

**19:8-6 et al.**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2020                    **CHAPTER:** 71

**NJSA:** 19:8-6 et al. (Extends ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits: requires certain information to increase public awareness and use of voting by mail.)

**BILL NO:** A4320                    (Substituted for S2633)

**SPONSOR(S)** Andrew Zwicker and others

**DATE INTRODUCED:** 6/25/2020

**COMMITTEE:**                    **ASSEMBLY:** State & Local Government  
Appropriations

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

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 8/27/2020

**SENATE:** 8/27/2020

**DATE OF APPROVAL:** 8/28/2020

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Assembly Committee Substitute for A4320 enacted) Yes

**A4320**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes    State & Local Government  
Appropriations

**SENATE:** No

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**S2633**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes    State Gov., Wagering, Tourism  
& Historic Preservation  
Budget & Appropriations

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**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

A3. "MURPHY APPROVES BILLS SUPPORTING VOTE-BY-MAIL." The Record (Hackensack, NJ), August 31,2020:

"Gov. signs bills paving way for mostly mail-in voting." The Times, (Trenton, NJ), August 30, 2020: 009.

"Gov. signs bills paving way for mostly mail-in." The Star-Ledger, (Trenton, NJ), August 29, 2020: 008.

RWH/CL

P.L. 2020, CHAPTER 71, *approved August 28, 2020*  
Assembly Committee Substitute for  
Assembly, No. 4320

1 AN ACT concerning voting by mail and certain procedures in an  
2 election and amending various 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.19:8-6 is amended to read as follows:

8 19:8-6. The county boards in counties of the first class and the  
9 municipal clerks in counties other than counties of the first class  
10 shall purchase or lease and furnish the proper equipment of polling  
11 places, to enable the district boards to carry out the duties imposed  
12 upon them by this title. The equipment shall consist of tables,  
13 chairs, lights, booths and all other things necessary for the  
14 performance of such duties, and shall be ready for use by the  
15 district boards in ample time to enable them to perform their duties.  
16 Also to be included, for conspicuous display at each polling place  
17 on the days of any election during each year, shall be the voting and  
18 registration instructions provided by the county board of elections,  
19 the voting by mail information posters provided by the Secretary of  
20 State, and mail-in ballot application forms.

21 The Secretary of State shall prepare a voting by mail  
22 informational poster for use at all polling places in the State that  
23 illustrates and promotes the use of voting by mail, including the  
24 description of the vote-by-mail process, and shall distribute the  
25 required number of copies, or replacement copies as needed, to the  
26 county boards.

27 The clerks of the several municipalities shall keep in repair, store  
28 and deliver the polling booths, ballot boxes and other equipment in  
29 time for use by the district boards at the cost and expense of the  
30 municipality.

31 In case of any election to be held in and for a municipality only,  
32 the duties imposed upon the county boards in counties of the first  
33 class regarding the equipment of polling places shall devolve upon  
34 the clerk of the municipality wherein the election is to be held. Any  
35 equipment in possession of the county board may be used in a  
36 municipal election upon requisition.

37 (cf: P.L.1991, c.429, s.7)

38

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

**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       1. a. A county board of elections shall have posted a voter  
2 information notice, which shall be referred to as a voter's bill of  
3 rights, in a conspicuous location in each polling place before the  
4 opening of the polls on the day of any election.

5       The notice shall contain:

6       the date of the election and the hours during which polling places  
7 will be open;

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

10       instruction for the use of the voting machine in that polling place  
11 and an explanation of what instructions for voting are available at  
12 the polling place for the voter;

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

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

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

19       an explanation of the right of the voter to vote in privacy,  
20 regardless of the voter's physical abilities;

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

26       an explanation of the right of the voter to receive a replacement  
27 ballot for a ballot that has been spoiled, destroyed, lost or never  
28 received;

29       an explanation of the right of the voter to ask for and receive  
30 assistance in voting;

31       an explanation of the right of the voter to take a reasonable  
32 amount of time in casting a vote on a voting machine;

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

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

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

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

43       The requirement to post this notice in each polling place shall  
44 not replace, supersede or void any other requirement set forth in law  
45 for the posting of information in each polling place apart from the  
46 voter information notice. The poster promoting the use of voting by  
47 mail prepared and distributed by the Secretary of State pursuant to

1 R.S.19:8-6 shall be displayed next to or as close as may be possible  
2 to the voter information notice.

3 b. The Secretary of State shall prescribe the form and specific  
4 content of the voter information notice, which may be comprised of  
5 more than one page. If the notice is comprised of more than one  
6 page, each page shall be posted separately. For an election district  
7 in which the primary language of 10 percent or more of the  
8 registered voters is a language other than English, the Secretary of  
9 State shall prescribe an official version of the voter information  
10 notice in that other language or languages for use in that election  
11 district. The notice shall be posted in English and in the other  
12 language or languages in the polling places in each such  
13 district. The alternate language shall be determined based on  
14 information from the latest federal decennial census.

15 c. A county board of elections may modify or supplement the  
16 voter information notice used in a county or municipality to provide  
17 additional information specific to that county or a municipality in  
18 that county, provided, however, that any such modification or  
19 supplementation shall be submitted to the Secretary of State for  
20 prior approval.

21 d. The voter information notice shall be printed on each sample  
22 ballot, to the extent practicable, or if not practicable, information on  
23 how to view or obtain a copy of the voter information notice shall  
24 be printed on each sample ballot.

25 e. The voter information notice, including one modified or  
26 supplemented pursuant to subsection c. of this section, shall be  
27 made accessible on the official Internet site of the State by the  
28 Secretary of State and each county board of elections shall ensure  
29 that the official Internet site of the county contains a link to that  
30 notice.

31 f. The provisions of this section shall not give rise to a legal  
32 cause of action.

33 g. The State shall be liable for the costs incurred by local  
34 government entities for compliance with this section, and they shall  
35 be reimbursed for those costs, upon application, by the State  
36 Treasurer.

37 (cf: P.L.2009, c.79, s.30)

38

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

40 19:19-1. The board of county canvassers of each county shall  
41 meet on the **【Wednesday next】** thirteenth day, after any such  
42 election, at 12 o'clock noon, at the courthouse of the county, for the  
43 purpose of checking the canvass which shall have been made by the  
44 county clerk from the statements of the district boards filed in his  
45 office as hereinbefore provided. For such purpose the county clerk  
46 shall have prepared a compilation in tabulated form of such

1 statements and the combined results shown thereby for the use of  
2 the board of canvassers.  
3 (cf: P.L.2018, c.72, s.10)

4

5 4. R.S.19:23-54 is amended to read as follows:

6 19:23-54. The municipal clerk shall forthwith canvass the  
7 statements of the district board as far as they relate to the election  
8 of members of the county committee of any political party, and  
9 shall issue a certificate of election to each person shown by the  
10 returns filed in the office of such municipal clerk to have been so  
11 elected.

12 No person whose name was printed on a primary ballot as a  
13 candidate for the county committee shall receive a certificate of  
14 election as a member of any other county committee.

15 When a person whose name was not printed on a primary ballot  
16 as a candidate for member of the county committee has been elected  
17 as a member of the county committee of more than one political  
18 party, he shall file with the municipal clerk within three days a  
19 statement certifying to which political party he belongs, and a  
20 certificate of election shall be issued to such person as a member of  
21 the county committee of the political party so certified.

22 Any person elected as a member of the county committee of any  
23 political party whose name was not printed upon the primary ballot  
24 and to whom a certificate of election has been issued, shall before  
25 the organization of the county committee file with the secretary  
26 thereof a written statement certifying that he is a member of such  
27 political party.

28 The municipal clerk shall within **[eight]** thirteen days after the  
29 primary election certify to the county clerk and also to the county  
30 board two copies of the names and post-office addresses of the  
31 persons elected as members of the county committee of the several  
32 political parties, together with the ward, district or unit which they  
33 respectively represent.

34 (cf: R.S.19:23-54)

35

36 5. Section 6 of P.L.1945, c.59 (C.19:48-3.20) is amended to  
37 read as follows:

38 6. Upon receipt of such certification, **[such municipal clerk]**  
39 the county clerk of the municipality in which such election is to be  
40 held shall proceed to prepare and furnish to such superintendent of  
41 elections or such county board of elections, as the case may be, at  
42 least seven days before any such election, official ballots of the type  
43 and in the number required by law for use in voting machines, and  
44 shall make such other arrangements as are necessary to hold such  
45 municipal election by the use of voting machines in all election  
46 districts of such municipality, in accordance with the provisions of

1 law relating to elections where voting machines are used, and such  
2 election shall in all respects be so held and conducted.

3 (cf: P.L.1945, c.59, s.6)

4

5 6. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read  
6 as follows:

7 4. a. A qualified voter is entitled to apply for and obtain a  
8 mail-in ballot by authorized messenger, who shall be so designated  
9 over the signature of the voter and whose printed name and address  
10 shall appear on the application in the space provided. The  
11 authorized messenger shall be a family member or a registered voter  
12 of the county in which the application is made and shall place his or  
13 her signature on the application in the space so provided in the  
14 presence of the county clerk or the designee thereof. No person  
15 shall serve as an authorized messenger or as a bearer for more than  
16 three qualified voters in an election, except that an authorized  
17 messenger or bearer may serve as such for up to five qualified  
18 voters in an election if those voters are immediate family members  
19 residing in the same household as the messenger or bearer. No  
20 person who is a candidate in the election for which the voter  
21 requests a mail-in ballot shall be permitted to serve as an authorized  
22 messenger or bearer. The authorized messenger shall show a photo  
23 identification card to the county clerk, or the designee thereof, at  
24 the time the messenger submits the application form. The county  
25 clerk or the designee thereof shall authenticate the signature of the  
26 authorized messenger in the event such a person is other than a  
27 family member, by comparing it with the signature of the person  
28 appearing on a State of New Jersey driver's license, or other  
29 identification issued or recognized as official by the federal  
30 government, the State, or any of its political subdivisions, providing  
31 the identification carries the full address and signature of the  
32 person. After the authentication of the signature on the application,  
33 the county clerk or the designee thereof is authorized to deliver to  
34 the authorized messenger a ballot to be delivered to the qualified  
35 voter.

