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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 3/2/2021

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Racioppi, Dustin. "NJ DANGLES TAX BREAKS FOR STUDIOS TO GET OUT OF GEORGIA." Record, The (Hackensack, NJ), April 3, 2021: A6.

NJ Advance Media, Matt Arco. "Backed by Stacey Abrams, Gov. Murphy expands vote in NJ amid national debate." Jersey Journal, The (Jersey City, NJ), March 31, 2021: 006.

POST, MICHELLE BRUNETTI. "Stockton poll finds divides on Biden, N.J. Stockton poll finds deep partisan divide in NJ on Biden, COVID relief, state's direction." Press of Atlantic City, The (NJ), April 1, 2021: 1A.

"IS NEW JERSEY'S GOP PARTING WAYS WITH THE TRUMP ERA? - STATE'S EARLY VOTING BILL RESPONSE IS OFFERING SOME TELLING CLUES." Record, The (Hackensack, NJ), March 31, 2021: A6.

CATALINI, By MIKE. "New Jersey becomes latest to offer early in-person voting." Associated Press State Wire: New Jersey (NJ), March 30, 2021.

"Murphy to sign early in-person voting measure in New Jersey." Associated Press State Wire: New Jersey (NJ), March 30, 2021.

RH/CL

Title 19.
Subtitle 2.
Chapter
15A.(New)
Early Voting.
§§ 1-7, 24 -
C.19:15A-1 to
19:15A-8
§§ 22, 23 - T&E
§ 25 - Approp.

P.L. 2021, CHAPTER 40, *approved March 30, 2021*
Senate Committee Substitute (*Second Reprint*) for
Senate, No. 3203

1 AN ACT requiring early voting to be available for certain elections,
2 amending various parts of the statutory law, supplementing Title
3 19 of the Revised Statutes, and making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. In addition to all other forms of voting
9 provided for by this Title, a registered voter shall be permitted to
10 vote at a specially designated polling place before the day of certain
11 primary and general elections in this State. This procedure shall be
12 known as early voting. The early voting period shall:

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

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

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

22 The voting process during the early voting period shall be
23 conducted using electronic poll books and optical-scan voting
24 machines that read hand-marked paper ballots or other voting
25 machines that produce a voter-verifiable paper ballot. Any
26 municipality conducting regular municipal elections in May
27 pursuant to the provisions of the "Uniform Nonpartisan Elections
28 Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance
29 adopted by its governing body, also conduct early voting for the
30 regular municipal election, in accordance with the provisions of this

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted February 19, 2021.

²Assembly AAP committee amendments adopted February 24, 2021.

1 act, P.L. , c. (C.) (pending before the Legislature as this bill). If
2 adopted by a municipal governing body, the early voting period for
3 a regular municipal election in May shall start on the 4th calendar
4 day before the regular municipal election and end on the second
5 calendar day before that regular municipal election. An early voting
6 period shall only be permitted for a non-presidential or presidential
7 primary election and a general election in this State and, if adopted
8 by a municipal governing body, a regular municipal election
9 conducted in May. Pursuant to the provisions of this act and Title
10 19 of the Revised Statutes and in accordance with procedures that
11 ~~shall~~ may² be established by the Secretary of State for verifying
12 eligible voters, each county board of elections shall verify that a
13 registered voter is qualified to vote in the election and shall
14 prescribe the manner by which a registered voter may vote during
15 such period.

