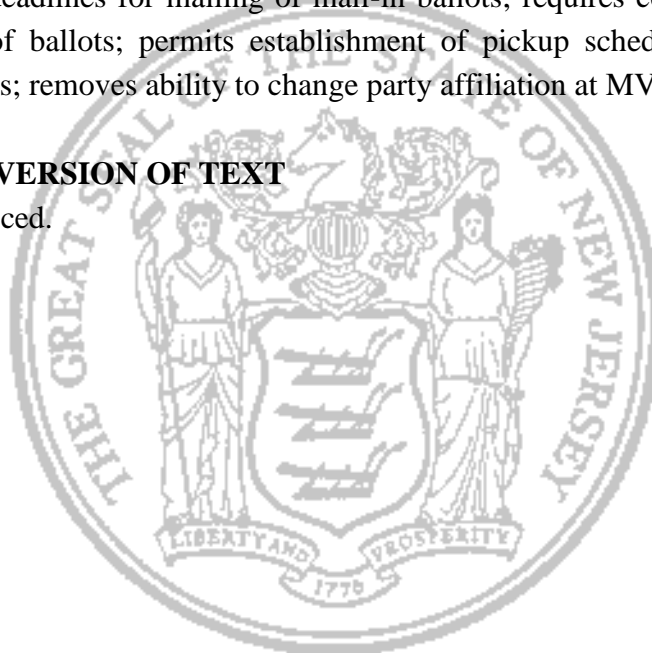
Assemblywoman Reynolds-Jackson

SYNOPSIS

Changes deadlines for mailing of mail-in ballots; requires certain reporting on canvass of ballots; permits establishment of pickup schedule for certain mail-in ballots; removes ability to change party affiliation at MVC.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2022)

1 AN ACT concerning the conduct of elections and amending various
2 parts of the statutory law.

3

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

6

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

8 19:14-1. Every county clerk shall have ready for the printer on
9 or before the **[50th]** 45th day prior to the primary or general
10 election a copy of the contents of official ballots as hereinafter
11 required to be printed for use at such election. **[He]** The county
12 clerk shall also on or before that time place another copy of such
13 contents on file in **[his]** the county clerk's office and keep the same
14 open to public inspection until the sample ballots hereinafter
15 provided to be printed shall have been distributed.

16 (cf: P.L.2011, c.37, s.6)

17

18 2. Section 1 of P.L.2018, c.110 (C.19:52-3.1) is amended to read
19 as follows:

20 1. **[The]** a. On the day of an election, the district boards of
21 election at each polling place shall create and publicly display a
22 notice containing an official count of the cumulative number of
23 voters who have voted at each precinct, indicating the number of
24 voters who have voted using **[a]** the voting [machine] equipment
25 at the polling place and the number of voters who have voted using
26 a provisional ballot. The first notice shall be produced two hours
27 from the opening of the polls and updated every two hours
28 thereafter until the time the polls close.

29 b. (1) At the close of the polls on election day and in real time
30 thereafter, each county board of elections, in consultation with the
31 county clerk of that county, shall list on its Internet site in an easily
32 accessible location the number of ballots that have been received,
33 have been counted, and are remaining to be counted. Each county
34 board of elections shall provide the ballot tabulations by the
35 following categories:

36 the number of early in-person ballots that have been received,
37 have been counted, and are remaining to be counted;

38 the number of vote-by-mail ballots that have been received, have
39 been counted, and are remaining to be counted;

40 the number of provisional ballots that have been received, have
41 counted, and are remaining to be counted; and

42 the number of election day ballots that have been received, have
43 been counted, and are remaining to be counted.

44 The county board of elections shall provide real time reporting of
45 the ballot tabulations by the listed categories until all eligible
46 ballots are counted.

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 (2) Each county board of elections shall send the same list to the
2 Secretary of State each day after the election by 8:00 P.M. until all
3 eligible ballots are counted. Upon receipt of the number of ballots
4 that have been received, have been counted, and are remaining to be
5 counted by each category from each county board of elections, the
6 Secretary of State shall provide in an easily accessible location on
7 the Internet site of the Division of Elections the total number of
8 ballots for the State and for each county that have been received,
9 have been counted, and are remaining to be counted by the same
10 categories. The Secretary of State shall provide the ballot
11 tabulations each day after the election by 9:00 P.M until all eligible
12 ballots are counted.

13 (3) Each county board of elections and the Division of Elections
14 shall note on their respective Internet site that the number of ballots
15 that have been received, have been counted, and are remaining to be
16 counted are unofficial ballot tabulations and are subject to change
17 as each county board of elections receive and process ballots that
18 have been cast in the election.

19 (cf: P.L.2018, c.110, s.1)

20

21 3. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
22 as follows:

23 2. If an election by mail is authorized pursuant to section 1 of
24 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

25 a. publish, in advance of the election and pursuant to rules and
26 regulations promulgated by the Secretary of State, official notice
27 that the election shall be conducted by mail together with such other
28 information regarding the conduct of the election as shall be
29 deemed necessary by the Secretary of State;

30 b. mail a ballot, including an outer envelope and an inner
31 envelope substantially similar to the envelopes provided for mail-in
32 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
33 and C.19:63-13), not sooner than the 20th day prior to the day of
34 the election nor later than the 14th day prior to the day of the
35 election, to each person registered to vote in the municipality at that
36 election;

37 c. designate the county clerk's office or the municipal clerk's
38 office as the places to obtain a replacement ballot pursuant to
39 section 5 of P.L.2005, c.148 (C.19:62-5);

40 d. designate, after consultation with the county board of
41 elections and pursuant to criteria established by the Secretary of
42 State, places within the county or municipality that shall be
43 available for the deposit of voted ballots for the election;

44 e. make a provisional ballot available at the office of the
45 county clerk and the office of the municipal clerk so that each
46 person who has been a resident of the county or municipality in
47 which the person seeks to register and vote at least 21 days prior to
48 the day of the election and has moved to a location within the

1 municipality after that 21st day and prior to the day of the election
2 may vote;

3 f. suspend distribution to each registered voter in the
4 municipality of samples of the official ballot of any election, but
5 distribute to each registered voter in the municipality with each
6 ballot a copy of the voter information notice provided for in section
7 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
8 by the Secretary of State as deemed appropriate for use in
9 municipalities conducting elections by mail, and such instruction
10 about the completion of the ballot as deemed necessary by the
11 Secretary of State;

12 g. make certain that all qualified voters in the municipality
13 requesting a mail-in ballot between the ~~45th~~ 38th day and the
14 21st day prior to the day of an election receive such ballot after the
15 20th day prior to the day of an election and voters requesting a
16 ballot on or before the seventh day prior to the date of the election
17 shall receive a ballot authorized pursuant to this section; and

18 h. establish, after consultation with the county board of
19 elections and in accordance with rules and regulations adopted by
20 the Secretary of State, the time by which all ballots must be
21 received by the board on the day of an election to be considered
22 valid and counted.

23 (cf: P.L.2011, c.37, s.29)

24

25 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
26 as follows:

27 1. a. In addition to delivering a voted mail-in ballot by mail or
28 in person as provided under "The Vote By Mail Law," P.L.2009,
29 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
30 the voter's completed mail-in ballot in a ballot drop box established
31 by the county board of elections as provided under this section.
32 Each mail-in ballot deposited in a ballot drop box by the time
33 designated under current law for the closing of the polls for that
34 election shall be considered valid and shall be canvassed. If, at the
35 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
36 box in a county in which the voter does not reside, the county board
37 of elections, upon discovering that fact, shall notify and timely
38 deliver the ballot to the county board of elections of the county in
39 which the voter resides, who shall accept the ballot for processing.
40 The limitations and prohibitions applicable to mail-in ballot bearers
41 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
42 shall apply under this section.

43 b. (1) For any election, the county board of elections in each
44 county shall establish ballot drop boxes where voters may deposit
45 their voted mail-in ballots at least 45 days before the election. The
46 ballot drop boxes shall be located throughout the county in a
47 manner specified under paragraph (2) of this subsection. The

1 county board of elections may establish a pickup schedule to
2 retrieve mail-in ballots deposited in ballot drop boxes.

3 (2) (a) A ballot drop box shall mean a secured drop box that is
4 not required to be within view of a live person for monitoring. All
5 ballot drop boxes shall be available for use by a voter 24 hours a
6 day and shall be placed at locations equipped with security cameras
7 that allow for surveillance of the ballot drop box.

8 (b) Beginning with the 2021 general election, at least one ballot
9 drop box shall be located: at any county government building in
10 which the main office of the county clerk is located; in each
11 municipality with a population larger than 5,000 residents; at the
12 main campus of each State college or university; and the main
13 campus of each independent four-year college or university with
14 enrollments larger than 5,000 students. Notwithstanding the
15 locational criteria established by this subparagraph, whenever two
16 or more ballot drop box locations are separated by a distance of less
17 than 2,000 feet, the board of elections in each county shall
18 determine secondary locations for those ballot drop boxes in
19 compliance with the requirements of this section. The secondary
20 ballot drop box locations shall be located within the municipality
21 where those ballot drop boxes were originally located and shall be
22 approved by a majority vote of the members of the board of
23 elections. However, in the event of a tie in the votes cast by the
24 members of the board of elections, the county clerk shall cast the
25 deciding vote. Whenever possible, at least one ballot drop box shall
26 be located in a municipality with an average per capita income or a
27 median family income at or below 250% of the federal poverty
28 guideline according to the most recent federal American
29 Community Survey.

30 (c) The board of elections in each county shall establish no fewer
31 than 10 ballot drop boxes. To the best of their ability, the board of
32 elections of every county shall place secure ballot drop boxes based
33 on geographic location and population density to best serve the
34 voters of each county in compliance with the guidelines adopted
35 pursuant to subsection c. of this section. The Secretary of State
36 shall establish guidelines for the placement of the ballot drop boxes,
37 the security of the ballot drop boxes, and the schedule for ballot
38 pickup from the ballot boxes.

39 (d) All ballot drop box locations shall be on sites that meet the
40 accessibility requirements applicable to polling places under
41 R.S.19:8-2 and shall be subject to the same compliance oversight
42 applicable to polling places under section 3 of P.L.1991, c.429
43 (C.19:8-3.3). A ballot drop box site shall be considered accessible
44 if it is in compliance with the federal "Americans with Disabilities
45 Act of 1990" (42 U.S.C. s.12101 et seq.).

46 (e) Except as otherwise provided herein, no ballot drop box shall
47 be located inside, or within 100 feet of an entrance or exit, of a
48 State, county, or municipal police station.