36 b. The Secretary of State shall cause to be prepared a standard  
37 authorized messenger application form, which may be included with  
38 the mail-in ballot application forms. The authorized messenger  
39 section of the application shall contain the following language  
40 above the signature of the authorized messenger: "I do hereby  
41 certify that I will deliver the mail-in ballot directly to the voter and  
42 no other person, under penalty of law."

43 (cf: P.L.2015, c.84, s.1)

44

45 7. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
46 as follows:

1       6. a. The county clerk, in the case of any Statewide election,  
2 countywide election, or school election in a regional or other school  
3 district comprising more than one municipality; the municipal clerk,  
4 in the case of any municipal election or school election in a school  
5 district comprising a single municipality; and the commissioners or  
6 other governing or administrative body of the district, in the case of  
7 any election to be held in any fire district or other special district,  
8 other than a municipality, created for specified public purposes  
9 within one or more municipalities, shall publish the following  
10 notice in substantially the following form:

11       NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

12       If you are a qualified and registered voter of the State who  
13 wants to vote by mail in the..... (school, municipal,  
14 primary, general, or other) election to be held on..... (date of  
15 election), the following applies:

16       You must complete the application form below and send it to  
17 the county clerk where you reside or write or apply in person to the  
18 county clerk where you reside to request a mail-in ballot.

19       The name, address, and signature of any person who has assisted  
20 you to complete the mail-in ballot application must be provided on  
21 the application, and you must sign and date the application.

22       No person may serve as an authorized messenger or bearer for  
23 more than three qualified voters in an election, but a person may  
24 serve as such for up to five qualified voters in an election if those  
25 voters are immediate family members residing in the same  
26 household as the messenger or bearer.

27       No person who is a candidate in the election for which the voter  
28 requests a mail-in ballot may provide any assistance in the  
29 completion of the ballot or serve as an authorized messenger or  
30 bearer.

31       A person who applies for a mail-in ballot must submit his or her  
32 application at least seven days before the election, but such person  
33 may request an application in person from the county clerk up to 3  
34 p.m. of the day before the election.

35       Voters who want to vote by mail in all future elections will,  
36 after their initial request and without further action on their part, be  
37 provided with a mail-in ballot until the voter requests otherwise in  
38 writing.

39       Application forms may be obtained by applying to the  
40 undersigned either in writing or by telephone, or the application  
41 form provided below may be completed and forwarded to the  
42 undersigned.

43       Dated.....  
44       .....  
45       (signature and title of county clerk)  
46       .....  
47       (address of county clerk)



1 .....  
2 (telephone no. of county clerk)  
3 b. (1) The Secretary of State shall be responsible for providing  
4 all information regarding overseas ballots to each overseas voter  
5 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et  
6 seq.). The secretary shall also make available valid overseas voter  
7 registration and ballot applications to any voter who is a member of  
8 the armed forces of the United States and who is a permanent  
9 resident of this State, or who is an overseas voter who wishes to  
10 register to vote or to vote in any jurisdiction in this State. The  
11 secretary shall provide such public notice as may be deemed  
12 necessary to inform members of the armed forces of the United  
13 States and overseas voters how to obtain valid overseas voter  
14 registration and ballot applications.  
15 (2) The Secretary of State shall undertake a program to inform  
16 voters in this State about their eligibility to vote by mail pursuant to  
17 this act. Dissemination of this information shall be included in the  
18 standard notices required by this section and other provisions of  
19 current law, including but not limited to the notice requirements of  
20 R.S.19:12-7, and shall be effectuated by such means as the secretary  
21 deems appropriate and to the extent that funds for such  
22 dissemination are appropriated including, but not limited to, by  
23 means of Statewide or local electronic media, public service  
24 announcements broadcast by such media, notices on the Internet site  
25 of the Department of State or any other department or agency of the  
26 Executive Branch of State government or its political subdivisions  
27 deemed appropriate by the secretary, and special mailings or notices  
28 in newspapers or other publications circulating in the counties or  
29 municipalities of this State.  
30 c. The mail-in ballot materials shall contain a notice that any  
31 person voting by mail-in ballot who has registered by mail after  
32 January 1, 2003, who did not provide personal identification  
33 information when registering and is voting for the first time in his  
34 or her current county of residence following registration shall  
35 include copies of the required identification information with the  
36 mail-in ballot, and that failure to include such information shall  
37 result in the rejection of the ballot.  
38 d. The notice provided for in subsection a. of this section shall  
39 be published before the 55th day immediately preceding the holding  
40 of any election.  
41 Notices relating to any Statewide or countywide election shall  
42 be published in at least two newspapers published in each county.  
43 All officials charged with the duty of publishing such notices shall  
44 publish the same in at least one newspaper published in each  
45 municipality or district in which the election is to be held, or if no  
46 newspaper is published in the municipality or district, then in a  
47 newspaper published in the county and circulating in the

1 municipality or district. All such notices shall be display  
2 advertisements.

3 (cf: P.L.2018, c.72, s.2)

4

5 8. Section 8 of P.L.2009, c.79 (C.19:63-8) is amended to read  
6 as follows:

7 8. Upon receipt of a request for a mail-in ballot, the county  
8 clerk shall, with the cooperation of the commissioner of  
9 registration, cause the signature of the applicant to be compared  
10 with the signature of the person appearing on the permanent  
11 registration form, or the digitalized image of the voter's signature  
12 stored in the Statewide voter registration system, to determine from  
13 such examination, and any other available information, if the  
14 applicant is a voter qualified to cast a ballot in the election in which  
15 the voter wants to vote, and determine in case of a primary election  
16 the political party primary in which the voter is entitled to vote.  
17 The commissioner of registration, or the superintendent of elections  
18 in counties having a superintendent of elections may, at the request  
19 of the county clerk, investigate any application or request for a  
20 mail-in ballot.

21 If, after such examination, the county clerk is satisfied that the  
22 applicant is entitled to a ballot, the clerk shall mark on the  
23 application "Approved." If, after such examination the county clerk  
24 determines that the applicant is not entitled to a ballot, the clerk  
25 shall mark on the application "Disapproved" and shall so notify the  
26 applicant, stating the reason therefor, as required by section 5 of  
27 P.L.2004, c.88 (C.19:61-5). Notification to the applicant shall be  
28 made in writing within 24 hours of the determination of disapproval  
29 and shall state the specific reason, or reasons, for the disapproval  
30 and inform the applicant of the opportunity to challenge the  
31 disapproval by contacting the county clerk's office. The county  
32 clerk shall provide every disapproved applicant with the  
33 opportunity to (1) submit evidence either in person or via fax, postal  
34 mail or electronic mail, (2) submit a voter registration application to  
35 update signature or change name, address, or party affiliation, (3)  
36 submit a new application to vote by mail, or (4) in the case of an  
37 application disapproved for a reason related to signature  
38 verification, sign an affidavit in the presence of the county clerk, or  
39 designee, after presenting current and valid photo identification.

40 (cf: P.L.2009, c.79, s.8)

41

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

44 9. a. Starting on or before the 45th day before the day an  
45 election is held, each county clerk shall forward mail-in ballots by  
46 first-class postage or hand delivery to each mail-in voter whose  
47 request therefor has been approved. Mail-in ballots that have been

1 approved before the 45th day before an election shall be forwarded  
2 or delivered at least 45 days before the day of the election. Hand  
3 delivery of a mail-in ballot shall be made by the county clerk or the  
4 clerk's designee only to the voter, or the voter's authorized  
5 messenger, who must appear in person. No person shall serve as an  
6 authorized messenger for more than three qualified voters in an  
7 election, but a person may serve as such for up to five qualified  
8 voters in an election if those voters are immediate family members  
9 residing in the same household as the messenger. Ballots that have  
10 not been hand delivered shall be addressed to the voter at the  
11 forwarding address given in the application.

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

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

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

32 c. (Deleted by amendment, P.L.2011, c.37).  
33 (cf: P.L.2017, c.206, s.8)

34  
35 10. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to  
36 read as follows:

37 12. Each county clerk shall send, with each mail-in ballot,  
38 printed directions for the preparation and transmitting of the ballots  
39 as required by this act. The directions shall be printed in such  
40 manner and form as the Secretary of State shall require, together  
41 with two envelopes of such sizes that one will contain the other.  
42 The directions prepared by the Secretary of State shall inform the  
43 voter that the status of the voter's mail-in ballot may be checked  
44 using the free-access system provided in section 5 of P.L.2004, c.88  
45 (C.19:61-5).

46 The outer envelope shall be addressed to the county board of  
47 elections of the county in which is located the home address of the

1 person to whom the mail-in ballot is sent, as certified by the county  
2 clerk. At the discretion of the county clerk, the outer envelope may  
3 be a postage paid return envelope. On the outside and front of each  
4 outer envelope, there shall be printed or stamped the following:

5 To protect your vote:

6 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
7 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
8 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
9 IS COMPLETED:

10 Ballot mailed or transported by

11 (signature of bearer)

12 (print name of bearer)

13 (address of bearer)

14 The reserve side of the outer envelope shall contain the  
15 following:

16 REMINDER

17 For your vote to count, you must:

18 1) Vote your ballot and place it in the inner envelope with the  
19 attached certificate.