16 b. (1) For the primary and the general election, each county
17 board of elections shall designate at least three ², but not more than
18 five,² public locations within each county as the sites for early
19 voting to occur, except that the county board shall designate at least
20 five ², but not more than seven,² public locations for early voting if
21 the number of registered voters in the county is at least 150,000 but
22 less than 300,000, and shall designate at least seven ², but not more
23 than 10,² public locations for early voting if the number of
24 registered voters in the county is 300,000 or more. ²This provision
25 shall not be interpreted to prevent county boards of elections, at
26 their discretion, from establishing additional locations in excess of
27 the five, seven, or 10 location limits respectively set forth herein;
28 provided, however, that the State shall be required to provide
29 reimbursement for the costs of locations up to and including the
30 five, seven, or 10 respective limits established herein, and shall not
31 be required to provide reimbursement for additional locations
32 beyond those limits under section 6 of this act , P.L. , c. (C.)
33 (pending before the Legislature as this bill).² The number of
34 registered voters in each county shall be determined ahead of the
35 selection of early voting sites pursuant to a uniform standard which
36 shall be developed by the Secretary of State through the rulemaking
37 process pursuant to the “Administrative Procedure Act,” P.L.1968,
38 c.410 (C.52:14B-1 et seq.). Whenever possible, early voting
39 locations shall be geographically located so as to ensure both access
40 in the part of the county that features the greatest concentration of
41 population, according to the most recent federal decennial census of
42 the United States, and access in various geographic areas of the
43 county. All early voting locations shall be public facilities, such as
44 county courthouses, public libraries and the offices of the municipal
45 clerk, county clerk, and county board of elections ², or places of
46 public accommodation as provided under Title 10 of the Revised

1 Statues². No public school building and no building used as a public
2 school ², as that term is defined under N.J.S.18A:1-1,² shall, however,
3 be designated as an early voting location. The locations shall be
4 designated at the same time as all other polling places are
5 designated by the board of elections. In the event of a tie vote
6 among members of the county board with respect to the selection of
7 sites for early voting, the county clerk shall cast the deciding vote.
8 Once early voting locations are designated in each county, county
9 boards of election shall ²【, as provided by the Secretary of State,】²
10 evaluate and, if deemed necessary, revise these locations in order to
11 accommodate significant changes in the number of registered voters
12 within each county, reflect the population distribution and density
13 within each county, or because of similar circumstances. The
14 Secretary of State ²【shall】 may² develop the criteria to be used by
15 county boards of election to revise the location of early voting sites
16 and shall prescribe how often such revision shall take place.

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

19 (2) Whenever a municipality that conducts regular municipal
20 elections in May chooses to participate in early voting for the
21 regular municipal election, the county board of elections shall
22 designate at least one public location ², but not more than three
23 public locations,² within the municipality as the site ²or sites² for
24 early voting to occur. ²This provision shall not be interpreted to
25 prevent a county board of elections, at its discretion, from
26 establishing additional locations in excess of the three location limit
27 set forth herein; provided, however, that the State shall be required
28 to provide reimbursement for the costs of locations up to and
29 including the three location limit established herein, and shall not
30 be required to provide reimbursement for additional locations
31 beyond that limit under section 6 of this act , P.L. , c. (C.)
32 (pending before the Legislature as this bill).² Whenever possible,
33 each such location shall be geographically located in the part of the
34 municipality that features the greatest concentration of population,
35 according to the most recent federal decennial census of the United
36 States. All early voting locations shall be public facilities, such as
37 municipal courthouses and the offices of the municipal clerk ², or
38 places of public accommodation as provided under Title 10 of the
39 Revised Statues². No public school building and no building used as
40 a public school ², as that term is defined under N.J.S.18A:1-1,² shall
41 be designated as an early voting location. The locations shall be
42 designated at the same time as all other polling places are
43 designated by the board of elections. In the event of a tie vote
44 among members of the county board with respect to the selection of
45 sites for early voting, the municipal clerk shall cast the deciding
46 vote. Once early voting locations are designated in each

1 municipality, county boards of election shall ²], as provided by the
2 Secretary of State,]² evaluate and, if deemed necessary, revise these
3 locations in order to accommodate significant changes in the
4 number of registered voters within each municipality, reflect the
5 population distribution and density within each municipality, or
6 because of similar circumstances. The Secretary of State ²[shall]
7 may² develop the criteria to be used by county boards of election to
8 revise the location of early voting sites and shall prescribe how
9 often such revision shall take place.

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

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

17 d. The election officers responsible for conducting early voting
18 shall be the same as those responsible for conducting a primary and
19 a general election, as appropriate, pursuant to this Title. The
20 number of such officers and their hours of service shall be as
21 determined by each county board of elections. The compensation
22 for such officers shall be the same as provided to district board of
23 election members serving at a school election pursuant to
24 R.S.19:45-6 ², or that required pursuant to Article I, paragraph 23 of
25 the New Jersey Constitution, whichever is greater².