1 Notwithstanding the provisions of this subparagraph, a ballot
2 drop box that has already been installed and permanently affixed
3 prior to the effective date of this act, P.L.2021, c.459, at any of the
4 following locations may remain at that location notwithstanding
5 that the ballot drop box is within 100 feet of an entrance or exit of a
6 State, county, or municipal police station if the county
7 commissioners approve the continued presence at that location by a
8 majority vote of the commissioners and with the reasons therefor
9 subject to public disclosure:

10 any county government building in which the main office of the
11 county clerk is located; any municipal government building in
12 which the main office of the municipal clerk is located in
13 municipalities with populations larger than 5,000 residents; the
14 main campus of a county community college; the main campus of a
15 State college or university; and the main campus of an independent
16 four-year college or university with enrollments larger than 5,000
17 students.

18 (f) Except as otherwise permitted herein, no State, county, or
19 municipal police officer shall remain or stand within 100 feet of a
20 ballot drop box in use during the conduct of an election. Nothing
21 herein shall be interpreted to prohibit the police officer from:

22 voting at that ballot drop box in a personal capacity;

23 traveling to and from, or remaining within, their personal
24 residence if that residence is within 100 feet of a ballot drop box;

25 investigating, addressing, or removing any cause for a
26 disturbance, or otherwise responding to a request for assistance, on
27 or around the premises of the location of that ballot drop box; or

28 escorting to or from, or both, a ballot drop box or the premise on
29 which it is located any person who may require the assistance of the
30 officer.

31 (g) No person shall wear, display, sell, give, or provide any
32 political or campaign slogan, badge, button, or other insignia
33 associated with any political party or candidate within 100 feet of a
34 ballot drop box in use during the conduct of an election, except with
35 respect to the badge furnished by the county board as provided by
36 law. A person violating the provisions of this subparagraph shall be
37 guilty of a disorderly persons offense.

38 c. The Secretary of State, in consultation with county boards of
39 elections, shall establish the guidelines necessary to ensure the
40 secure and successful implementation of the mail-in ballot drop
41 boxes required by this section to ensure adequate access in various
42 geographic areas of the county. In determining the ballot drop box
43 locations, the secretary and county boards of elections shall
44 consider, at a minimum, concentrations of population, geographic
45 areas, voter convenience, proximity to public transportation,
46 community-based locations, travel time to the location, proximity to
47 other voting locations and ballot drop boxes, commuter traffic

1 patterns, and security. The guidelines shall include, but may not be
2 limited to, criteria for each county board of elections to:

3 (1) determine the number of ballot drop boxes required per voter
4 population, considering both the number of registered voters and
5 the number of registered mail-in voters in each county before each
6 election;

7 (2) select the geographic location of each ballot drop box,
8 ensuring an equitable distribution of ballot drop boxes across the
9 county to maximize convenience to voters;

10 (3) ensure the accessibility of ballot drop boxes and drop box
11 locations to persons with disabilities; and

12 (4) maintain the security of ballot drop boxes and of the ballots
13 deposited therein, including standards and procedures for ballot
14 retrieval by authorized persons only, and for ensuring the proper
15 chain of custody and safe storage of voted mail-in ballots before
16 each election.

17 d. Each county clerk shall include the locations of the ballot
18 drop boxes established in the county along with the instructions
19 furnished with the mail-in ballot package sent to each mail-in voter
20 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
21 days before each election, each county board of elections shall
22 cause to be published on their respective websites the location of
23 the ballot drop boxes in each county, and shall provide this
24 information to the Secretary of State for publishing the same on the
25 Division of Elections website.

26 e. Whenever a municipal, school, or special election is held, the
27 board **【may】 shall, at a minimum, open 【only】** the ballot drop box
28 located geographically closest to the municipal government
29 building in which the main office of the municipal clerk is located
30 and the ballot drop box located at the board of elections or county
31 office, if one is placed at that location. When a school election
32 encompasses more than one municipality, the board shall be
33 responsible for the selection of the ballot drop box location with
34 respect to each municipality.

35 (cf: P.L.2021, c.459, s.4)

36

37 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read as
38 follows:

39 9. a. Starting on or before the **【45th】 38th** day before the day an
40 election is held, each county clerk shall forward mail-in ballots by
41 first-class postage or hand delivery to each mail-in voter whose
42 request therefor has been approved. Mail-in ballots that have been
43 approved before the **【45th】 38th** day before an election shall be
44 forwarded or delivered at least **【45】 38** days before the day of the
45 election. Hand delivery of a mail-in ballot shall be made by the
46 county clerk or the clerk's designee only to the voter, or the voter's
47 authorized messenger, who must appear in person. No person shall
48 serve as an authorized messenger for more than three qualified

1 voters in an election, but a person may serve as such for up to five
2 qualified voters in an election if those voters are immediate family
3 members residing in the same household as the messenger. Ballots
4 that have not been hand delivered shall be addressed to the voter at
5 the forwarding address given in the application.

6 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
7 mail-in voter between the ~~45th~~ 38th day and the 13th day before
8 the day of an election, the ballot shall be transmitted within three
9 business days of the receipt of the application.

10 (2) Whenever the clerk forwards a mail-in ballot by mail to a
11 mail-in voter between the 12th day and the seventh day before the
12 day of an election, the ballot shall be transmitted within two
13 business days of the receipt of the application.

14 The provisions of this subsection shall not apply to: (a) annual
15 school elections and special school elections in those school
16 districts holding such elections, pursuant to P.L.1995, c.278
17 (C.19:60-1 et seq.); (b) any municipality in which elections are
18 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
19 (c) annual elections for members of the boards of fire district
20 commissions, pursuant to N.J.S.40A:14-72, when such elections are
21 held at a time other than the time of the general election; and (d) the
22 vote on any public question submitted to the voters of a local unit to
23 increase the amount to be raised by taxation by more than the
24 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
25 c.62 (C.40A:4-45.46).

26 c. (Deleted by amendment, P.L.2011, c.37).
27 (cf: P.L.2020, c.71, s.9)

28

29 6. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to read
30 as follows:

31 24. a. The Secretary of State, with the assistance of the Chief
32 Administrator of the New Jersey Motor Vehicle Commission, shall
33 provide for an eligible applicant to simultaneously apply for a
34 motor vehicle driver's license, an examination permit, a
35 probationary driver's license, or a non-driver identification card, as
36 applicable, and be automatically registered to vote, or have an
37 existing voter registration updated, in a manner which satisfies both
38 the requirements necessary to receive a license to operate a motor
39 vehicle, pursuant to R.S.39:3-10, or an examination permit, a
40 probationary driver's license, or a non-driver identification card, as
41 applicable, and to register to vote, pursuant to R.S.19:4-1. The
42 applicant shall be offered an opportunity to decline the automatic
43 voter registration under this section. If an applicant chooses to
44 update an existing voter registration, the applicant shall not be
45 offered the opportunity to change the applicant's party affiliation.

46 b. (1) Pursuant to subsection a. of this section, for every
47 application for a motor vehicle driver's license, an examination
48 permit, a probationary driver's license, or a non-driver identification

1 card, and each related update, renewal, or change of address, except
2 as provided in paragraphs (2) and (3) of this subsection, the Chief
3 Administrator shall ensure that the information necessary for voter
4 registration is collected from the application and promptly
5 transmitted electronically to the Secretary of State. The Chief
6 Administrator shall ensure that electronic records are not
7 transmitted to the Secretary of State for any applicant who has
8 declined registration. The Commissioner of Registration shall
9 register to vote or update an existing registration for any eligible
10 applicant who has not declined voter registration.

11 (2) Voter registration information from an application received
12 online for the renewal of a motor vehicle driver's license or non-
13 driver identification card shall be collected and promptly
14 transmitted electronically to the Secretary of State upon the
15 implementation by the Secretary of State of online voter
16 registration. Subsection c. of this section shall be inapplicable to
17 such applications until that time.

18 (3) Voter registration information from an application received
19 through the mail for the renewal of a motor vehicle driver's license
20 or non-driver identification card shall be exempt from collection
21 and electronic transmission to the Secretary of State until such time
22 as the Chief Administrator determines that the prompt electronic
23 transmission of the information is practicable. Subsection c. of this
24 section shall be inapplicable to such applications until that time.
25 Following the effective date of P.L.2018, c.6, the Chief
26 Administrator shall inform the Governor and the Legislature every
27 six months of the practicability of collecting and transmitting to the
28 Secretary of State voter registration information from such
29 applications. This paragraph shall not be construed to preclude the
30 Motor Vehicle Commission from processing voter registration
31 applications received in the manner in which such applications were
32 processed in connection with such renewals prior to the effective
33 date of P.L.2018, c.6.

34 c. The Chief Administrator shall provide for the following
35 notices to be provided with every application for a motor vehicle
36 driver's license, an examination permit, a probationary driver's
37 license, or a non-driver identification card and every related update,
38 renewal, or change of address:

39 (1) a notice that the applicant will be registered to vote, if
40 eligible, unless the applicant specifically declines the automatic
41 voter registration;

42 (2) a notice of the voter eligibility requirements under R.S.19:4-
43 1 and the penalties for false registration and illegal voting under
44 Title 19 of the Revised Statutes, which notice shall contain an
45 affirmation that the applicant meets each such requirement and shall
46 require the signature of the applicant, under penalty of law; and

47 (3) a notice that an applicant who is a victim of domestic
48 violence or stalking may decline the automatic voter registration

1 and register to vote without disclosing the applicant's street address
2 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

3 d. For each applicant already registered to vote, any change of
4 address notification submitted to the Chief Administrator for the
5 purpose of maintaining current information on an applicant shall be
6 promptly reported to the Secretary of State. A change of address
7 notification received by the Chief Administrator in paper format
8 shall be reported to the Secretary of State no later than the 10th day
9 following its receipt by the Chief Administrator. The
10 Commissioner of Registration shall use the change of address
11 notification to update an existing voter registration unless the
12 applicant declines the automatic voter registration pursuant to this
13 section and indicates that the change of address is not for voter
14 registration purposes. A change of address notification submitted to
15 the commission, which is used for voter registration purposes, shall
16 be subject to the provisions of section 1 of P.L.1994, c.148
17 (C.19:31-3.2) if the person submitting the change of address
18 notification previously registered to vote in accordance with that
19 section.