20 2) Seal the envelope.

21 3) Place the envelope into the larger envelope addressed to the  
22 board of elections and seal that envelope.

23 4) If another person will be mailing your ballot or bringing it to  
24 the board of elections, MAKE CERTAIN THAT PERSON  
25 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
26 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
27 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
28 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
29 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
30 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
31 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
32 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR  
33 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF  
34 THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS  
35 RESIDING IN THE SAME HOUSEHOLD AS THE BEARER.

36 The Secretary of State is authorized to make such changes to the  
37 instructions for mail-in ballot materials as the Secretary of State  
38 deems necessary or as is mandated by federal or State law.

39 The inner envelope shall be so designed that it can be sealed  
40 after the mail-in ballot has been placed therein and the flap thereof  
41 shall be of such length and size as to leave sufficient margin, after  
42 sealing, for the printing thereon of the certificate hereinafter  
43 described. The flap shall be so arranged that, after the inner  
44 envelope has been sealed, the certificate can be contained, with the  
45 inner envelope, in the outer envelope, and that the margin  
46 containing the certificate can be detached without unsealing the  
47 inner envelope.

1 On the outside of each envelope in which a mail-in ballot is sent  
2 to a mail-in voter by the clerk, there shall be printed or stamped the  
3 words "Official Mail-In Ballot." In addition, there shall be printed  
4 or stamped the following:

5 To protect your vote:

6 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
7 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS  
8 BALLOT.

9 However, a family member may assist you in doing so.

10 The reverse side of each inner envelope shall contain the  
11 following statement:

12 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
13 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
14 LAW if that person attempts to vote fraudulently by mail-in ballot,  
15 prevents the voting of a legal voter, certifies falsely any  
16 information, interferes with a person's secrecy of voting, tampers  
17 with ballots or election documents or helps another person to do so.  
18 (cf: P.L.2015, c.84, s.4)

19

20 11. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
21 read as follows:

22 16. a. A mail-in voter shall be entitled to mark any mail-in  
23 ballot forwarded to the voter for voting at any election by indicating  
24 the voter's choice of candidates for the offices named, and as to  
25 public questions, if any, stated thereon, in accordance with current  
26 law. In the case of ballots to be voted for any primary election for  
27 the general election, as the case may be, the voter's choice shall be  
28 limited to the candidates of the voter's political party or to any  
29 person or persons whose names are written thereon by the voter.  
30 When so marked, such ballot shall be placed in the inner envelope,  
31 which shall then be sealed, and the voter shall then fill in the form  
32 of certificate attached to the inner envelope, at the end of which the  
33 voter shall sign and print the voter's name. The inner envelope with  
34 the certificate shall then be placed in the outer envelope, which  
35 shall then be sealed.

36 b. No mail-in voter shall permit any person in any way, except  
37 as provided by this act, to unseal, mark or inspect the voter's ballot,  
38 interfere with the secrecy of the voter's vote, complete or sign the  
39 certificate, or seal the inner or outer envelope, nor shall any person  
40 do so.

41 c. A mail-in voter shall be entitled to assistance from a family  
42 member in performing any of the actions provided for in this  
43 section. The family member or other person providing such  
44 assistance shall certify that he or she assisted the voter and will  
45 maintain the secrecy of the vote by both printing and signing his or  
46 her name in the space provided on the certificate. In no event may a  
47 candidate for election provide such assistance, nor may any person,

1 at the time of providing such assistance, campaign or electioneer on  
2 behalf of any candidate.

3 d. (1) The sealed outer envelope with the inner envelope and  
4 the ballot enclosed therein shall then either be mailed to the county  
5 board of elections to which it is addressed or delivered personally  
6 by the voter or a bearer designated by the voter to the board. To be  
7 counted, the ballot must be received by the board or its designee  
8 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the  
9 closing of the polls, as may be appropriate, on the day of an  
10 election.

11 (2) Whenever a person delivers a ballot to the county board, that  
12 person shall provide proof of the person's identity in the form of a  
13 New Jersey driver's license, or another form of identification issued  
14 or recognized as official by the federal government, the State, or  
15 any of its subdivisions, providing the identification carries the full  
16 address and signature of the person. The person shall sign a record  
17 maintained by the county of all mail-in ballots personally delivered  
18 to it.

19 (3) No person shall serve as an authorized messenger or as a  
20 bearer for more than three qualified voters in an election, but a  
21 person may serve as such for up to five qualified voters in an  
22 election if those voters are immediate family members residing in  
23 the same household as the messenger or bearer. No person who is a  
24 candidate in the election for which the voter requests a mail-in  
25 ballot shall be permitted to serve as an authorized messenger or  
26 bearer. The bearer, by signing the certification provided for in  
27 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she  
28 received a mail-in ballot directly from the voter, and no other  
29 person, and is authorized to deliver the ballot to the appropriate  
30 board of election or designee on behalf of the voter.  
31 (cf: P.L.2015, c.84, s.5)

32  
33 12. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to  
34 read as follows:

35 17. The county board of elections shall, promptly after receiving  
36 each mail-in ballot, remove the inner envelope containing the ballot  
37 from the outer envelope and shall compare the signature and the  
38 information contained on the flap of the inner envelope with the  
39 signature and information contained in the respective requests for  
40 mail-in ballots. In addition, as to mail-in ballots issued less than  
41 seven days prior to an election, the county board of elections shall  
42 also check to establish that the mail-in voter did not vote in person.  
43 The county board shall reject such a ballot if it is not satisfied,  
44 pursuant to a comparison with the Statewide voter registration  
45 system, that the voter is legally entitled to vote and that the ballot  
46 conforms with the requirements of this act.

1 In the case of a mail-in ballot to be voted at a primary election  
2 for the general election, the ballot shall be rejected if the mail-in  
3 voter has indicated in the certificate the voter's intention to vote in a  
4 primary election of any political party in which the voter is not  
5 entitled to vote according to the Statewide voter registration system,  
6 and if it shall appear from the record that the voter is not entitled to  
7 vote in a primary election of the political party which has been so  
8 indicated.

9 Any mail-in ballot which is received by a county board of  
10 elections shall be rejected if ~~both~~ the inner ~~and outer envelopes~~  
11 ~~are~~ envelope is unsealed or if either the inner or outer envelope has  
12 a seal that has been tampered with. Mail-in ballots shall not be  
13 rejected due to any defect arising out of or relating to the  
14 preparation or mailing of the ballot or envelope that was not  
15 reasonably caused by the voters, such as a torn envelope and  
16 missing or insufficient glue to allow the ballot to be sealed.

17 Disputes about the qualifications of a mail-in voter to vote or  
18 about whether or not or how any mail-in ballot shall be counted in  
19 such election shall be referred to the Superior Court for  
20 determination.

21 After such investigation, the county board of elections shall  
22 detach or separate the certificate from the inner envelope containing  
23 the mail-in ballot, unless it has been rejected by it or by the  
24 Superior Court, marking the envelope so as to identify the election  
25 district in which the ballot contained therein is to be voted as  
26 indicated by the voter's home address appearing on the certificate  
27 attached to or accompanying the inner envelope and, in the case of  
28 ballots to be voted at a primary election for a general election, so as  
29 to identify the political party in the primary election of which it is  
30 to be voted.

31 The location at which a county board of elections determines  
32 whether a mail-in ballot shall be accepted or rejected shall be  
33 considered an election district for the purposes of appointment of  
34 challengers.

35 The Secretary of State shall prepare educational materials  
36 regarding this section that all employed county boards of elections  
37 employees handling ballots shall read and have available for  
38 review. The materials shall provide clear information regarding the  
39 standards for acceptance and rejection of mail-in ballots and the  
40 safe-keeping of all materials in the case of rejection. The materials  
41 shall serve an educational purpose for the county board of elections  
42 and shall not replace, supersede, or void the authority of the county  
43 board or a judge of the Superior Court to accept or reject a mail-in  
44 ballot.

45 (cf: P.L.2011, c.134, s.55)

1       13. Section 22 of P.L.2009, c.22 (C.19:63-22) is amended to  
2 read as follows:

3       22. On the day of each election each county board of elections  
4 shall open in the presence of the commissioner of registration, or  
5 the designee thereof, the inner envelopes that contain the mail-in  
6 ballots with the votes cast for the election. The inner envelopes  
7 containing the ballots that the board or the Superior Court has  
8 rejected shall not be so opened, but shall be retained as provided for  
9 by this act. The board shall then proceed to canvass the votes cast  
10 on the mail-in ballots, but no such ballot shall be counted in any  
11 primary election for the general election if the ballot of the political  
12 party marked for voting thereon differs from the designation of the  
13 political party in the primary election of which such ballot is  
14 intended to be voted as marked on the envelope by the county board  
15 of elections.

16       Every mail-in ballot that bears a postmark date before or of the  
17 day of the election and that is received by the county board within  
18 ~~[48]~~ 144 hours after the time of the closing of the polls for the  
19 election that the ballot was prepared shall be considered valid and  
20 shall be canvassed. Every mail-in ballot that does not bear a  
21 postmark date but that is received by the county board by delivery  
22 of the United States Postal Service before, or within 48 hours after,  
23 the time of the closing of the polls for the election for which the  
24 ballot was prepared shall be considered valid and shall be  
25 canvassed.

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

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

37 (cf: P.L.2018, c.72, s.8)

38

39       14. This act shall take effect immediately, except that sections 6  
40 through 11 shall take effect on February 1, 2021.