26 e. The restrictions governing the conduct of voters at a polling
27 place on the days that early voting occurs, the procedures governing
28 who is permitted in a polling place on such occasions and the
29 prohibition on electioneering within 100 feet of a polling place
30 during an election, shall be as provided in chapters 15, 34, 50 and
31 52 of Title 19 of the Revised Statutes and every other applicable
32 section of this Title.

33 f. ²[At least once] In real time using the electronic poll books²
34 each day during the early voting period, and prior to the start of
35 each regularly scheduled primary and general election, and regular
36 municipal election in each non-partisan municipality choosing to
37 participate in early voting, each county board shall make such
38 changes as may be necessary to the voter's record in the Statewide
39 voter registration system ²[and the signature copy register used at
40 each polling place]² to indicate that a voter has voted in that
41 election using the early voting procedure.

42 g. (1) Each county board shall be responsible for forming and
43 executing a written plan to ensure, to the greatest extent possible,
44 the integrity of the voting process and the security of ballots used
45 during the early voting period, including the security of voting
46 machines, voted ballots, and election records. The plan shall be

1 based on guidelines established by the Secretary of State and shall
2 be submitted thereto no later than December 15 of each year. The
3 Secretary of State shall review and, if deemed necessary thereby,
4 require changes to a plan no later than February 1 of each year.
5 Each plan shall specify a chain of custody and security plan for the
6 voting machines, and a chain of custody for the voted ballots and
7 election records and materials, and shall require, among other
8 specifications deemed necessary by the Secretary of State and
9 county boards of election, that all voted ballots shall be transferred
10 at the end of each early voting day to county boards of election for
11 safekeeping. After the voted ballots are transferred to the county
12 board of elections at the end of each early voting day, a county
13 board may elect to impound those voted ballots on a secure server,
14 or by any other means deemed appropriate by the Secretary of State.
15 The voted ballots shall not be canvassed until the closing of the polls
16 on election day as required pursuant to section 4 of this act,
17 P.L. , c. (C.) (pending before the Legislature as this bill).

18 ²The results of the voted ballots cast during early voting shall remain
19 confidential and shall be disclosed only in accordance with the
20 provisions of Title 19 of the Revised Statutes, regulations, and
21 guidelines concerning the disclosure of election results, and a violation
22 shall be subject to the penalties established by law.²

23 (2) Notwithstanding the provisions of this subsection, in the
24 year in which P.L. , c. (C.) (pending before the Legislature
25 as this bill) becomes law, each county board shall submit its plan to
26 the Secretary of State within ²~~15~~ ²30 days following the effective
27 date of this act and the Secretary of State shall review it and, if
28 deemed necessary thereby, require changes in the plan within 45
29 days following the effective date of this act.

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

38 i. The Secretary of State shall establish a printing on demand
39 ballot and elections system. At a minimum, the system shall be
40 compatible with the Statewide voter registration system established
41 pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and any
42 electronic poll books provided by section 1 of P.L.2019, c.80
43 (C.19:31-35). Each polling place used for early voting shall have a
44 computer, tablet, or other electronic device to print provisional
45 ballots for voters required to vote by provisional ballot in
46 accordance to the provisions of Title 19 of the Revised Statutes or
47 due to an equipment malfunction ²[, a voter file, a polling record or

1 signature copy register,] as further provided under section 3 of
2 P.L.2019, c.80 (C.19:31-37),² or any other election related material,
3 if needed. A computer, tablet, or other electronic device and the
4 printer used to print election materials at a polling place shall not be
5 used unless it has been certified by the Secretary of State. The
6 Secretary of State shall adopt and publish standards and regulations
7 governing the certification and use of computer, tablets, or other
8 electronic devices and printers to print election materials at each
9 polling place used for early voting. The Secretary of State shall not
10 certify a computer, tablet, or other electronic device or printer
11 unless it is in compliance with the secretary's standards.