20 e. If a person who is not entitled to vote becomes registered to
21 vote pursuant to this section, that person's registration shall be
22 presumed to have been effected with official authorization, and the
23 person shall not be deemed to have committed a crime under
24 R.S.19:34-1. This subsection shall not apply to a person who
25 knowingly and willfully makes a false statement to effectuate voter
26 registration.

27 f. The Secretary of State, with the assistance of the Chief
28 Administrator, shall take appropriate measures to educate the public
29 about voter registration under this section.

30 For the purposes of this section, "eligible applicant" means a
31 person submitting to the commission an application for a motor
32 vehicle driver's license, an examination permit, a probationary
33 driver's license, or a non-driver identification card who meets all
34 requirements for eligibility to vote under R.S.19:4-1.

35 (cf: P.L.2018, c.6, s.3)

36

37 7. This act shall take effect immediately, except that section 6
38 thereof shall take effect on the first day of the fourth month next
39 following the date of enactment. The Secretary of State and Chief
40 Administrator of the New Jersey Motor Vehicle Commission may
41 take such anticipatory administrative action in advance thereof as
42 shall be necessary for the implementation of this act.

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44

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STATEMENT

46

47 This bill changes the deadlines for mailing of mail-in ballots to

1 voters from the 45th to the 38th day before an election, requires the
2 number of ballots that have been received and the number of ballots
3 that have been counted to be posted on the websites of the county
4 boards of elections and Division of Elections, permits a count board
5 of elections to establish a pickup schedule for mail-in ballots that
6 are deposited in ballot drop boxes, and removes the ability to
7 change party affiliation as an option at the Motor Vehicle
8 Commission (MVC).

9 Under the bill, the deadline for the preparation of the official
10 primary and general elections ballot for printing is changed from
11 the 50th to the 45th day before an election. The bill also changes
12 the commencement of the mailing of mail-in ballot for primary and
13 general elections from the 45th to the 38th before an election.

14 The bill also requires that at the close of the polls on election day
15 and in real time thereafter, each county board of elections, in
16 consultation with the county clerk of that county, must list on its
17 Internet site in an easily accessible location the number of ballots
18 that have been received, have been counted, and are remaining to be
19 counted. Each county board of elections must provide the ballot
20 tabulations by the following categories:

21 the number of early in-person ballots that have been received,
22 have been counted, and are remaining to be counted;

23 the number of vote-by-mail ballots that have been received, have
24 been counted, and are remaining to be counted;

25 the number of provisional ballots that have been received, have
26 counted, and are remaining to be counted; and

27 the number of election day ballots that have been received, have
28 been counted, and are remaining to be counted.

29 Under the bill, the county board of elections must provide real
30 time reporting of the ballot tabulations by the listed categories until
31 all eligible ballots are counted.

32 The bill provides that each county board of elections must send
33 the same list to the Secretary of State each day after the election by
34 8:00 P.M. until all eligible ballots are counted. Upon receipt of the
35 number of ballots that have been received, have been counted, and
36 are remaining to be counted by each category from each county
37 board of elections, the Secretary of State is required to provide in an
38 easily accessible location on the Internet site of the Division of
39 Elections the total number of ballots for the State and for each
40 county that have been received, have been counted, and are
41 remaining to be counted by the same categories. Under the bill, the
42 Secretary of State must provide the ballot tabulations each day after
43 the election by 9:00 P.M. until all eligible ballots are counted.

44 The bill also provides that each county board of elections and the
45 Division of Elections must note on their respective Internet site that
46 the number of ballots that have been received, have been counted,
47 and are remaining to be counted are unofficial ballot tabulations and

1 are subject to change as each county board of elections receive and
2 process ballots that have been cast in the election.

3 The bill provides that a county board of elections may establish a
4 pickup schedule to retrieve mail-in ballots deposited in ballot drop
5 boxes.

6 The bill also removes the ability to change party affiliation as an
7 option at the MVC. The bill provides that if an applicant at the
8 MVC chooses to update an existing voter registration, the applicant
9 would not be offered the opportunity to change the applicant's party
10 affiliation.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3822

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3822.

This bill changes the deadlines for mailing of mail-in ballots to voters from the 45th to the 38th day before an election, requires the number of ballots that have been received and the number of ballots that have been counted to be posted on the websites of the county boards of elections and Division of Elections, permits a count board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes, and removes the ability to change party affiliation as an option at the Motor Vehicle Commission (MVC).

Under the bill, the deadline for the preparation of the official primary and general elections ballot for printing is changed from the 50th to the 45th day before an election. The bill also changes the commencement of the mailing of mail-in ballot for primary and general elections from the 45th to the 38th before an election.

The bill also requires that at the close of the polls on election day and in real time thereafter, each county board of elections, in consultation with the county clerk of that county, must list on its Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted. Each county board of elections must provide the ballot tabulations by the following categories:

the number of early in-person ballots that have been received, have been counted, and are remaining to be counted;

the number of vote-by-mail ballots that have been received, have been counted, and are remaining to be counted;

the number of provisional ballots that have been received, have counted, and are remaining to be counted; and

the number of election day ballots that have been received, have been counted, and are remaining to be counted.

Under the bill, the county board of elections must provide real time reporting of the ballot tabulations by the listed categories until all eligible ballots are counted.

As amended, the bill requires that ballot tabulations provided by a county board of elections and the Secretary of State must include a date and time stamp designating the date and time in which the county board stopped tabulating the number of ballots represented in the totals on that particular list

As amended, the bill provides that each county board of elections must send the same list to the Secretary of State by 11:59 P.M. and each day after the election by 8:00 P.M. until all eligible ballots are counted. Upon receipt of the number of ballots that have been received, have been counted, and are remaining to be counted by each category from each county board of elections, the Secretary of State is required to provide in an easily accessible location on the Internet site of the Division of Elections the total number of ballots for the State and for each county that have been received, have been counted, and are remaining to be counted by the same categories. Under the bill, the Secretary of State must provide the ballot tabulations each day after the election by 9:00 P.M. until all eligible ballots are counted.

The bill also provides that each county board of elections and the Division of Elections must note on their respective Internet site that the number of ballots that have been received, have been counted, and are remaining to be counted are unofficial ballot tabulations and are subject to change as each county board of elections receive and process ballots that have been cast in the election.

The bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes.

The bill also removes the ability to change party affiliation as an option at the MVC. The bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would not be offered the opportunity to change the applicant's party affiliation.

Under current law, every mail-in ballot that bears a postmark date before or of the day of the election and that is received by the county board within 144 hours (six days) after the time of the closing of the polls for the election is considered valid and shall be canvassed. As amended, this bill would change that postmarked ballot acceptance deadline to within 72 hours after election day (3 days).

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. As amended, county boards of election would be permitted to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county board of elections would have to report the unofficial ballot tabulations of those mail-in ballots as soon as practicable after the closing of the polls on its Internet site.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require each county board to send ballot tabulations of that county by the categories listed in the bill to the Secretary of State by 11:59 P.M. on election day;

(2) require that ballot tabulations provided by a county board of elections and the Secretary of State must include a date and time stamp designating the date and time in which the county board stopped tabulating the number of ballots represented in the totals on that particular list;

(3) add a provision to change the postmarked mail-in ballot acceptance deadline from within 144 hours (six days) to within 72 hours after the closing of the polls on election day (3 days);

(4) add a provision that allows for the opening and canvassing of mail-in ballots no earlier than five days prior to the day of the election;

(5) add a provision stating that if a county board of elections opts to begin opening and canvass mail-in ballots prior to election day, the county board must report the unofficial ballot tabulations of those mail-in ballots as soon as practicable after the closing of the polls on its Internet site; and

(6) update the bill's synopsis to reflect the amendments.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3822

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3822 (1R).

This bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a count board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

Under the bill, the deadline for the preparation of the official primary and general elections ballot for printing is changed from the 50th to the 45th day before an election. The bill also changes the commencement of the mailing of mail-in ballot for primary and general elections from the 45th to the 38th before an election. As amended, the bill provides an exception that ballots for a federal primary or federal general election are to be ready for the printer on or before the 50th day prior to such election and mailed to a uniformed or overseas voter not later than the 45th day before such election. As amended, the bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal “Uniformed and Overseas Citizens Absentee Voting Act.”

The bill also requires that at the close of the polls on election day and in real time thereafter, each county board of elections, in consultation with the county clerk of that county, must list on its Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted. Each county board of elections must provide the ballot tabulations by the following categories:

the number of early in-person ballots that have been received, have been counted, and are remaining to be counted;

the number of vote-by-mail ballots that have been received, have been counted, and are remaining to be counted;

the number of provisional ballots that have been received, have counted, and are remaining to be counted; and

the number of election day ballots that have been received, have been counted, and are remaining to be counted.

Under the bill, the county clerk must provide reporting of the ballot tabulations by the listed categories until all eligible ballots are counted.

As amended, the bill requires that ballot tabulations provided by a county clerk and the Secretary of State must include a date and time stamp designating the date and time in which the county clerk or county board of elections, as appropriate, stopped tabulating the number of ballots represented in the totals on that particular list

As amended, the bill provides that each county clerk must send the same list to the Secretary of State by 11:59 P.M. and each day after the election by 8:00 P.M. until all eligible ballots are counted. Upon receipt of the number of ballots that have been received, have been counted, and are remaining to be counted by each category from each county board of elections, the Secretary of State is required to provide in an easily accessible location on the Internet site of the Division of Elections the total number of ballots for the State and for each county that have been received, have been counted, and are remaining to be counted by the same categories. Under the bill, the Secretary of State must provide the ballot tabulations each day after the election by 9:00 P.M until all eligible ballots are counted.

As amended, the bill also provides that each county clerk and the Division of Elections must note on their respective Internet site that the number of ballots that have been received, have been counted, and are remaining to be counted are unofficial ballot tabulations and are subject to change as each county clerk receive and process ballots that have been cast in the election.

As amended, the bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State .

As amended, the bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the Secretary of State noting that change.

Under current law, every mail-in ballot that bears a postmark date before or of the day of the election and that is received by the county board within 144 hours (six days) after the time of the closing of the polls for the election is considered valid and shall be canvassed. As amended, this bill would change that postmarked ballot acceptance deadline to within 96 hours after election day (4 days).