41

42

43

44

45       Extends ballot receipt and election certification deadlines;  
46 increases certain messenger and bearer ballot limits; requires certain  
47 information to increase public awareness and use of voting by mail.



# ASSEMBLY, No. 4320

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 22, 2020

**Sponsored by:**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblyman Karabinchak**

**SYNOPSIS**

Requires certain information to increase public awareness and use of voting by mail; extends deadline for mail-in ballots to be received and canvassed; requires certain mail-in ballots to be retained.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 AN ACT concerning voting by mail and amending various parts of the  
2 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.19:8-6 is amended to read as follows:

8 19:8-6. The county boards in counties of the first class and the  
9 municipal clerks in counties other than counties of the first class shall  
10 purchase or lease and furnish the proper equipment of polling places,  
11 to enable the district boards to carry out the duties imposed upon  
12 them by this title. The equipment shall consist of tables, chairs,  
13 lights, booths and all other things necessary for the performance of  
14 such duties, and shall be ready for use by the district boards in ample  
15 time to enable them to perform their duties. Also to be included, for  
16 conspicuous display at each polling place on the days of any election  
17 during each year, shall be the voting and registration instructions  
18 provided by the county board of elections, the voting by mail  
19 information posters provided by the Secretary of State, and mail-in  
20 ballot application forms.

21 The Secretary of State shall prepare a voting by mail informational  
22 poster for use at all polling places in the State that illustrates and  
23 promotes the use of voting by mail, including the description of the  
24 vote-by-mail process, and shall distribute the required number of  
25 copies, or replacement copies as needed, to the county boards.

26 The clerks of the several municipalities shall keep in repair, store  
27 and deliver the polling booths, ballot boxes and other equipment in  
28 time for use by the district boards at the cost and expense of the  
29 municipality.

30 In case of any election to be held in and for a municipality only,  
31 the duties imposed upon the county boards in counties of the first  
32 class regarding the equipment of polling places shall devolve upon  
33 the clerk of the municipality wherein the election is to be held. Any  
34 equipment in possession of the county board may be used in a  
35 municipal election upon requisition.

36 (cf: P.L.1991, c.429, s.7)

37

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

40 1. a. A county board of elections shall have posted a voter  
41 information notice, which shall be referred to as a voter's bill of  
42 rights, in a conspicuous location in each polling place before the  
43 opening of the polls on the day of any election.

44 The notice shall contain:

**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 the date of the election and the hours during which polling places  
2 will be open;  
3 a statement that sample ballots are available at the polling place  
4 for review by the voter;  
5 instruction for the use of the voting machine in that polling place  
6 and an explanation of what instructions for voting are available at the  
7 polling place for the voter;  
8 instruction for a voter who is voting for the first time;  
9 instruction for a voter who is required to provide identification  
10 pursuant to the federal "Help America Vote Act of 2002" and  
11 R.S.19:15-17 prior to casting a vote;  
12 instruction on how to cast a vote if the voter cannot be present at  
13 a polling place on the day of the election;  
14 an explanation of the right of the voter to vote in privacy,  
15 regardless of the voter's physical abilities;  
16 an explanation of the right of the voter to a provisional ballot,  
17 including in the event that a mail-in ballot has been applied for and  
18 not received or not transmitted to the county board of elections before  
19 the day of any election, and the other circumstances under which a  
20 voter has a right to a provisional ballot;  
21 an explanation of the right of the voter to receive a replacement  
22 ballot for a ballot that has been spoiled, destroyed, lost or never  
23 received;  
24 an explanation of the right of the voter to ask for and receive  
25 assistance in voting;  
26 an explanation of the right of the voter to take a reasonable amount  
27 of time in casting a vote on a voting machine;  
28 an explanation of the right of the voter to bring written material  
29 into the polling place for the voter's personal use in casting a vote;  
30 instruction on how to contact the appropriate officials if a voter's  
31 right to vote or right to otherwise participate in the electoral process  
32 has been challenged or violated;  
33 general information on federal and State laws that prohibit acts of  
34 fraud or misrepresentation and the penalties for those acts; and  
35 such other statement, instruction or explanation the Secretary of  
36 State may deem appropriate to ensure the full and knowledgeable  
37 participation of the voter in the process.  
38 The requirement to post this notice in each polling place shall not  
39 replace, supersede or void any other requirement set forth in law for  
40 the posting of information in each polling place apart from the voter  
41 information notice. The poster promoting the use of voting by mail  
42 prepared and distributed by the Secretary of State pursuant to  
43 R.S.19:8-6 shall be displayed next to or as close as may be possible  
44 to the voter information notice.  
45 b. The Secretary of State shall prescribe the form and specific  
46 content of the voter information notice, which may be comprised of  
47 more than one page. If the notice is comprised of more than one  
48 page, each page shall be posted separately. For an election district in

1 which the primary language of 10 percent or more of the registered  
2 voters is a language other than English, the Secretary of State shall  
3 prescribe an official version of the voter information notice in that  
4 other language or languages for use in that election district. The  
5 notice shall be posted in English and in the other language or  
6 languages in the polling places in each such district. The alternate  
7 language shall be determined based on information from the latest  
8 federal decennial census.

9 c. A county board of elections may modify or supplement the  
10 voter information notice used in a county or municipality to provide  
11 additional information specific to that county or a municipality in that  
12 county, provided, however, that any such modification or  
13 supplementation shall be submitted to the Secretary of State for prior  
14 approval.

15 d. The voter information notice shall be printed on each sample  
16 ballot, to the extent practicable, or if not practicable, information on  
17 how to view or obtain a copy of the voter information notice shall be  
18 printed on each sample ballot.

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

24 f. The provisions of this section shall not give rise to a legal  
25 cause of action.

26 g. The State shall be liable for the costs incurred by local  
27 government entities for compliance with this section, and they shall  
28 be reimbursed for those costs, upon application, by the State  
29 Treasurer.

30 (cf: P.L.2009, c.79, s.30)

31

32 3. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to read  
33 as follows:

34 12. Each county clerk shall send, with each mail-in ballot, printed  
35 directions for the preparation and transmitting of the ballots as  
36 required by this act. The directions shall be printed in such manner  
37 and form as the Secretary of State shall require, together with two  
38 envelopes of such sizes that one will contain the other. The directions  
39 prepared by the Secretary of State shall inform the voter that the  
40 status of the voter's mail-in ballot may be checked using the free-  
41 access system provided in section 5 of P.L.2004, c.88 (C.19:61-5).

42 The outer envelope shall be addressed to the county board of  
43 elections of the county in which is located the home address of the  
44 person to whom the mail-in ballot is sent, as certified by the county  
45 clerk. At the discretion of the county clerk, the outer envelope may  
46 be a postage paid return envelope. On the outside and front of each  
47 outer envelope, there shall be printed or stamped the following:

48 To protect your vote:

1 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
2 VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS  
3 THE ENVELOPE IS SEALED AND THE FOLLOWING IS  
4 COMPLETED:

5 Ballot mailed or transported by  
6 (signature of bearer)  
7 (print name of bearer)  
8 (address of bearer)

9 The reverse side of the outer envelope shall contain the following:  
10 REMINDER

11 For your vote to count, you must:

12 1) Vote your ballot and place it in the inner envelope with the  
13 attached certificate.

14 2) Seal the envelope.

15 3) Place the envelope into the larger envelope addressed to the  
16 board of elections and seal that envelope.

17 4) If another person will be mailing your ballot or bringing it to  
18 the board of elections, MAKE CERTAIN THAT PERSON  
19 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
20 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
21 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
22 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
23 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
24 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
25 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
26 AN ELECTION.

27 The Secretary of State is authorized to make such changes to the  
28 instructions for mail-in ballot materials as the Secretary of State  
29 deems necessary or as is mandated by federal or State law.

30 The inner envelope shall be so designed that it can be sealed after  
31 the mail-in ballot has been placed therein and the flap thereof shall  
32 be of such length and size as to leave sufficient margin, after sealing,  
33 for the printing thereon of the certificate hereinafter described. The  
34 flap shall be so arranged that, after the inner envelope has been  
35 sealed, the certificate can be contained, with the inner envelope, in  
36 the outer envelope, and that the margin containing the certificate can  
37 be detached without unsealing the inner envelope.

38 On the outside of each envelope in which a mail-in ballot is sent  
39 to a mail-in voter by the clerk, there shall be printed or stamped the  
40 words "Official Mail-In Ballot." In addition, there shall be printed  
41 or stamped the following:

42 To protect your vote:

43 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
44 VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

45 However, a family member may assist you in doing so.

46 The reverse side of each inner envelope shall contain the following  
47 statement:

1 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
2 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW  
3 if that person attempts to vote fraudulently by mail-in ballot, prevents  
4 the voting of a legal voter, certifies falsely any information, interferes  
5 with a person's secrecy of voting, tampers with ballots or election  
6 documents or helps another person to do so.  
7 (cf: P.L.2015, c.84, s.4)

8  
9 4. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to read  
10 as follows:

11 17. The county board of elections shall, promptly after receiving  
12 each mail-in ballot, remove the inner envelope containing the ballot  
13 from the outer envelope and shall compare the signature and the  
14 information contained on the flap of the inner envelope with the  
15 signature and information contained in the respective requests for  
16 mail-in ballots. In addition, as to mail-in ballots issued less than  
17 seven days prior to an election, the county board of elections shall  
18 also check to establish that the mail-in voter did not vote in  
19 person. The county board shall reject such a ballot if it is not  
20 satisfied, pursuant to a comparison with the Statewide voter  
21 registration system, that the voter is legally entitled to vote and that  
22 the ballot conforms with the requirements of this act.