12 j. Each polling place used for early voting shall also have such
13 appropriate supplies, ballots and other materials deemed necessary
14 by the Secretary of State or as is required currently for a polling
15 place on the day of any election by Title 19 of the Revised Statutes.
16

17 2. (New section) a. The appointment of challengers for early
18 voting shall be in the ¹[manner provided in subsection b. of section 1
19 of P.L.1960, c.82 (C. 19:7-6.1) for all elections.] following manner:

20 (1) The chairperson of the county committee of any political party
21 that has duly nominated any candidate for public office to be voted for
22 at an election by all the voters within the county or any political
23 division thereof greater than a single municipality, or where the
24 election is within and for a single municipality only, or any
25 subdivision thereof, then the chairperson of the municipal committee
26 of the political party making such nomination within and for such
27 single municipality, or subdivision thereof, may appoint two
28 challengers for each grouping of candidates choosing to be grouped
29 together on the ballot for each early voting site in the chairperson's
30 county or municipality, as the case may be. If two or more candidates
31 choosing to be grouped together on the ballot do not belong to an
32 organization represented by a county or municipal committee of any
33 political party, as the case may be, the candidate listed on the highest
34 position on the ballot for that grouping of candidates may appoint two
35 challengers for that grouping of candidates for each early voting site in
36 the county or municipality, as the case may be.

37 (2) A candidate who has filed a petition for an office to be voted
38 for at the primary election, and a candidate for an office whose name
39 may appear upon the ballot to be used in any election, may act as a
40 challenger. A candidate who is not grouped with any other candidate
41 on the ballot may appoint two challengers for each early voting site at
42 which the candidate is to appear on the ballot, but only two challengers
43 shall be allowed for each early voting site to represent all the
44 candidates choosing to be grouped together on the ballot.

45 (3) Whenever a public question shall appear on the ballot to be
46 voted upon by the voters of an election district and application has
47 been made by the proponents or opponents of such public question for

1 the appointment of challengers, the county board may in its discretion
2 appoint two challengers each to represent such proponents or
3 opponents at each early voting site.

4 b. Not more than the challengers authorized pursuant to
5 paragraphs (1) through (3) of subsection a. of this section shall be
6 present at any one time in any early voting site while serving and
7 exercising the powers of a challenger and during the hours when the
8 polls are open for early voting.

9 c.¹ The name and address of each challenger, including a
10 candidate acting as a challenger or a challenger representing a
11 grouping of two or more candidates, together with the number or name
12 and location of the ¹~~polling place~~ early voting site¹ at which the
13 challenger is to serve, shall be filed with the county board of elections
14 not later than the fifth day preceding the start of the early voting
15 period.

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

20 ¹~~c.~~ e.¹ Any voter whose name does not appear on a challenge
21 list but who is challenged as not qualified or entitled to vote by a
22 challenger duly appointed pursuant to this section shall be entitled to
23 the rights and protections provided by R.S.19:15-18 et seq., and every
24 other applicable section of this Title.

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

39
40 4. (New section) An early vote cast in an election, as provided
41 for in this act, P.L. , c. (C.) (pending before the Legislature
42 as this bill), shall not be canvassed prior to the closing of the polls
43 on the day of an election.

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

1 5. (New section) In addition to any publications required under
2 Title 19 of the Revised Statutes, the Secretary of State and each
3 county board of elections shall cause to be published information
4 concerning the early voting procedure on the Department of State's
5 website and on each county's website. The early voting
6 information shall include, but may not be limited to, a notice to the
7 public concerning their eligibility to participate in early voting, the
8 duration of the early voting period, and the locations and hours of
9 operation of specially designated polling places for early voting in
10 each county.

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

22
23 7. (New section) The Secretary of State is hereby authorized to
24 make such adjustments to regulations issued pursuant to Title 19 of
25 the Revised Statutes ²and to issue any new regulations² as may be
26 necessary to effectuate the purposes of this act, which regulations
27 shall be effective immediately upon filing with the Office of
28 Administrative Law for a period not to exceed 18 months, and may,
29 thereafter, be amended, adopted or readopted in accordance with the
30 provisions of the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.).