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. As amended, county boards of elections would be permitted to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five

days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal "Uniformed and Overseas Citizens Absentee Voting Act";

(2) clarify that ballots for a federal primary or federal general election are to be ready for the printer on or before the 50th day prior to such election and mailed to a uniformed or overseas voter not later than the 45th day before such election;

(3) change the responsibility of providing ballot tabulations from county boards of elections to each county clerk;

(4) require that any pickup schedule established by a county board of elections to retrieve mail-in ballots is consistent with the ballot drop box guidelines established by the Secretary of State;

(5) remove the provision in the bill prohibiting a voter from changing party affiliation when updating an existing voter registration at the Motor Vehicle Commission;

(6) require the Secretary of State to send a confirmation notice to a voter that changes party affiliation when updating an existing voter registration at the Motor Vehicle Commission; and

(7) provides that mail-in ballots that bears a postmark date before or on election day that are received within 96 hours after the time of the closing the polls are to be considered valid and canvassed (This changes from 72 hours to 96 hours).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3822

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3822 (2R), with committee amendments.

As amended, this bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a count board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

Under the bill, the deadline for the preparation of the official primary and general elections ballot for printing is changed from the 50th to the 45th day before an election. The bill also changes the commencement of the mailing of mail-in ballot for primary and general elections from the 45th to the 38th before an election. As amended, the bill provides an exception that ballots for a federal primary or federal general election are to be ready for the printer on or before the 50th day prior to such election and mailed to a uniformed or overseas voter not later than the 45th day before such election. As amended, the bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal “Uniformed and Overseas Citizens Absentee Voting Act.”

The bill also requires that at the close of the polls on election day and in real time thereafter, each county board of elections, in consultation with the county clerk of that county, must list on its Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted. Each county board of elections must provide the ballot tabulations by the following categories:

the number of early in-person ballots that have been received, have been counted, and are remaining to be counted;

the number of vote-by-mail ballots that have been received, have been counted, and are remaining to be counted;

the number of provisional ballots that have been received, have counted, and are remaining to be counted; and

the number of election day ballots that have been received, have been counted, and are remaining to be counted.

Under the bill, the county clerk must provide reporting of the ballot tabulations by the listed categories until all eligible ballots are counted.

As amended, the bill requires that ballot tabulations provided by a county clerk and the Secretary of State must include a date and time stamp designating the date and time in which the county clerk or county board of elections, as appropriate, stopped tabulating the number of ballots represented in the totals on that particular list

As amended, the bill provides that each county clerk must send the same list to the Secretary of State by 11:59 P.M. and each day after the election by 8:00 P.M. until all eligible ballots are counted. Upon receipt of the number of ballots that have been received, have been counted, and are remaining to be counted by each category from each county board of elections, the Secretary of State is required to provide in an easily accessible location on the Internet site of the Division of Elections the total number of ballots for the State and for each county that have been received, have been counted, and are remaining to be counted by the same categories. Under the bill, the Secretary of State must provide the ballot tabulations each day after the election by 9:00 P.M until all eligible ballots are counted.

As amended, the bill also provides that each county clerk and the Division of Elections must note on their respective Internet site that the number of ballots that have been received, have been counted, and are remaining to be counted are unofficial ballot tabulations and are subject to change as each county clerk receive and process ballots that have been cast in the election.

As amended, the bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State .

As amended, the bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the Secretary of State noting that change.

Under current law, every mail-in ballot that bears a postmark date before or of the day of the election and that is received by the county board within 144 hours (six days) after the time of the closing of the polls for the election is considered valid and shall be canvassed. As amended, this bill would change that postmarked ballot acceptance deadline to within 96 hours after election day (4 days).

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. As amended, county boards of elections would be permitted to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day.

COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

(1) require that the Secretary of State promulgate regulations to prevent certain persons from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day;

(2) clarifies that no tally or tabulation of results would occur prior to the opening of polls on election day;

(3) exclude mail-in ballots in fire district elections from being reported in the results for the election district in which a voter resides (the current reporting process by municipality would remain for fire district elections);

(4) require that whenever the reporting requirements listed in the bill would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote; and

(5) update the bill's synopsis.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

[Third Reprint]

ASSEMBLY, No. 3822

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Assembly Bill No. 3822 (3R).

This bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a count board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

As amended, the deadline for the preparation of the official primary election ballot for printing is changed from the 50th to the 45th day before the election. The deadline for the preparation of the official ballot for a federal primary election or any general election in this State would continue to be the 50th day before the election. As amended, the bill also changes the commencement of the mailing of mail-in ballots for a primary election from the 45th to the 38th before an election, except that mail-in ballots for uniformed and overseas mail-in voters or general election voters in this State would continue to commence on the 45th day before the election. The bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal "Uniformed and Overseas Citizens Absentee Voting Act."

The bill also requires that at the close of the polls on election day and until all eligible ballots are counted thereafter, each county clerk, in consultation with the county board of elections of that county, must list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted. Each county

clerk must provide the ballot tabulations by the following categories:

the number of early in-person ballots that have been received, have been counted, and are remaining to be counted;

the number of vote-by-mail ballots that have been received, have been counted, and are remaining to be counted;

the number of provisional ballots that have been received, have counted, and are remaining to be counted; and

the number of election day ballots that have been received, have been counted, and are remaining to be counted.

Under the bill, the county clerk must provide reporting of the ballot tabulations by the listed categories until all eligible ballots are counted.

The bill requires that ballot tabulations provided by a county clerk and the Secretary of State must include a date and time stamp designating the date and time in which the county clerk or county board of elections, as appropriate, stopped tabulating the number of ballots represented in the totals on that particular list.

The bill provides that each county clerk must send the ballot tabulation by the same categories to the Secretary of State by 11:59 P.M. and each day after the election by 8:00 P.M. until all eligible ballots are counted. Upon receipt of the number of ballots that have been received, have been counted, and are remaining to be counted by each category from each county board of elections, the Secretary of State is required to provide in an easily accessible location on the Internet site of the Division of Elections the total number of ballots for the State and for each county that have been received, have been counted, and are remaining to be counted by the same categories. Under the bill, the Secretary of State must provide the ballot tabulations each day after the election by 9:00 P.M. until all eligible ballots are counted.

The bill also provides that each county clerk and the Division of Elections must note on their respective Internet site that the number of ballots that have been received, have been counted, and are remaining to be counted are unofficial ballot tabulations and are subject to change as each county clerk receive and process ballots that have been cast in the election.

The bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State.

The bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the Secretary of State noting that change.

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. County boards of elections would be permitted to begin opening the inner envelopes

for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day. The bill requires that the Secretary of State to promulgate regulations to prevent certain persons from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day and prohibit the tally or tabulation of results prior to the opening of the polls on election day. The bill would also, whenever the reporting requirements listed in the bill would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote.

Assembly Bill No. 3822 (4R) is identical to Senate Bill No. 2865 (1R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The amendments:

- (1) require that the county clerk have ballots for all general elections in this State ready for the printer 50 days prior to the election day; and
- (2) changes the postmarked ballot acceptance deadline to within 144 hours after election day (6 days), which is the current law deadline.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Fourth Reprint]

ASSEMBLY, No. 3822

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3822 (4R), with committee amendments.

As amended, this bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a county board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

The deadline for the preparation of the official primary election ballot for printing is changed from the 50th to the 45th day before the election. The deadline for the preparation of the official ballot for a federal primary election or any general election in this State would continue to be the 50th day before the election. As amended, the bill also changes the commencement of the mailing of mail-in ballots for a primary election from the 38th to the 45th before an election, consistent with existing law. Mail-in ballots for uniformed and overseas mail-in voters or general election voters in this State would continue to commence on the 45th day before the election. The bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal “Uniformed and Overseas Citizens Absentee Voting Act.”

As amended, this bill requires that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election. This bill also requires that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk would certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political

party of which such persons are candidates together with their slogan and designation.

As amended, this bill also removes the provisions of the bill that required each county clerk, in consultation with the county board of elections of that county, to list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted.

The bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State.

As amended, this bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the county commissioner of registration noting that change.

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. County boards of elections would be permitted to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day. As amended, the bill requires that the Secretary of State to promulgate regulations to prevent persons, including those involved in the canvassing of ballots, from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day and prohibit the tally or tabulation of results prior to the opening of the polls on election day. The bill would also, whenever the reporting requirements listed in the bill would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote.

As amended, this bill allows the Secretary of State to adopt regulations necessary to effectuate the purposes of this bill, which regulations would be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

Assembly Bill No. 3822 (5R) is identical to Assembly Bill No. 2865 (2R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The amendments:

(1) remove section 2 of the bill, which required each county clerk, in consultation with the county board of elections of that county, to list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted;

(2) require that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election and that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk would certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation.

(3) move back to 45 days the deadline for county clerks to forward mail-in ballots to mail-in voters, which is the existing deadline;

(4) require that county commissioner of registration, not the Secretary of State, would send a confirmation notice to an applicant who changes their party affiliation when updating an existing voter registration;

(5) clarify that the regulations for opening and canvassing mail-in ballots prior to the closing of the polls will prevent any person, including any person who is authorized to receive and canvass completed mail-in ballots, from obtaining knowledge of the unofficial results of ballots cast until after the closing of the polls on election day;

(6) remove the exception on reporting mail-in ballots to a county's internet website and clarify that the election results shall be reported in a manner that maintains the privacy of the voter and their vote; and

(7) allow the Secretary of State to adopt regulations necessary to effectuate the purposes of this bill, which regulations would be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 2865

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Changes certain mail-in ballot deadlines; permits opening and canvassing of mail-in ballots prior to election day; permits pickup schedule for certain mail-in ballots; requires confirmation notice when voter changes party affiliation at MVC.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the conduct of elections and amending various
2 parts of the statutory law.

3

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

6

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

8 19:14-1. Every county clerk shall have ready for the printer on
9 or before the **[50th]** 45th day prior to the primary or general
10 election a copy of the contents of official ballots as hereinafter
11 required to be printed for use at such election, except that every
12 county clerk shall have ready for the printer on or before the 50th
13 day prior to a federal primary or federal general election a copy of
14 the contents of the official ballots for use in such election. **[He]**
15 The county clerk shall also on or before that time place another
16 copy of such contents on file in **[his]** the county clerk's office and
17 keep the same open to public inspection until the sample ballots
18 hereinafter provided to be printed shall have been distributed.

19 Nothing in this section, as amended by P.L. , c. (pending
20 before the Legislature as this bill), shall be construed to hinder,
21 limit, or interfere with the ability of a county clerk to comply with
22 the federal "Uniformed and Overseas Citizens Absentee Voting
23 Act" (52 U.S.C. s.20301 et seq.).