23 In the case of a mail-in ballot to be voted at a primary election for  
24 the general election, the ballot shall be rejected if the mail-in voter  
25 has indicated in the certificate the voter's intention to vote in a  
26 primary election of any political party in which the voter is not  
27 entitled to vote according to the Statewide voter registration system,  
28 and if it shall appear from the record that the voter is not entitled to  
29 vote in a primary election of the political party which has been so  
30 indicated.

31 Any mail-in ballot which is received by a county board of  
32 elections shall be rejected if both the inner and outer envelopes are  
33 unsealed or if either envelope has a seal that has been tampered with.  
34 Mail-in ballots shall not be rejected due to missing or insufficient  
35 glue for either envelope.

36 Disputes about the qualifications of a mail-in voter to vote or  
37 about whether or not or how any mail-in ballot shall be counted in  
38 such election shall be referred to the Superior Court for  
39 determination.

40 After such investigation, the county board of elections shall detach  
41 or separate the certificate from the inner envelope containing the  
42 mail-in ballot, unless it has been rejected by it or by the Superior  
43 Court, marking the envelope so as to identify the election district in  
44 which the ballot contained therein is to be voted as indicated by the  
45 voter's home address appearing on the certificate attached to or  
46 accompanying the inner envelope and, in the case of ballots to be  
47 voted at a primary election for a general election, so as to identify the  
48 political party in the primary election of which it is to be voted.

1 The location at which a county board of elections determines  
2 whether a mail-in ballot shall be accepted or rejected shall be  
3 considered an election district for the purposes of appointment of  
4 challengers.

5 The Secretary of State shall prepare educational materials  
6 regarding this section that all employed county boards of elections  
7 employees handling ballots shall read and have available for review.  
8 The materials shall provide clear information regarding the standards  
9 for acceptance and rejection of mail-in ballots and the safe-keeping  
10 of all materials in the case of rejection. The materials shall serve an  
11 educational purpose for the county board of elections and shall not  
12 replace, supersede, or void the authority of the county board or a  
13 judge of the Superior Court to accept or reject a mail-in ballot.  
14 (cf: P.L.2011, c.134, s.55)

15

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

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

30 Every mail-in ballot that bears a postmark date before or of the  
31 day of the election and that is received by the county board within  
32 **[48]** 144 hours after the time of the closing of the polls for the  
33 election that the ballot was prepared shall be considered valid and  
34 shall be canvassed. Every mail-in ballot that does not bear a  
35 postmark date but that is received by the county board by delivery of  
36 the United States Postal Service within 48 hours after the time of the  
37 closing of the polls for the election for which the ballot was prepared  
38 shall be considered valid and shall be canvassed. Mail-in ballots  
39 deemed invalid shall be retained, including the outer and inner  
40 envelopes, for a period of two years and shall be made available for  
41 inspection by the voter.

42 Immediately after the canvass is completed, the respective county  
43 boards of election shall certify the result of the canvass to the county  
44 clerk or the municipal or district clerk or other appropriate officer, as  
45 the case may be, showing the result of the canvass by municipality  
46 and ward. The votes thus canvassed shall be counted in determining  
47 the result of the election.

1 The county board of elections shall, immediately after the canvass  
2 is completed for any primary election, certify the results of the votes  
3 cast for members of the county committees to the respective  
4 municipal clerks, and those votes shall be counted in determining the  
5 result of the election.

6 (cf: P.L.2018, c.72, s.8)

7

8 6. Section 24 of P.L.2009, c.79 (C.19:63-24) is amended to read  
9 as follows:

10 24. The county board of elections shall keep, for two years, all of  
11 the requests and applications for mail-in ballots, all voted mail-in  
12 ballots, and all of the certificates that have been detached or separated  
13 by them from the inner envelopes. All inner envelopes together with  
14 their certificates, and the contents of those envelopes not opened by  
15 order of the county board or Superior Court, shall also be retained for  
16 the same period by the board. This section shall include mail-in  
17 ballots deemed invalid, including the outer and inner envelopes of  
18 those mail-in ballots. The superintendent of elections in counties  
19 having a superintendent of elections and the prosecutor in all other  
20 counties shall have the authority to impound all mail-in ballots  
21 whenever the superintendent or prosecutor, as may be appropriate,  
22 shall deem such action to be necessary.

23 (cf: P.L.2009, c.79, s.24)

24

25 7. This act shall take effect immediately.

26

27

## 28 STATEMENT

29

30 This bill requires certain information to increase public awareness  
31 and use of voting by mail, requires certain mail-in ballots received by  
32 the county board within 144 hours after polls close to be considered  
33 valid, and requires certain mail-in ballots to be retained.

34 Under the bill, the Secretary of State is required to:

35 (1) prepare informational posters for use at all polling places that  
36 promote voting by mail,

37 (2) include with mail-in ballots information for the voter on how  
38 to check the status of the voter's mail-in ballot, and

39 (3) provide educational materials to county board of elections  
40 employees on the standards for acceptance and rejection of mail-in  
41 ballots.

42 The educational materials prepared by the Secretary of State  
43 would serve an educational purpose for the county board and would  
44 not replace, supersede, or void the authority of the county board or a  
45 judge of the Superior Court to accept or reject a mail-in ballot. This  
46 bill also prohibits the rejection of a mail-in ballot due to missing or  
47 insufficient glue on an outer or inner envelope or mail-in ballots  
48 where noncompliance is attributable to physical defects outside the



1 control of the voter in the inner envelop, outer envelope, certificate,  
2 or ballot.

3 Under current law, county boards of elections are required to  
4 retain voted mail-in ballots for a period of two years. This bill  
5 clarifies that ballots that are deemed invalid are also required to be  
6 retained for two years. This bill also extends the deadline by which  
7 mail-in ballots bearing a postmark before or on the day of the election  
8 must be received by the county board of elections in order to be  
9 canvassed from 48 hours after the closing of the polls to 144 hours  
10 after the closing of the polls. The bill would also require that every  
11 mail-in ballot that does not bear a postmark date but that is received  
12 by the county board by delivery of the United States Postal Service  
13 within 48 hours after the time of the closing of the polls for the  
14 election for which the ballot was prepared is to be considered valid  
15 and canvassed.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4320**

with committee amendments

**STATE OF NEW JERSEY**

DATED: AUGUST 13, 2020

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 4320.

This bill, as amended, requires certain information to increase public awareness and use of voting by mail, prohibits rejection of any mail-in ballot if noncompliance is attributable to physical defects outside the control of the voter, and requires certain mail-in ballots to be retained.

Under the bill, the Secretary of State is required to:

- (1) prepare informational posters for use at all polling places that promote voting by mail,
- (2) include with mail-in ballots information for the voter on how to check the status of the voter's mail-in ballot, and
- (3) provide educational materials to county board of elections employees on the standards for acceptance and rejection of mail-in ballots.

The educational materials prepared by the Secretary of State would serve an educational purpose for the county board and would not replace, supersede, or void the authority of the county board or a judge of the Superior Court to accept or reject a mail-in ballot.

The bill prohibits the rejection of a mail-in ballot due to missing or insufficient glue on an outer or inner envelope. As amended, the bill would also prohibit the rejection of a mail-in ballot when noncompliance is attributable to physical defects outside the control of the voter in the inner envelope, outer envelope, certificate, or ballot.

Under current law, county boards of elections are required to retain voted mail-in ballots for a period of two years. This bill clarifies that ballots that are deemed invalid are also required to be retained for two years.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- prohibit the rejection of a mail-in ballot when noncompliance is attributable to physical defects outside the control of the

voter in the inner envelop, outer envelope, certificate, or ballot;  
and

- remove a section of the bill that would have considered valid any mail-in ballot (1) received within 144 hours after the close of the polls if the ballot bears a postmark date on or before election day, or (2) received within 48 hours after the close of the polls if there is no postmark date and the ballot was delivered of the United State Postal Service; the provisions of this section would have also required the retention of mail-in ballots deemed invalid for two years and the allowance for inspection of any such ballot by the voter.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 4320**

**STATE OF NEW JERSEY**

DATED: AUGUST 24, 2020

The Assembly Appropriations Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 4320.

This bill extends certain ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; and requires certain information to increase public awareness and use of voting by mail.

Under the bill, the Secretary of State is required to:

(1) prepare informational posters for use at all polling places that promote voting by mail,

(2) include with mail-in ballots information for the voter on how to check the status of the voter's mail-in ballot, and

(3) provide educational materials to county board of elections employees on the standards for acceptance and rejection of mail-in ballots.

The educational materials prepared by the Secretary of State would serve an educational purpose for the county board and would not replace, supersede, or void the authority of the county board or a judge of the Superior Court to accept or reject a mail-in ballot.

This bill also prohibits the rejection of a mail-in ballot due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed.

This bill also extends the deadline by which mail-in ballots bearing a postmark before or on the day of the election must be received by the county board of elections in order to be canvassed from 48 hours after the closing of the polls to 144 hours after the closing of the polls. The bill would also require that every mail-in ballot that does not bear a postmark date but that is received by the county board by delivery of the United States Postal Service before 48 hours after the time of the closing of the polls for the election for which the ballot was prepared is to be considered valid and canvassed.

This bill also establishes an alternative way to cure signature defects on applications for a mail-in ballot by requiring notification to the applicant within 24 hours of the determination of disapproval.

Under the bill, the notice must state the specific reasons for the disapproval and inform the applicant of the opportunity to challenge the disapproval by contacting the county clerk's office. This bill also provides that the county clerk would be responsible for preparing and furnishing ballots for municipal elections and extends certain deadlines for the certification of election results by the municipal clerk, the meeting of the board of county canvassers, and the transmission of the statement of the canvass or other statements to the Secretary of State.