24 (cf: P.L.2011, c.37, s.6)

25

26 2. Section 1 of P.L.2018, c.110 (C.19:52-3.1) is amended to read
27 as follows:

28 1. **[The]** a. On the day of an election, the district boards of
29 election at each polling place shall create and publicly display a
30 notice containing an official count of the cumulative number of
31 voters who have voted at each precinct, indicating the number of
32 voters who have voted using **[a]** the voting [machine] equipment
33 at the polling place and the number of voters who have voted using
34 a provisional ballot. The first notice shall be produced two hours
35 from the opening of the polls and updated every two hours
36 thereafter until the time the polls close.

37 b. (1) At the close of the polls on election day and thereafter,
38 each county clerk, in consultation with the county board of
39 elections of that county, shall list on the county clerk's Internet site
40 in an easily accessible location the number of ballots that have been
41 received, have been counted, and are remaining to be counted. The
42 ballot tabulations provided by a county clerk shall include a date
43 and time stamp designating the date and time in which the county
44 clerk and the county board of elections, as appropriate, stopped
45 tabulating the number of ballots represented in the totals on that

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 particular list. Each county clerk shall provide the ballot
2 tabulations by the following categories:

3 the number of early in-person ballots that have been received,
4 have been counted, and are remaining to be counted;

5 the number of vote-by-mail ballots that have been received, have
6 been counted, and are remaining to be counted;

7 the number of provisional ballots that have been received, have
8 counted, and are remaining to be counted; and

9 the number of election day ballots that have been received, have
10 been counted, and are remaining to be counted.

11 Each county clerk shall provide reporting of the ballot
12 tabulations by the listed categories until all eligible ballots are
13 counted.

14 If a county board of elections opts to begin opening the inner
15 envelopes for mail-in ballots and canvassing the mail-in ballots
16 from the inner envelopes prior to the day of an election pursuant to
17 subsection b. of section 22 of P.L.2009, c.79 (C.19:63-22), the
18 county clerk shall report the unofficial ballot tabulations of those
19 mail-in ballots on the county clerk's Internet site as soon as
20 practicable after the closing of the polls on election day.

21 (2) Each county clerk, in consultation with the county board of
22 elections of that county, shall send the ballot tabulations of that
23 county by the same categories to the Secretary of State by 11:59
24 P.M. on the day of the election and each day after the election by
25 8:00 P.M. until all eligible ballots are counted. Upon receipt of the
26 number of ballots that have been received, have been counted, and
27 are remaining to be counted by each category from each county
28 clerk, the Secretary of State shall provide in an easily accessible
29 location on the Internet site of the Division of Elections the total
30 number of ballots for the State and for each county that have been
31 received, have been counted, and are remaining to be counted by
32 the same categories. The Statewide and county-by-county ballot
33 tabulations provided by the Secretary of State shall include a date
34 and time stamp designating the date and time in which the Secretary
35 of State stopped compiling the number of ballots represented in the
36 totals on that particular list. The Secretary of State shall provide
37 the ballot tabulations each day after the election by 9:00 P.M until
38 all eligible ballots are counted.

39 (3) Each county clerk and the Division of Elections shall note on
40 their respective Internet site that the number of ballots that have
41 been received, have been counted, and are remaining to be counted
42 are unofficial ballot tabulations and are subject to change as each
43 county clerk and county board of elections, as appropriate, receive
44 and process ballots that have been cast in the election.

45 (cf: P.L.2018, c.110, s.1)

46

47 3. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
48 as follows:

- 1 2. If an election by mail is authorized pursuant to section 1 of
2 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:
- 3 a. publish, in advance of the election and pursuant to rules and
4 regulations promulgated by the Secretary of State, official notice
5 that the election shall be conducted by mail together with such other
6 information regarding the conduct of the election as shall be
7 deemed necessary by the Secretary of State;
- 8 b. mail a ballot, including an outer envelope and an inner
9 envelope substantially similar to the envelopes provided for mail-in
10 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
11 and C.19:63-13), not sooner than the 20th day prior to the day of
12 the election nor later than the 14th day prior to the day of the
13 election, to each person registered to vote in the municipality at that
14 election;
- 15 c. designate the county clerk's office or the municipal clerk's
16 office as the places to obtain a replacement ballot pursuant to
17 section 5 of P.L.2005, c.148 (C.19:62-5);
- 18 d. designate, after consultation with the county board of
19 elections and pursuant to criteria established by the Secretary of
20 State, places within the county or municipality that shall be
21 available for the deposit of voted ballots for the election;
- 22 e. make a provisional ballot available at the office of the
23 county clerk and the office of the municipal clerk so that each
24 person who has been a resident of the county or municipality in
25 which the person seeks to register and vote at least 21 days prior to
26 the day of the election and has moved to a location within the
27 municipality after that 21st day and prior to the day of the election
28 may vote;
- 29 f. suspend distribution to each registered voter in the
30 municipality of samples of the official ballot of any election, but
31 distribute to each registered voter in the municipality with each
32 ballot a copy of the voter information notice provided for in section
33 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
34 by the Secretary of State as deemed appropriate for use in
35 municipalities conducting elections by mail, and such instruction
36 about the completion of the ballot as deemed necessary by the
37 Secretary of State;
- 38 g. make certain that all qualified voters in the municipality
39 requesting a mail-in ballot between the ~~45th~~ 38th day and the
40 21st day prior to the day of an election receive such ballot after the
41 20th day prior to the day of an election and voters requesting a
42 ballot on or before the seventh day prior to the date of the election
43 shall receive a ballot authorized pursuant to this section; and
- 44 h. establish, after consultation with the county board of
45 elections and in accordance with rules and regulations adopted by
46 the Secretary of State, the time by which all ballots must be
47 received by the board on the day of an election to be considered
48 valid and counted.
- 49 (cf: P.L.2011, c.37, s.29)

1 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
2 as follows:

3 1. a. In addition to delivering a voted mail-in ballot by mail or
4 in person as provided under "The Vote By Mail Law," P.L.2009,
5 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
6 the voter's completed mail-in ballot in a ballot drop box established
7 by the county board of elections as provided under this section.
8 Each mail-in ballot deposited in a ballot drop box by the time
9 designated under current law for the closing of the polls for that
10 election shall be considered valid and shall be canvassed. If, at the
11 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
12 box in a county in which the voter does not reside, the county board
13 of elections, upon discovering that fact, shall notify and timely
14 deliver the ballot to the county board of elections of the county in
15 which the voter resides, who shall accept the ballot for processing.
16 The limitations and prohibitions applicable to mail-in ballot bearers
17 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
18 shall apply under this section.

19 b. (1) For any election, the county board of elections in each
20 county shall establish ballot drop boxes where voters may deposit
21 their voted mail-in ballots at least 45 days before the election. The
22 ballot drop boxes shall be located throughout the county in a
23 manner specified under paragraph (2) of this subsection. The
24 county board of elections may establish a pickup schedule to
25 retrieve mail-in ballots deposited in ballot drop boxes, consistent
26 with the guidelines established by the Secretary of State pursuant to
27 subparagraph (c) of paragraph (2) of this subsection.

28 (2) (a) A ballot drop box shall mean a secured drop box that is
29 not required to be within view of a live person for monitoring. All
30 ballot drop boxes shall be available for use by a voter 24 hours a
31 day and shall be placed at locations equipped with security cameras
32 that allow for surveillance of the ballot drop box.

33 (b) Beginning with the 2021 general election, at least one ballot
34 drop box shall be located: at any county government building in
35 which the main office of the county clerk is located; in each
36 municipality with a population larger than 5,000 residents; at the
37 main campus of each State college or university; and the main
38 campus of each independent four-year college or university with
39 enrollments larger than 5,000 students. Notwithstanding the
40 locational criteria established by this subparagraph, whenever two
41 or more ballot drop box locations are separated by a distance of less
42 than 2,000 feet, the board of elections in each county shall
43 determine secondary locations for those ballot drop boxes in
44 compliance with the requirements of this section. The secondary
45 ballot drop box locations shall be located within the municipality
46 where those ballot drop boxes were originally located and shall be
47 approved by a majority vote of the members of the board of
48 elections. However, in the event of a tie in the votes cast by the
49 members of the board of elections, the county clerk shall cast the

1 deciding vote. Whenever possible, at least one ballot drop box shall
2 be located in a municipality with an average per capita income or a
3 median family income at or below 250% of the federal poverty
4 guideline according to the most recent federal American
5 Community Survey.

6 (c) The board of elections in each county shall establish no fewer
7 than 10 ballot drop boxes. To the best of their ability, the board of
8 elections of every county shall place secure ballot drop boxes based
9 on geographic location and population density to best serve the
10 voters of each county in compliance with the guidelines adopted
11 pursuant to subsection c. of this section. The Secretary of State
12 shall establish guidelines for the placement of the ballot drop boxes,
13 the security of the ballot drop boxes, and the schedule for ballot
14 pickup from the ballot boxes.

15 (d) All ballot drop box locations shall be on sites that meet the
16 accessibility requirements applicable to polling places under
17 R.S.19:8-2 and shall be subject to the same compliance oversight
18 applicable to polling places under section 3 of P.L.1991, c.429
19 (C.19:8-3.3). A ballot drop box site shall be considered accessible
20 if it is in compliance with the federal "Americans with Disabilities
21 Act of 1990" (42 U.S.C. s.12101 et seq.).

22 (e) Except as otherwise provided herein, no ballot drop box shall
23 be located inside, or within 100 feet of an entrance or exit, of a
24 State, county, or municipal police station.

25 Notwithstanding the provisions of this subparagraph, a ballot
26 drop box that has already been installed and permanently affixed
27 prior to the effective date of this act, P.L.2021, c.459, at any of the
28 following locations may remain at that location notwithstanding
29 that the ballot drop box is within 100 feet of an entrance or exit of a
30 State, county, or municipal police station if the county
31 commissioners approve the continued presence at that location by a
32 majority vote of the commissioners and with the reasons therefor
33 subject to public disclosure:

34 any county government building in which the main office of the
35 county clerk is located; any municipal government building in
36 which the main office of the municipal clerk is located in
37 municipalities with populations larger than 5,000 residents; the
38 main campus of a county community college; the main campus of a
39 State college or university; and the main campus of an independent
40 four-year college or university with enrollments larger than 5,000
41 students.

42 (f) Except as otherwise permitted herein, no State, county, or
43 municipal police officer shall remain or stand within 100 feet of a
44 ballot drop box in use during the conduct of an election. Nothing
45 herein shall be interpreted to prohibit the police officer from:

46 voting at that ballot drop box in a personal capacity;
47 traveling to and from, or remaining within, their personal
48 residence if that residence is within 100 feet of a ballot drop box;

1 investigating, addressing, or removing any cause for a
2 disturbance, or otherwise responding to a request for assistance, on
3 or around the premises of the location of that ballot drop box; or

4 escorting to or from, or both, a ballot drop box or the premise on
5 which it is located any person who may require the assistance of the
6 officer.

7 (g) No person shall wear, display, sell, give, or provide any
8 political or campaign slogan, badge, button, or other insignia
9 associated with any political party or candidate within 100 feet of a
10 ballot drop box in use during the conduct of an election, except with
11 respect to the badge furnished by the county board as provided by
12 law. A person violating the provisions of this subparagraph shall be
13 guilty of a disorderly persons offense.

14 c. The Secretary of State, in consultation with county boards of
15 elections, shall establish the guidelines necessary to ensure the
16 secure and successful implementation of the mail-in ballot drop
17 boxes required by this section to ensure adequate access in various
18 geographic areas of the county. In determining the ballot drop box
19 locations, the secretary and county boards of elections shall
20 consider, at a minimum, concentrations of population, geographic
21 areas, voter convenience, proximity to public transportation,
22 community-based locations, travel time to the location, proximity to
23 other voting locations and ballot drop boxes, commuter traffic
24 patterns, and security. The guidelines shall include, but may not be
25 limited to, criteria for each county board of elections to:

26 (1) determine the number of ballot drop boxes required per voter
27 population, considering both the number of registered voters and
28 the number of registered mail-in voters in each county before each
29 election;

30 (2) select the geographic location of each ballot drop box,
31 ensuring an equitable distribution of ballot drop boxes across the
32 county to maximize convenience to voters;

33 (3) ensure the accessibility of ballot drop boxes and drop box
34 locations to persons with disabilities; and

35 (4) maintain the security of ballot drop boxes and of the ballots
36 deposited therein, including standards and procedures for ballot
37 retrieval by authorized persons only, and for ensuring the proper
38 chain of custody and safe storage of voted mail-in ballots before
39 each election.

40 d. Each county clerk shall include the locations of the ballot
41 drop boxes established in the county along with the instructions
42 furnished with the mail-in ballot package sent to each mail-in voter
43 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
44 days before each election, each county board of elections shall
45 cause to be published on their respective websites the location of
46 the ballot drop boxes in each county, and shall provide this
47 information to the Secretary of State for publishing the same on the
48 Division of Elections website.

1 e. Whenever a municipal, school, or special election is held, the
2 board **【may】 shall, at a minimum, open 【only】** the ballot drop box
3 located geographically closest to the municipal government
4 building in which the main office of the municipal clerk is located
5 and the ballot drop box located at the board of elections or county
6 office, if one is placed at that location. When a school election
7 encompasses more than one municipality, the board shall be
8 responsible for the selection of the ballot drop box location with
9 respect to each municipality.

10 (cf: P.L.2021, c.459, s.4)

11
12 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
13 as follows:

14 9. a. **【Starting】** Except as provided in subsection d. of this
15 section, starting on or before the **【45th】 38th** day before the day an
16 election is held, each county clerk shall forward mail-in ballots by
17 first-class postage or hand delivery to each mail-in voter whose
18 request therefor has been approved. Mail-in ballots for that have
19 been approved before the **【45th】 38th** day before an election shall
20 be forwarded or delivered at least **【45】 38** days before the day of
21 the election. Hand delivery of a mail-in ballot shall be made by the
22 county clerk or the clerk's designee only to the voter, or the voter's
23 authorized messenger, who must appear in person. No person shall
24 serve as an authorized messenger for more than three qualified
25 voters in an election, but a person may serve as such for up to five
26 qualified voters in an election if those voters are immediate family
27 members residing in the same household as the messenger. Ballots
28 that have not been hand delivered shall be addressed to the voter at
29 the forwarding address given in the application.

30 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
31 mail-in voter between the **【45th】 38th** day and the 13th day before
32 the day of an election, the ballot shall be transmitted within three
33 business days of the receipt of the application.

34 (2) Whenever the clerk forwards a mail-in ballot by mail to a
35 mail-in voter between the 12th day and the seventh day before the
36 day of an election, the ballot shall be transmitted within two
37 business days of the receipt of the application.

38 The provisions of this subsection shall not apply to: (a) annual
39 school elections and special school elections in those school
40 districts holding such elections, pursuant to P.L.1995, c.278
41 (C.19:60-1 et seq.); (b) any municipality in which elections are
42 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
43 (c) annual elections for members of the boards of fire district
44 commissions, pursuant to N.J.S.40A:14-72, when such elections are
45 held at a time other than the time of the general election; and (d) the
46 vote on any public question submitted to the voters of a local unit to
47 increase the amount to be raised by taxation by more than the

1 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
2 c.62 (C.40A:4-45.46).

3 c. (Deleted by amendment, P.L.2011, c.37).

4 d. Each uniformed and overseas mail-in voter, as defined by the
5 federal "Uniformed and Overseas Citizens Absentee Voting Act"
6 (52 U.S.C. s.20301 et seq.), whose request for a mail-in ballot has
7 been approved, shall be forwarded by the county clerk a mail-in
8 ballot by first-class postage or hand delivery no later than the 45th
9 day before the day of a federal election. Whenever the county clerk
10 forwards a mail-in ballot by mail to a uniformed or overseas mail-in
11 voter between the 45th day and the 13th day before the day of a
12 federal election, the ballot shall be transmitted within three business
13 days of the receipt of the application. Nothing in this section, as
14 amended by P.L. , c. (pending before the Legislature as this
15 bill), shall be construed to be inconsistent with the federal
16 "Uniformed and Overseas Citizens Absentee Voting Act" (52
17 U.S.C. s.20301 et seq.).

18 (cf: P.L.2020, c.71, s.9)

19

20 6. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to read
21 as follows:

22 24. a. The Secretary of State, with the assistance of the Chief
23 Administrator of the New Jersey Motor Vehicle Commission, shall
24 provide for an eligible applicant to simultaneously apply for a
25 motor vehicle driver's license, an examination permit, a
26 probationary driver's license, or a non-driver identification card, as
27 applicable, and be automatically registered to vote, or have an
28 existing voter registration updated, in a manner which satisfies both
29 the requirements necessary to receive a license to operate a motor
30 vehicle, pursuant to R.S.39:3-10, or an examination permit, a
31 probationary driver's license, or a non-driver identification card, as
32 applicable, and to register to vote, pursuant to R.S.19:4-1. The
33 applicant shall be offered an opportunity to decline the automatic
34 voter registration under this section. If an applicant changes the
35 applicant's party affiliation when updating an existing voter
36 registration under this section, the applicant shall be sent a
37 confirmation notice by the Secretary of State noting that change.

38 b. (1) Pursuant to subsection a. of this section, for every
39 application for a motor vehicle driver's license, an examination
40 permit, a probationary driver's license, or a non-driver identification
41 card, and each related update, renewal, or change of address, except
42 as provided in paragraphs (2) and (3) of this subsection, the Chief
43 Administrator shall ensure that the information necessary for voter
44 registration is collected from the application and promptly
45 transmitted electronically to the Secretary of State. The Chief
46 Administrator shall ensure that electronic records are not
47 transmitted to the Secretary of State for any applicant who has
48 declined registration. The Commissioner of Registration shall

1 register to vote or update an existing registration for any eligible
2 applicant who has not declined voter registration.

3 (2) Voter registration information from an application received
4 online for the renewal of a motor vehicle driver's license or non-
5 driver identification card shall be collected and promptly
6 transmitted electronically to the Secretary of State upon the
7 implementation by the Secretary of State of online voter
8 registration. Subsection c. of this section shall be inapplicable to
9 such applications until that time.

10 (3) Voter registration information from an application received
11 through the mail for the renewal of a motor vehicle driver's license
12 or non-driver identification card shall be exempt from collection
13 and electronic transmission to the Secretary of State until such time
14 as the Chief Administrator determines that the prompt electronic
15 transmission of the information is practicable. Subsection c. of this
16 section shall be inapplicable to such applications until that time.
17 Following the effective date of P.L.2018, c.6, the Chief
18 Administrator shall inform the Governor and the Legislature every
19 six months of the practicability of collecting and transmitting to the
20 Secretary of State voter registration information from such
21 applications. This paragraph shall not be construed to preclude the
22 Motor Vehicle Commission from processing voter registration
23 applications received in the manner in which such applications were
24 processed in connection with such renewals prior to the effective
25 date of P.L.2018, c.6.

26 c. The Chief Administrator shall provide for the following
27 notices to be provided with every application for a motor vehicle
28 driver's license, an examination permit, a probationary driver's
29 license, or a non-driver identification card and every related update,
30 renewal, or change of address:

31 (1) a notice that the applicant will be registered to vote, if
32 eligible, unless the applicant specifically declines the automatic
33 voter registration;

34 (2) a notice of the voter eligibility requirements under R.S.19:4-1
35 and the penalties for false registration and illegal voting under Title
36 19 of the Revised Statutes, which notice shall contain an
37 affirmation that the applicant meets each such requirement and shall
38 require the signature of the applicant, under penalty of law; and

39 (3) a notice that an applicant who is a victim of domestic
40 violence or stalking may decline the automatic voter registration
41 and register to vote without disclosing the applicant's street address
42 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

43 d. For each applicant already registered to vote, any change of
44 address notification submitted to the Chief Administrator for the
45 purpose of maintaining current information on an applicant shall be
46 promptly reported to the Secretary of State. A change of address
47 notification received by the Chief Administrator in paper format
48 shall be reported to the Secretary of State no later than the 10th day
49 following its receipt by the Chief Administrator. The

1 Commissioner of Registration shall use the change of address
2 notification to update an existing voter registration unless the
3 applicant declines the automatic voter registration pursuant to this
4 section and indicates that the change of address is not for voter
5 registration purposes. A change of address notification submitted to
6 the commission, which is used for voter registration purposes, shall
7 be subject to the provisions of section 1 of P.L.1994, c.148
8 (C.19:31-3.2) if the person submitting the change of address
9 notification previously registered to vote in accordance with that
10 section.

11 e. If a person who is not entitled to vote becomes registered to
12 vote pursuant to this section, that person's registration shall be
13 presumed to have been effected with official authorization, and the
14 person shall not be deemed to have committed a crime under
15 R.S.19:34-1. This subsection shall not apply to a person who
16 knowingly and willfully makes a false statement to effectuate voter
17 registration.