Finally, the bill allows a person to serve as an authorized messenger or bearer for five qualified voters if those voters are an immediate family member residing in the same household as the messenger or bearer.

The bill provides that the sections concerning the 24-hour notice and authorized messengers and bearers will not take effect until February 1, 2021.

**FISCAL IMPACT:**

The Office of Legislative Services estimates that this bill will result in an indeterminate increase in State and local government costs.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4320

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 26, 2020

#### SUMMARY

- Synopsis:** Requires certain information to increase public awareness and use of voting by mail; prohibits rejection of mail-in ballots for certain defects; requires certain mail-in ballots to be retained.
- Type of Impact:** State expenditure increase. Potential local expenditure increases. Revenue increase to local governments for costs reimbursable by the State.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	
<b>Local Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) has been informed by the Division of Elections that it is currently working on, but has not yet completed, a fiscal estimate of the bill's requirement that the Secretary of State prepare a voter information notice that illustrates and promotes the use of voting by mail, including the description of the vote-by-mail process, and to distribute copies of the poster to the county boards. The State will be required to pay for these costs.
- The division indicates that the provisions directing the Secretary of State to prepare educational materials for employees of county boards of elections that provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe-keeping of all materials in the case of rejection would not result in any cost increase, as this information would be included among other educational materials that the division issues on a regular basis.
- The division indicates that the provision in the bill that requires the Secretary of State to inform the voter that the status of the voter's mail-in ballot may be checked using the free-access system would not increase costs to the Secretary of State.

## **BILL DESCRIPTION**

This bill requires certain information to increase public awareness and use of voting by mail, prohibits rejection of any mail-in ballot if noncompliance is attributable to physical defects outside the control of the voter, and requires certain mail-in ballots to be retained.

Under the bill, the Secretary of State is required to:

- (1) Prepare informational posters for use at all polling places that promote voting by mail;
- (2) Include with mail-in ballots information for the voter on how to check the status of the voter's mail-in ballot; and
- (3) Provide educational materials to county board of elections employees on the standards for acceptance and rejection of mail-in ballots.

Under current law, county boards of elections are required to retain voted mail-in ballots for a period of two years. This bill clarifies that ballots that are deemed invalid are also required to be retained for two years.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS has been informed by the Division of Elections that it is currently working on, but has not yet completed, a fiscal estimate of the bill's requirement that the Secretary of State prepare a voter information notice that illustrates and promotes the use of voting by mail, including the description of the vote-by-mail process, and to distribute copies of the poster to the county boards. The State will be required to pay for these costs.

The division indicates that the provisions directing the Secretary of State to prepare educational materials for employees of county boards of elections that provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe-keeping of all materials in the case of rejection would not result in any cost increase, as this information would be included among other educational materials that the division issues on a regular basis.

The division indicates that the provision in the bill that requires the Secretary of State to inform the voter that the status of the voter's mail-in ballot may be checked using the free-access system would not increase costs to the Secretary of State.

*Section:* State Government

*Analyst:* Kimberly M. Clemmensen  
Lead Fiscal Analyst

*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 2633

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 29, 2020

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Pou, Gill, Stack and Turner**

**SYNOPSIS**

Requires certain information to increase public awareness and use of voting by mail; extends deadline for mail-in ballots to be received and canvassed; requires certain mail-in ballots to be retained.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/20/2020)**



1 AN ACT concerning voting by mail and amending various parts of  
2 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.19:8-6 is amended to read as follows:

8 19:8-6. The county boards in counties of the first class and the  
9 municipal clerks in counties other than counties of the first class  
10 shall purchase or lease and furnish the proper equipment of polling  
11 places, to enable the district boards to carry out the duties imposed  
12 upon them by this title. The equipment shall consist of tables,  
13 chairs, lights, booths and all other things necessary for the  
14 performance of such duties, and shall be ready for use by the  
15 district boards in ample time to enable them to perform their duties.  
16 Also to be included, for conspicuous display at each polling place  
17 on the days of any election during each year, shall be the voting and  
18 registration instructions provided by the county board of elections,  
19 the voting by mail information posters provided by the Secretary of  
20 State, and mail-in ballot application forms.

21 The Secretary of State shall prepare a voting by mail  
22 informational poster for use at all polling places in the State that  
23 illustrates and promotes the use of voting by mail, including the  
24 description of the vote-by-mail process, and shall distribute the  
25 required number of copies, or replacement copies as needed, to the  
26 county boards.

27 The clerks of the several municipalities shall keep in repair, store  
28 and deliver the polling booths, ballot boxes and other equipment in  
29 time for use by the district boards at the cost and expense of the  
30 municipality.

31 In case of any election to be held in and for a municipality only,  
32 the duties imposed upon the county boards in counties of the first  
33 class regarding the equipment of polling places shall devolve upon  
34 the clerk of the municipality wherein the election is to be held. Any  
35 equipment in possession of the county board may be used in a  
36 municipal election upon requisition.

37 (cf: P.L.1991, c.429, s.7)

38

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

41 1. a. A county board of elections shall have posted a voter  
42 information notice, which shall be referred to as a voter's bill of  
43 rights, in a conspicuous location in each polling place before the  
44 opening of the polls on the day of any election.

45 The notice shall contain:

**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 the date of the election and the hours during which polling places  
2 will be open;  
3 a statement that sample ballots are available at the polling place  
4 for review by the voter;  
5 instruction for the use of the voting machine in that polling place  
6 and an explanation of what instructions for voting are available at  
7 the polling place for the voter;  
8 instruction for a voter who is voting for the first time;  
9 instruction for a voter who is required to provide identification  
10 pursuant to the federal "Help America Vote Act of 2002" and  
11 R.S.19:15-17 prior to casting a vote;  
12 instruction on how to cast a vote if the voter cannot be present at  
13 a polling place on the day of the election;  
14 an explanation of the right of the voter to vote in privacy,  
15 regardless of the voter's physical abilities;  
16 an explanation of the right of the voter to a provisional ballot,  
17 including in the event that a mail-in ballot has been applied for and  
18 not received or not transmitted to the county board of elections  
19 before the day of any election, and the other circumstances under  
20 which a voter has a right to a provisional ballot;  
21 an explanation of the right of the voter to receive a replacement  
22 ballot for a ballot that has been spoiled, destroyed, lost or never  
23 received;  
24 an explanation of the right of the voter to ask for and receive  
25 assistance in voting;  
26 an explanation of the right of the voter to take a reasonable  
27 amount of time in casting a vote on a voting machine;  
28 an explanation of the right of the voter to bring written material  
29 into the polling place for the voter's personal use in casting a vote;  
30 instruction on how to contact the appropriate officials if a voter's  
31 right to vote or right to otherwise participate in the electoral process  
32 has been challenged or violated;  
33 general information on federal and State laws that prohibit acts  
34 of fraud or misrepresentation and the penalties for those acts; and  
35 such other statement, instruction or explanation the Secretary of  
36 State may deem appropriate to ensure the full and knowledgeable  
37 participation of the voter in the process.  
38 The requirement to post this notice in each polling place shall  
39 not replace, supersede or void any other requirement set forth in law  
40 for the posting of information in each polling place apart from the  
41 voter information notice. The poster promoting the use of voting by  
42 mail prepared and distributed by the Secretary of State pursuant to  
43 R.S.19:8-6 shall be displayed next to or as close as may be possible  
44 to the voter information notice.  
45 b. The Secretary of State shall prescribe the form and specific  
46 content of the voter information notice, which may be comprised of  
47 more than one page. If the notice is comprised of more than one

1 page, each page shall be posted separately. For an election district  
2 in which the primary language of 10 percent or more of the  
3 registered voters is a language other than English, the Secretary of  
4 State shall prescribe an official version of the voter information  
5 notice in that other language or languages for use in that election  
6 district. The notice shall be posted in English and in the other  
7 language or languages in the polling places in each such  
8 district. The alternate language shall be determined based on  
9 information from the latest federal decennial census.

10 c. A county board of elections may modify or supplement the  
11 voter information notice used in a county or municipality to provide  
12 additional information specific to that county or a municipality in  
13 that county, provided, however, that any such modification or  
14 supplementation shall be submitted to the Secretary of State for  
15 prior approval.

16 d. The voter information notice shall be printed on each sample  
17 ballot, to the extent practicable, or if not practicable, information on  
18 how to view or obtain a copy of the voter information notice shall  
19 be printed on each sample ballot.

20 e. The voter information notice, including one modified or  
21 supplemented pursuant to subsection c. of this section, shall be  
22 made accessible on the official Internet site of the State by the  
23 Secretary of State and each county board of elections shall ensure  
24 that the official Internet site of the county contains a link to that  
25 notice.

26 f. The provisions of this section shall not give rise to a legal  
27 cause of action.

28 g. The State shall be liable for the costs incurred by local  
29 government entities for compliance with this section, and they shall  
30 be reimbursed for those costs, upon application, by the State  
31 Treasurer.

32 (cf: P.L.2009, c.79, s.30)

33

34 3. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to  
35 read as follows:

36 12. Each county clerk shall send, with each mail-in ballot,  
37 printed directions for the preparation and transmitting of the ballots  
38 as required by this act. The directions shall be printed in such  
39 manner and form as the Secretary of State shall require, together  
40 with two envelopes of such sizes that one will contain the other.  
41 The directions prepared by the Secretary of State shall inform the  
42 voter that the status of the voter's mail-in ballot may be checked  
43 using the free-access system provided in section 5 of P.L.2004, c.88  
44 (C.19:61-5).