18 f. The Secretary of State, with the assistance of the Chief
19 Administrator, shall take appropriate measures to educate the public
20 about voter registration under this section.

21 For the purposes of this section, "eligible applicant" means a
22 person submitting to the commission an application for a motor
23 vehicle driver's license, an examination permit, a probationary
24 driver's license, or a non-driver identification card who meets all
25 requirements for eligibility to vote under R.S.19:4-1.

26 (cf: P.L.2018, c.6, s.3)

27
28 7. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to read
29 as follows:

30 22. a. On the day of each election, or as provided under
31 subsection b. of this section, each county board of elections shall
32 open in the presence of the commissioner of registration, or the
33 designee thereof, the inner envelopes that contain the mail-in ballots
34 with the votes cast for the election. The inner envelopes containing
35 the ballots that the board or the Superior Court has rejected shall
36 not be so opened, but shall be retained as provided for by this act.
37 The board shall then proceed to canvass the votes cast on the mail-
38 in ballots, but no such ballot shall be counted in any primary
39 election for the general election if the ballot of the political party
40 marked for voting thereon differs from the designation of the
41 political party in the primary election of which such ballot is
42 intended to be voted as marked on the envelope by the county board
43 of elections.

44 Every mail-in ballot that bears a postmark date before or of the
45 day of the election and that is received by the county board within
46 **[144]** 96 hours after the time of the closing of the polls for the
47 election that the ballot was prepared shall be considered valid and
48 shall be canvassed. Every mail-in ballot that does not bear a
49 postmark date but that is received by the county board by delivery

1 of the United States Postal Service before, or within 48 hours after,
2 the time of the closing of the polls for the election for which the
3 ballot was prepared shall be considered valid and shall be
4 canvassed.

5 b. A county board of elections may begin opening the inner
6 envelopes for each mail-in ballot and canvassing each mail-in ballot
7 from the inner envelope no earlier than five days prior to the day of
8 the election. The Secretary of State shall establish guidelines
9 concerning the early canvassing process. If a county board of
10 elections begins opening the inner envelopes and canvassing the
11 mail-in ballots from the inner envelopes prior to the day of the
12 election, the county board shall implement the measures necessary
13 to ensure the security and secrecy of the mail-in ballots. The
14 contents of the mail-in ballots and the results of the ballot
15 canvassing shall remain confidential and shall be disclosed only in
16 accordance with the provisions of Title 19 of the Revised Statutes,
17 regulations and guidelines concerning the disclosure of election
18 results, and in no circumstances disclosed prior to the close of polls
19 on the day of the election. In addition to the guidelines concerning
20 the early canvassing process, the Secretary of State shall
21 promulgate regulations to ensure that any county board of elections
22 that begins opening the inner envelopes and canvassing the mail-in
23 ballots from the inner envelopes prior to the closing of the polls on
24 election day shall do so in a manner that prevents any person who is
25 authorized to receive and canvass completed mail-in ballots from
26 obtaining knowledge of the unofficial results of ballots cast for any
27 candidate for public office or any public question submitted to the
28 voters until after the closing of the polls on election day. No tally
29 or tabulation of results shall occur prior to the opening of polls on
30 election day. As provided under R.S.19:34-13, any person who is
31 authorized to receive and canvass completed mail-in-ballots who
32 knowingly discloses to the public the contents of a mail-in ballot
33 prior to the time designated by law for the closing of the polls for
34 each election shall be guilty of a crime of the third degree.

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

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

46 Each mail-in ballot cast, canvassed, and tallied in an election
47 under this section, excluding a fire district election, shall be
48 reported in the results for the election district in which the voter
49 resides. Whenever the reporting requirement of this subsection

1 would cause a voter's privacy to be violated, the election results
2 shall be reported in a manner that maintains the privacy of the vote,
3 provided that the election results posted on the county clerk's and
4 the Division of Elections Internet site shall contain a disclosure
5 stating that the results reported for some individual districts reflect
6 measures to protect the privacy of the vote while the general tally
7 accurately reflects the results.

8 (cf: P.L.2020, c.71, s.13)

9
10 8. This act shall take effect immediately, except that section 6
11 thereof shall take effect on the first day of the fourth month next
12 following the date of enactment. The Secretary of State and Chief
13 Administrator of the New Jersey Motor Vehicle Commission may
14 take such anticipatory administrative action in advance thereof as
15 shall be necessary for the implementation of this act.

16
17
18 STATEMENT
19

20 This bill changes certain deadlines for the mailing of mail-in
21 ballots to voters before an election; requires the number of ballots
22 that have been received, have been counted, and are remaining to be
23 counted to be posted on the websites of the county boards of
24 elections and Division of Elections; permits a count board of
25 elections to establish a pickup schedule for mail-in ballots that are
26 deposited in ballot drop boxes; and requires the Secretary of State
27 to send a confirmation notice to a voter that changes their party
28 affiliation when updating an existing voter requisition at the Motor
29 Vehicle Commission (MVC).

30 Under the bill, the deadline for the preparation of the official
31 primary and general elections ballot for printing is changed from
32 the 50th to the 45th day before an election. The bill also changes
33 the commencement of the mailing of mail-in ballot for primary and
34 general elections from the 45th to the 38th before an election. The
35 bill provides an exception that ballots for a federal primary or
36 federal general election are to be ready for the printer on or before
37 the 50th day prior to such election and mailed to a uniformed or
38 overseas voter not later than the 45th day before such election. The
39 bill also clarifies that nothing in the bill is to be construed to hinder,
40 limit, or interfere with the ability of a county clerk to comply with
41 the federal "Uniformed and Overseas Citizens Absentee Voting
42 Act."

43 The bill also requires that at the close of the polls on election day
44 and until all eligible ballots are counted thereafter, each county
45 clerk, in consultation with the county board of elections of that
46 county, must list on the county clerk's Internet site in an easily
47 accessible location the number of ballots that have been received,
48 have been counted, and are remaining to be counted. Each county

1 clerk must provide the ballot tabulations by the following
2 categories:

3 the number of early in-person ballots that have been received,
4 have been counted, and are remaining to be counted;

5 the number of vote-by-mail ballots that have been received, have
6 been counted, and are remaining to be counted;

7 the number of provisional ballots that have been received, have
8 counted, and are remaining to be counted; and

9 the number of election day ballots that have been received, have
10 been counted, and are remaining to be counted.

11 Under the bill, the county clerk must provide reporting of the
12 ballot tabulations by the listed categories until all eligible ballots
13 are counted.

14 The bill requires that ballot tabulations provided by a county
15 clerk and the Secretary of State must include a date and time stamp
16 designating the date and time in which the county clerk or county
17 board of elections, as appropriate, stopped tabulating the number of
18 ballots represented in the totals on that particular list.

19 The bill provides that each county clerk must send the ballot
20 tabulation by the same categories to the Secretary of State by 11:59
21 P.M. and each day after the election by 8:00 P.M. until all eligible
22 ballots are counted. Upon receipt of the number of ballots that have
23 been received, have been counted, and are remaining to be counted
24 by each category from each county board of elections, the Secretary
25 of State is required to provide in an easily accessible location on the
26 Internet site of the Division of Elections the total number of ballots
27 for the State and for each county that have been received, have been
28 counted, and are remaining to be counted by the same categories.
29 Under the bill, the Secretary of State must provide the ballot
30 tabulations each day after the election by 9:00 P.M. until all eligible
31 ballots are counted.

32 The bill also provides that each county clerk and the Division of
33 Elections must note on their respective Internet site that the number
34 of ballots that have been received, have been counted, and are
35 remaining to be counted are unofficial ballot tabulations and are
36 subject to change as each county clerk receive and process ballots
37 that have been cast in the election.

38 The bill provides that a county board of elections may establish a
39 pickup schedule to retrieve mail-in ballots deposited in ballot drop
40 boxes and requires that such schedule be consistent with the ballot
41 drop box guidelines established by the Secretary of State.

42 The bill provides that if an applicant at the MVC chooses to
43 update an existing voter registration, the applicant would receive a
44 confirmation notice from the Secretary of State noting that change.

45 Under current law, every mail-in ballot that bears a postmark
46 date before or of the day of the election and that is received by the
47 county board within 144 hours (six days) after the time of the
48 closing of the polls for the election is considered valid and shall be

1 canvassed. This bill would change that postmarked ballot
2 acceptance deadline to within 96 hours after election day (4 days).

3 Under current law, mail-in ballot inner envelopes are prohibited
4 from being opened prior to election day. County boards of
5 elections would be permitted to begin opening the inner envelopes
6 for each mail-in ballot and canvassing the ballot no earlier than five
7 days prior to the day of the election. If a county board of elections
8 opts to begin opening the inner envelopes for mail-in ballots and
9 canvassing the mail-in ballots from the inner envelopes prior to the
10 day of an election, the county clerk would have to report the
11 unofficial ballot tabulations of those mail-in ballots on the county
12 clerk's Internet site as soon as practicable after the closing of the
13 polls on election day. The bill requires that the Secretary of
14 State to promulgate regulations to prevent certain persons from
15 obtaining knowledge of the unofficial results of ballots cast for any
16 candidate for public office or any public question submitted to the
17 voters until after the closing of the polls on election day and prohibit
18 the tally or tabulation of results prior to the opening of the polls on
19 election day. The bill would also, whenever the reporting
20 requirements listed in the bill would cause a voter's privacy to be
21 violated, the election results would be reported in a manner that
22 maintains the privacy of the vote.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 2865

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2865.

This bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a count board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

As amended, the deadline for the preparation of the official primary election ballot for printing is changed from the 50th to the 45th day before the election. The deadline for the preparation of the official ballot for a federal primary election or any general election in this State would continue to be the 50th day before the election. As amended, the bill also changes the commencement of the mailing of mail-in ballots for a primary election from the 45th to the 38th before an election, except that mail-in ballots for uniformed and overseas mail-in voters or general election voters in this State would continue to commence on the 45th day before the election. The bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal “Uniformed and Overseas Citizens Absentee Voting Act.”

The bill also requires that at the close of the polls on election day and until all eligible ballots are counted thereafter, each county clerk, in consultation with the county board of elections of that county, must list on the county clerk’s Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted. Each county

clerk must provide the ballot tabulations by the following categories:

the number of early in-person ballots that have been received, have been counted, and are remaining to be counted;

the number of vote-by-mail ballots that have been received, have been counted, and are remaining to be counted;

the number of provisional ballots that have been received, have counted, and are remaining to be counted; and

the number of election day ballots that have been received, have been counted, and are remaining to be counted.

Under the bill, the county clerk must provide reporting of the ballot tabulations by the listed categories until all eligible ballots are counted.

The bill requires that ballot tabulations provided by a county clerk and the Secretary of State must include a date and time stamp designating the date and time in which the county clerk or county board of elections, as appropriate, stopped tabulating the number of ballots represented in the totals on that particular list.

The bill provides that each county clerk must send the ballot tabulation by the same categories to the Secretary of State by 11:59 P.M. and each day after the election by 8:00 P.M. until all eligible ballots are counted. Upon receipt of the number of ballots that have been received, have been counted, and are remaining to be counted by each category from each county board of elections, the Secretary of State is required to provide in an easily accessible location on the Internet site of the Division of Elections the total number of ballots for the State and for each county that have been received, have been counted, and are remaining to be counted by the same categories. Under the bill, the Secretary of State must provide the ballot tabulations each day after the election by 9:00 P.M. until all eligible ballots are counted.

The bill also provides that each county clerk and the Division of Elections must note on their respective Internet site that the number of ballots that have been received, have been counted, and are remaining to be counted are unofficial ballot tabulations and are subject to change as each county clerk receive and process ballots that have been cast in the election.

The bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State.

The bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the Secretary of State noting that change.

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. County boards of elections would be permitted to begin opening the inner envelopes

for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day. The bill requires that the Secretary of State to promulgate regulations to prevent certain persons from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day and prohibit the tally or tabulation of results prior to the opening of the polls on election day. The bill would also, whenever the reporting requirements listed in the bill would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote.

Senate Bill No. 2865 (1R) is identical to Assembly Bill No. 3822 (4R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The amendments:

(1) require that the county clerk have ballots for all general elections in this State ready for the printer 50 days prior to the election day; and

(2) changes the postmarked ballot acceptance deadline to within 144 hours after election day (6 days), which is the current law deadline.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2865

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2865 (1R), with committee amendments.

As amended, this bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a county board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

The deadline for the preparation of the official primary election ballot for printing is changed from the 50th to the 45th day before the election. The deadline for the preparation of the official ballot for a federal primary election or any general election in this State would continue to be the 50th day before the election. As amended, the bill also changes the commencement of the mailing of mail-in ballots for a primary election from the 38th to the 45th before an election, consistent with existing law. Mail-in ballots for uniformed and overseas mail-in voters or general election voters in this State would continue to commence on the 45th day before the election. The bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal “Uniformed and Overseas Citizens Absentee Voting Act.”

As amended, this bill requires that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election. This bill also requires that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk would certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political

party of which such persons are candidates together with their slogan and designation.

As amended, this bill also removes the provisions of the bill that required each county clerk, in consultation with the county board of elections of that county, to list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted.

The bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State.

As amended, this bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the county commissioner of registration noting that change.

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. County boards of elections would be permitted to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day. As amended, the bill requires that the Secretary of State to promulgate regulations to prevent persons, including those involved in the canvassing of ballots, from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day and prohibit the tally or tabulation of results prior to the opening of the polls on election day. The bill would also, whenever the reporting requirements listed in the bill would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote.

As amended, this bill allows the Secretary of State to adopt regulations necessary to effectuate the purposes of this bill, which regulations would be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

Senate Bill No. 2865 (2R) is identical to Assembly Bill No. 3822 (5R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The amendments:

(1) remove section 2 of the bill, which required each county clerk, in consultation with the county board of elections of that county, to list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted;

(2) require that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election and that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk would certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation.

(3) move back to 45 days the deadline for county clerks to forward mail-in ballots to mail-in voters, which is the existing deadline;

(4) require that county commissioner of registration, not the Secretary of State, would send a confirmation notice to an applicant who changes their party affiliation when updating an existing voter registration;

(5) clarify that the regulations for opening and canvassing mail-in ballots prior to the closing of the polls will prevent any person, including any person who is authorized to receive and canvass completed mail-in ballots, from obtaining knowledge of the unofficial results of ballots cast until after the closing of the polls on election day;

(6) remove the exception on reporting mail-in ballots to a county's internet website and clarify that the election results shall be reported in a manner that maintains the privacy of the voter and their vote; and

(7) allow the Secretary of State to adopt regulations necessary to effectuate the purposes of this bill, which regulations would be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Signs Voting Reform Package to Strengthen New Jersey Elections

07/28/2022

TRENTON – Governor Phil Murphy today reaffirmed his commitment to securing access to voting rights by signing a series of bills to strengthen New Jersey’s elections. Today’s signings build on reforms to expand democracy enacted during the Murphy Administration, including automatic voter registration and in-person early voting.

“Across the nation, we continue to see one of our nation’s core principles come under attack as states restrict access to the ballot,” **said Governor Murphy**. “I am proud to sign legislation that will make democracy more accessible, more transparent, and stronger in our state. New Jersey will continue to move forward as we ensure that the democratic process is secure and protected.”

“With this bill package, New Jersey continues to expand access to the ballot box and provide additional resources to our election officials, while strengthening the security of our elections,” **Secretary of State Tahesha Way said**. “The right to vote is the very foundation of our democracy and we are committed to making voting as safe, simple, and transparent as possible.”

The Governor signed the following bills into law:

A-1969/S-138 (Mukherji, Sumter, Egan/Diegnan, Greenstein) - Allows minors to serve as election workers between 5:30 a.m. and 9:00 p.m. on election days

A-3817/S-2863 (Verrelli, Benson/Zwicker, Gopal) - Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record

A-3819/S-2868 (Mukherji, Dunn, Stanley/Cryan, Gopal) - Specifies circumstances when voter will be removed from permanent vote by mail status and when ballot will be sent to primary address; requires educational campaign; makes appropriation of \$5 million

A-3820/S-2869 (Karabinchak, Jaffer, Stanley/Cryan, Gopal) - Prohibits unaffiliated mail-in voters from receiving mail-in ballot for primary election; requires election officials to provide such voters certain notices; prohibits mail-in ballot envelopes from containing visible political affiliation or designation for certain elections

A-3822/S-2865 (Coughlin, DiMaio, Stanley, Dunn, Daniels/Zwicker, Cryan) - Changes certain mail-in ballot deadlines; permits opening and canvassing of mail-in ballots prior to election day; permits pickup schedule for certain mail-in ballots; requires confirmation notice when voter changes party affiliation at MVC

A-3823/S-2867 (Sumter, Rooney, Benson, Reynolds-Jackson/Lagana, Cryan) - Requires enhanced review of death records two months prior to election; permits remote training for certain election workers; exempts election worker compensation from taxation and remuneration

A-3929/S-2899 (Mukherji, Reynolds-Jackson, Murphy/Turner, Beach) - Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return

“The only way to strengthen our democracy is to make sure we can all participate in it, and that the people have trust in the results and the process,” **said Assembly Speaker Craig J. Coughlin**. “Working together across the aisle, we accomplished just that with these new laws. By updating our voting systems to reflect the kind of world we live in today and ensuring the results reported on election night are easily understood and transparent, we safeguard the health of our democracy.”

“Protecting the public’s ability to participate fairly and freely in the electoral process is crucial,” **said Assemblyman Joe Daniels, sponsor of A-3822**. “With meaningful changes to our election infrastructure, we will be able to empower voters and ensure the way we count and report ballots remains efficient and transparent. These necessary updates will encourage and preserve public trust in our elections.”

“Reducing the potential for fraud is an absolute necessity to ensure strong, fair elections in New Jersey,” **said Assembly members Robert Karabinchak, Sadaf Jaffer, and Sterley Stanley, sponsors of the bill A-3820**. “Requiring voters who are not aligned with a political party to request a mail-in ballot for primaries will further guarantee integrity in our election process.”

“Serving as a poll worker is a unique opportunity for civic engagement for our youth. Today New Jersey will join many other states in allowing youth to work as poll workers, which can be a great experience for high school students or community youth programs,” **said Assembly members Raj Mukherji, Shavonda Sumter, and Joseph Egan, sponsors of A-1969.** “The collective of election laws signed today will strengthen our election process and increase participation of voters throughout the state.”

“New Jersey has made great strides in expanding the ways voters can cast their ballot. We continue to empower residents who want to participate in the election process,” **said Assemblywomen Verlina Reynolds Jackson and Carol Murphy, sponsors of A-3929.** “The election reforms signed into law today, supported by legislators from both sides of the aisle, will help us to ensure New Jersey elections continue to be fair, transparent, and secure.”

“Ensuring voter privacy will enhance the voter experience and strengthen their trust in our elections,” **said Assembly members Anthony Verrelli and Dan Benson, sponsors of the bill A-3817.** “These new laws are necessary steps toward ensuring a fairer election process where people will feel confident when casting their vote.”

“Lawmakers understood the democratic process could not stop, even in the midst of a pandemic. Still, there was much confusion going into the 2020 and 2021 elections. Both Republicans and Democrats saw the challenges that arose. Senate and Assembly members came together with this bill package to address those problems and strengthen voter confidence and election integrity,” **said Assembly Minority Leader John DiMaio, Assemblywoman Aura Dunn and Assemblyman Kevin J. Rooney in a joint statement.**

“Voting by mail has become increasingly popular among New Jersey residents as evidenced by our past election cycle,” **said Senator Joseph Cryan.** “By allowing early canvassing of mail-in ballots, this law (S-2865) will ensure results are available in a timely manner while maintaining and upholding election integrity.”

“Last election cycle we faced a poll worker shortage that threatened our residents’ ability to exercise their right to vote,” **said Senator Patrick Diegnan.** “This law (S-138) will alleviate this worker shortage by tapping into a new sector of the labor pool.”

“I am in support of all we can do to bolster trust in the electoral process, which is a backbone of our democracy. This law (S-2867) will help ensure the integrity and accuracy of our voting rolls and will also serve to uphold free and fair elections,” **said Senator Joseph Lagana.** “In addition, this law will bring needed flexibility for training election workers, and allow us to maintain a steady and strong roster of qualified individuals available to work on any election day.”

“This law (S-2899) guarantees that all citizens of the United States who are eligible to participate in elections are able to do so,” **said Senator Shirley K. Turner.** “Even though they may not be currently residing in the country, they are still citizens of the United States and deserve to be heard in our elections.”

“Ensuring our elections are fair and genuine is crucial in preserving our democracy,” **said Senator Andrew Zwicker.** “This law (S-2863) will guarantee that privacy is maintained through the entire voting process for our voters so that they feel secure when casting their ballots.”