45 The outer envelope shall be addressed to the county board of  
46 elections of the county in which is located the home address of the  
47 person to whom the mail-in ballot is sent, as certified by the county

1 clerk. At the discretion of the county clerk, the outer envelope may  
2 be a postage paid return envelope. On the outside and front of each  
3 outer envelope, there shall be printed or stamped the following:

4 To protect your vote:

5 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
6 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
7 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
8 IS COMPLETED:

9 Ballot mailed or transported by

10 (signature of bearer)

11 (print name of bearer)

12 (address of bearer)

13 The reserve side of the outer envelope shall contain the  
14 following:

15 REMINDER

16 For your vote to count, you must:

17 1) Vote your ballot and place it in the inner envelope with the  
18 attached certificate.

19 2) Seal the envelope.

20 3) Place the envelope into the larger envelope addressed to the  
21 board of elections and seal that envelope.

22 4) If another person will be mailing your ballot or bringing it to  
23 the board of elections, MAKE CERTAIN THAT PERSON  
24 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
25 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
26 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
27 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
28 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
29 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
30 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
31 AN ELECTION.

32 The Secretary of State is authorized to make such changes to the  
33 instructions for mail-in ballot materials as the Secretary of State  
34 deems necessary or as is mandated by federal or State law.

35 The inner envelope shall be so designed that it can be sealed  
36 after the mail-in ballot has been placed therein and the flap thereof  
37 shall be of such length and size as to leave sufficient margin, after  
38 sealing, for the printing thereon of the certificate hereinafter  
39 described. The flap shall be so arranged that, after the inner  
40 envelope has been sealed, the certificate can be contained, with the  
41 inner envelope, in the outer envelope, and that the margin  
42 containing the certificate can be detached without unsealing the  
43 inner envelope.

44 On the outside of each envelope in which a mail-in ballot is sent  
45 to a mail-in voter by the clerk, there shall be printed or stamped the  
46 words "Official Mail-In Ballot." In addition, there shall be printed  
47 or stamped the following:

1 To protect your vote:

2 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
3 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS  
4 BALLOT.

5 However, a family member may assist you in doing so.

6 The reverse side of each inner envelope shall contain the  
7 following statement:

8 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
9 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
10 LAW if that person attempts to vote fraudulently by mail-in ballot,  
11 prevents the voting of a legal voter, certifies falsely any  
12 information, interferes with a person's secrecy of voting, tampers  
13 with ballots or election documents or helps another person to do so.  
14 (cf: P.L.2015, c.84, s.4)

15

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

18 17. The county board of elections shall, promptly after receiving  
19 each mail-in ballot, remove the inner envelope containing the ballot  
20 from the outer envelope and shall compare the signature and the  
21 information contained on the flap of the inner envelope with the  
22 signature and information contained in the respective requests for  
23 mail-in ballots. In addition, as to mail-in ballots issued less than  
24 seven days prior to an election, the county board of elections shall  
25 also check to establish that the mail-in voter did not vote in person.  
26 The county board shall reject such a ballot if it is not satisfied,  
27 pursuant to a comparison with the Statewide voter registration  
28 system, that the voter is legally entitled to vote and that the ballot  
29 conforms with the requirements of this act.

30 In the case of a mail-in ballot to be voted at a primary election  
31 for the general election, the ballot shall be rejected if the mail-in  
32 voter has indicated in the certificate the voter's intention to vote in a  
33 primary election of any political party in which the voter is not  
34 entitled to vote according to the Statewide voter registration system,  
35 and if it shall appear from the record that the voter is not entitled to  
36 vote in a primary election of the political party which has been so  
37 indicated.

38 Any mail-in ballot which is received by a county board of  
39 elections shall be rejected if both the inner and outer envelopes are  
40 unsealed or if either envelope has a seal that has been tampered  
41 with. Mail-in ballots shall not be rejected due to missing or  
42 insufficient glue for either envelope. Mail-in ballots shall not be  
43 rejected where noncompliance is attributable to physical defects  
44 outside the control of the voter in the inner envelop, outer envelope,  
45 certificate, or ballot.

46 Disputes about the qualifications of a mail-in voter to vote or  
47 about whether or not or how any mail-in ballot shall be counted in

1 such election shall be referred to the Superior Court for  
2 determination.

3 After such investigation, the county board of elections shall  
4 detach or separate the certificate from the inner envelope containing  
5 the mail-in ballot, unless it has been rejected by it or by the  
6 Superior Court, marking the envelope so as to identify the election  
7 district in which the ballot contained therein is to be voted as  
8 indicated by the voter's home address appearing on the certificate  
9 attached to or accompanying the inner envelope and, in the case of  
10 ballots to be voted at a primary election for a general election, so as  
11 to identify the political party in the primary election of which it is  
12 to be voted.

13 The location at which a county board of elections determines  
14 whether a mail-in ballot shall be accepted or rejected shall be  
15 considered an election district for the purposes of appointment of  
16 challengers.

17 The Secretary of State shall prepare educational materials  
18 regarding this section that all employed county boards of elections  
19 employees handling ballots shall read and have available for  
20 review. The materials shall provide clear information regarding the  
21 standards for acceptance and rejection of mail-in ballots and the  
22 safe-keeping of all materials in the case of rejection. The materials  
23 shall serve an educational purpose for the county board of elections  
24 and shall not replace, supersede, or void the authority of the county  
25 board or a judge of the Superior Court to accept or reject a mail-in  
26 ballot.

27 (cf: P.L.2011, c.134, s.55)

28

29 5. Section 22 of P.L.2009, c.22 (C.19:63-22) is amended to  
30 read as follows:

31 22. On the day of each election each county board of elections  
32 shall open in the presence of the commissioner of registration, or  
33 the designee thereof, the inner envelopes that contain the mail-in  
34 ballots with the votes cast for the election. The inner envelopes  
35 containing the ballots that the board or the Superior Court has  
36 rejected shall not be so opened, but shall be retained as provided for  
37 by this act. The board shall then proceed to canvass the votes cast  
38 on the mail-in ballots, but no such ballot shall be counted in any  
39 primary election for the general election if the ballot of the political  
40 party 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 **[48]** 144 hours after the time of the closing of the polls for the  
47 election that the ballot was prepared shall be considered valid and

1 shall be canvassed. Every mail-in ballot that does not bear a  
2 postmark date but that is received by the county board by delivery  
3 of the United States Postal Service within 48 hours after the time of  
4 the closing of the polls for the election for which the ballot was  
5 prepared shall be considered valid and shall be canvassed. Mail-in  
6 ballots deemed invalid shall be retained, including the outer and  
7 inner envelopes, for a period of two years and shall be made  
8 available for inspection by the voter.

9 Immediately after the canvass is completed, the respective  
10 county boards of election shall certify the result of the canvass to  
11 the county clerk or the municipal or district clerk or other  
12 appropriate officer, as the case may be, showing the result of the  
13 canvass by municipality and ward. The votes thus canvassed shall  
14 be counted in determining the result of the election.

15 The county board of elections shall, immediately after the  
16 canvass is completed for any primary election, certify the results of  
17 the votes cast for members of the county committees to the  
18 respective municipal clerks, and those votes shall be counted in  
19 determining the result of the election.

20 (cf: P.L.2018, c.72, s.8)

21

22 6. Section 24 of P.L.2009, c.79 (C.19:63-24) is amended to  
23 read as follows:

24 24. The county board of elections shall keep, for two years, all  
25 of the requests and applications for mail-in ballots, all voted mail-in  
26 ballots, and all of the certificates that have been detached or  
27 separated by them from the inner envelopes. All inner envelopes  
28 together with their certificates, and the contents of those envelopes  
29 not opened by order of the county board or Superior Court, shall  
30 also be retained for the same period by the board. This section shall  
31 include mail-in ballots deemed invalid, including the outer and  
32 inner envelopes of those mail-in ballots. The superintendent of  
33 elections in counties having a superintendent of elections and the  
34 prosecutor in all other counties shall have the authority to impound  
35 all mail-in ballots whenever the superintendent or prosecutor, as  
36 may be appropriate, shall deem such action to be necessary.

37 (cf: P.L.2009, c.79, s.24)

38

39 7. This act shall take effect immediately.

40

41

42

#### STATEMENT

43

44 This bill requires certain information to increase public awareness  
45 and use of voting by mail, requires certain mail-in ballots received  
46 by the county board within 144 hours after polls close to be  
47 considered valid, and requires certain mail-in ballots to be retained.

1 Under the bill, the Secretary of State is required to:

2 (1) prepare informational posters for use at all polling places  
3 that promote voting by mail,

4 (2) include with mail-in ballots information for the voter on how  
5 to check the status of the voter's mail-in ballot, and

6 (3) provide educational materials to county board of elections  
7 employees on the standards for acceptance and rejection of mail-in  
8 ballots.

9 The educational materials prepared by the Secretary of State  
10 would serve an educational purpose for the county board and would  
11 not replace, supersede, or void the authority of the county board or  
12 a judge of the Superior Court to accept or reject a mail-in ballot.  
13 This bill also prohibits the rejection of a mail-in ballot due to  
14 missing or insufficient glue on an outer or inner envelope or mail-in  
15 ballots where noncompliance is attributable to physical defects  
16 outside the control of the voter in the inner envelop, outer envelope,  
17 certificate, or ballot.

18 Under current law, county boards of elections are required to  
19 retain voted mail-in ballots for a period of two years. This bill  
20 clarifies that ballots that are deemed invalid are also required to be  
21 retained for two years. This bill also extends the deadline by which  
22 mail-in ballots bearing a postmark before or on the day of the  
23 election must be received by the county board of elections in order  
24 to be canvassed from 48 hours after the closing of the polls to 144  
25 hours after the closing of the polls. The bill would also require that  
26 every mail-in ballot that does not bear a postmark date but that is  
27 received by the county board by delivery of the United States Postal  
28 Service within 48 hours after the time of the closing of the polls for  
29 the election for which the ballot was prepared is to be considered  
30 valid and canvassed.



SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 2633**

**STATE OF NEW JERSEY**

DATED: AUGUST 20, 2020

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Committee Substitute for Senate Bill No. 2633.

This bill extends certain ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; and equires certain information to increase public awareness and use of voting by mail.

Under the bill, the Secretary of State is required to:

(1) prepare informational posters for use at all polling places that promote voting by mail,

(2) include with mail-in ballots information for the voter on how to check the status of the voter's mail-in ballot, and

(3) provide educational materials to county board of elections employees on the standards for acceptance and rejection of mail-in ballots.

The educational materials prepared by the Secretary of State would serve an educational purpose for the county board and would not replace, supersede, or void the authority of the county board or a judge of the Superior Court to accept or reject a mail-in ballot.

This bill also prohibits the rejection of a mail-in ballot due to missing or insufficient glue on an outer or inner envelope or mail-in ballots where noncompliance is attributable to physical defects outside the control of the voter in the inner envelop, outer envelope, certificate, or ballot.

Under current law, county boards of elections are required to retain voted mail-in ballots for a period of two years. This bill clarifies that ballots that are deemed invalid are also required to be retained for two years.

This bill also extends the deadline by which mail-in ballots bearing a postmark before or on the day of the election must be received by the county board of elections in order to be canvassed from 48 hours after the closing of the polls to 144 hours after the closing of the polls. The bill would also require that every mail-in ballot that does not bear a postmark date but that is received by the county board by delivery of

the United States Postal Service within 48 hours after the time of the closing of the polls for the election for which the ballot was prepared is to be considered valid and canvassed.

This bill also establishes an alternative way to cure signature defects on applications for a mail-in ballot by requiring notification to the applicant within 24 hours of the determination of disapproval. Under the bill, the notice must state the specific reasons for the disapproval and inform the applicant of the opportunity to challenge the disapproval by contacting the county clerk's office. This bill also provides that the county clerk would be responsible for preparing and furnishing ballots for municipal elections and extends certain deadlines for the certification of election results by the municipal clerk, the meeting of the board of county canvassers, and the transmission of the statement of the canvass or other statements to the Secretary of State.

Finally, the bill allows a person to serve as an authorized messenger or bearer for five qualified voters if those voters are an immediate family member residing in the same household as the messenger or bearer.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE

### **SENATE, No. 2633**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: AUGUST 24, 2020

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2633 (SCS).

This bill, as amended, extends certain ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; and requires certain information to increase public awareness and use of voting by mail.

Under the bill, the Secretary of State is required to:

- (1) prepare informational posters for use at all polling places that promote voting by mail,
- (2) include with mail-in ballots information for the voter on how to check the status of the voter's mail-in ballot, and
- (3) provide educational materials to county board of elections employees on the standards for acceptance and rejection of mail-in ballots.

The educational materials prepared by the Secretary of State would serve an educational purpose for the county board and would not replace, supersede, or void the authority of the county board or a judge of the Superior Court to accept or reject a mail-in ballot.

This bill, as amended, also prohibits the rejection of a mail-in ballot due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed.

This bill, as amended, also extends the deadline by which mail-in ballots bearing a postmark before or on the day of the election must be received by the county board of elections in order to be canvassed from 48 hours after the closing of the polls to 144 hours after the closing of the polls. The bill would also require that every mail-in ballot that does not bear a postmark date but that is received by the county board by delivery of the United States Postal Service before 48 hours after the time of the closing of the polls for the election for which the ballot was prepared is to be considered valid and canvassed.

This bill also establishes an alternative way to cure signature defects on applications for a mail-in ballot by requiring notification to the applicant within 24 hours of the determination of disapproval. Under the bill, the notice must state the specific reasons for the disapproval and inform the applicant of the opportunity to challenge the disapproval by contacting the county clerk's office. This bill also provides that the county clerk would be responsible for preparing and furnishing ballots for municipal elections and extends certain deadlines for the certification of election results by the municipal clerk, the meeting of the board of county canvassers, and the transmission of the statement of the canvass or other statements to the Secretary of State.

Finally, the bill allows a person to serve as an authorized messenger or bearer for five qualified voters if those voters are an immediate family member residing in the same household as the messenger or bearer.

The bill provides that the sections concerning the 24-hour notice and authorized messengers and bearers will not take effect until February 1, 2021.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

- change from the eighth day to the thirteenth day after an election the day on which the board of canvassers must meet to check elections results;
- change from five days back to three days after the meeting of the board the date by which the Secretary of State is to receive certain statements concerning election results;
- change from ten days to 13 days after the primary election the date by which the municipal clerk must certify to the county clerk and county board the names and addresses of persons elected as members of a county political party committee;
- require the canvassing of every mail-in ballot that does not bear a postmark date but that is received by the county board by delivery of the United States Postal Service before 48 hours after the close of the polls, rather than within 48 hours after the close of the polls;
- remove provisions specifying that ballots deemed invalid are to be retained for two years; and
- prohibit the rejection of a mail-in ballot due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed.

#### FISCAL IMPACT:

This bill will result in an indeterminate increase in State and local government costs.

**LEGISLATIVE FISCAL ESTIMATE**  
 [First Reprint]  
 SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2633**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: SEPTEMBER 1, 2020

**SUMMARY**

- Synopsis:** Extends ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; requires certain information to increase public awareness and use of voting by mail.
- Type of Impact:** State expenditure increase. Potential local expenditure increases. Revenue to local governments for costs reimbursable by the State.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	
<b>Local Revenue Increase</b>		Indeterminate	

- The Division of Elections recently informed the Office of Legislative Services (OLS) that it would cost the State approximately \$5,000 for the Secretary of State to prepare a voter information notice that illustrates and promotes the use of voting by mail, including the description of the vote-by-mail process and to distribute copies of the poster to the county boards. The State will be required to reimburse local government entities for any costs they incur in complying with the provisions of providing the information notices to voters.
- The division indicates that the provisions directing the Secretary of State to prepare educational materials for employees of county boards of elections that provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe-keeping of all materials in the case of rejection, would not increase the costs to the division because this additional educational information would be included among other educational materials that the division issues on a regular basis.

- The division indicates that the provision in the bill that requires the Secretary of State to inform the voter that the status of the voter's mail-in ballot may be checked using the free-access system would not increase costs to the Secretary of State.
- The OLS notes that because the sections concerning the 24-hour notice and authorized messengers and bearers will not take effect until February 1, 2021, the costs of these provisions will not affect the costs of the 2020 general election. The changes regarding the authorized messengers will be included in subsequent voting materials among other changes that the division makes on a regular basis. The 24-hour notice may increase costs to the county clerks' offices depending on the volume of future disapproved ballot applications in future elections and the manner in which the notifications are made.

## **BILL DESCRIPTION**

This bill extends certain ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits; and requires certain information to increase public awareness and use of voting by mail.

Under the bill, the Secretary of State is required to:

- (1) prepare informational posters for use at all polling places that promote voting by mail,
- (2) include with mail-in ballots information for the voter on how to check the status of the voter's mail-in ballot, and
- (3) provide educational materials to county board of elections employees on the standards for acceptance and rejection of mail-in ballots.

The educational materials prepared by the Secretary of State would serve an educational purpose for the county board and would not replace, supersede, or void the authority of the county board or a judge of the Superior Court to accept or reject a mail-in ballot.

The bill establishes an alternative way to cure signature defects on applications for a mail-in ballot by requiring notification to the applicant within 24 hours of the determination of disapproval. Under the bill, the notice must state the specific reasons for the disapproval and inform the applicant of the opportunity to challenge the disapproval by contacting the county clerk's office. In addition, the bill provides that the county clerk would be responsible for preparing and furnishing ballots for municipal elections and extends certain deadlines for the certification of election results by the municipal clerk, the meeting of the board of county canvassers, and the transmission of the statement of the canvass or other statements to the Secretary of State.

Finally, the bill allows a person to serve as an authorized messenger or bearer for five qualified voters if those voters are an immediate family member residing in the same household as the messenger or bearer.

The bill provides that the sections concerning the 24-hour notice and authorized messengers and bearers will not take effect until February 1, 2021.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received

**OFFICE OF LEGISLATIVE SERVICES**

The Division of Elections recently informed the OLS that it would cost the State approximately \$5,000 for the Secretary of State to prepare a voter information notice that illustrates and promotes the use of voting by mail, including the description of the vote-by-mail process and to distribute copies of the poster to the county boards. The State will be required to reimburse local government entities for any costs they incur in complying with the provisions of providing the information notices to voters.

The division indicates that the provisions directing the Secretary of State to prepare educational materials for employees of county boards of elections that provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe-keeping of all materials in the case of rejection, would not increase the costs to the division because this additional educational information would be included among other educational materials that the division issues on a regular basis.

The division indicates that the provision in the bill that requires the Secretary of State to inform the voter that the status of the voter's mail-in ballot may be checked using the free-access system would not increase costs to the Secretary of State.

The OLS notes that because the sections concerning the 24-hour notice and authorized messengers and bearers will not take effect until February 1, 2021 the costs of these provisions will not affect the costs of the 2020 general election. The changes regarding the authorized messengers will be included in subsequent voting materials among other changes that the division makes on a regular basis. The 24-hour notice may increase costs to the county clerks' offices depending on the volume of future disapproved ballot applications in future elections and the manner in which the notifications are made.

*Section: State Government*

*Analyst: Kimberly M. Clemmensen*  
*Lead Fiscal Analyst*

*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).