32
33 8. R.S.19:12-7 is amended to read as follows:

34 19:12-7. a. The county board in each county shall cause to be
35 published in a newspaper or newspapers which, singly or in
36 combination, are of general circulation throughout the county, a
37 notice containing the information specified in subsection b. hereof,
38 except for such of the contents as may be omitted pursuant to
39 subsection c. or d. hereof. Such notice shall be published once
40 during the 30 days next preceding the day fixed for the closing of
41 the registration books for the primary election, once during the
42 calendar week **【next】** preceding the week in which the early voting
43 period for the primary election for the general election **【is held】**
44 begins, once during the 30 days next preceding the day fixed for the
45 closing of the registration books for the general election, and once
46 during the calendar week **【next】** preceding the week in which the
47 early voting period for the general election **【is held】** begins.

1 b. Such notice shall set forth:

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

3 (a) That a primary election for making nominations for the
4 general election, for the selection of members of the county
5 committees of each political party, and in each presidential year for
6 the selection of delegates and alternates to national conventions of
7 political parties, will be held on the day and between the hours
8 provided for by or pursuant to this Title, and the days, hours, and
9 places at which early voting shall be available in the county.

10 (b) The place or places at which and hours during which a
11 person may register, the procedure for the transfer of registration,
12 and the date on which the books are closed for registration or
13 transfer of registration.

14 (c) The several State, county, municipal and party offices or
15 positions to be filled, or for which nominations are to be made, at
16 such primary election

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

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

24 (f) In the case of the notice published during the calendar week
25 **[next]** preceding the week in which the early voting period for the
26 primary election **[is held]** begins, that a voter who, prior to the
27 election, shall have moved within the same county without (i)
28 filing, on or before the 21st day preceding the election, a notice of
29 change of residence with the commissioner of registration of the
30 county or the municipal clerk of the municipality in which the voter
31 resides on the day of the election, (ii) returning the confirmation
32 notice sent to the voter by the commissioner of registration of the
33 county, if such a notice has been sent to the voter, or (iii) otherwise
34 notifying the commissioner of registration of the voter's change of
35 address within the county shall be permitted to correct the voter's
36 registration and to vote in the primary election by provisional ballot
37 at the polling place of the district in which the voter resides on the
38 day of the election. The notice shall further provide that the voter
39 may contact the county commissioner of registration or municipal
40 clerk or may view polling place location information on the
41 Division of Elections website to determine the proper polling place
42 location for the voter.

43 (2) For the general election:

44 (a) That a general election will be held on the day and between
45 the hours provided for by or pursuant to this Title, and the days,
46 hours and places at which early voting shall be available in the

1 county, and, where applicable, shall include annual school elections
2 and annual fire district elections held on that date.

3 (b) The place or places at which and hours during which a
4 person may register, the procedure for transfer of registration, and
5 the date on which the books are closed for registration or transfer of
6 registration.

7 (c) The several State, county and municipal offices, and where
8 applicable, school board offices and fire district offices to be filled,
9 notice of any school district propositions to be submitted to the
10 people and, except as provided in R.S.19:14-33 of this Title as to
11 publication of notice of any Statewide proposition directed by the
12 Legislature to be submitted to the people, the State, county,
13 municipal and fire district public questions to be voted upon at such
14 general election.

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

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

22 (f) In the case of the notice published during the calendar week
23 **【next】** preceding the week in which the early voting period for the
24 general election **【is held】** begins, that a voter who, prior to the
25 election, shall have moved within the same county without (i)
26 filing, on or before the 21st day preceding the election, a notice of
27 change of residence with the commissioner of registration of the
28 county or the municipal clerk of the municipality in which the voter
29 resides on the day of the election, (ii) returning the confirmation
30 notice sent to the voter by the commissioner of registration of the
31 county, if such a notice has been sent to the voter, or (iii) otherwise
32 notifying the commissioner of registration of the voter's change of
33 address within the county shall be permitted to correct the voter's
34 registration and to vote in the general election by provisional ballot
35 at the polling place of the district in which the voter resides on the
36 day of the election. The notice shall further provide that the voter
37 may contact the county commissioner of registration or municipal
38 clerk or may view polling place location information on the
39 Division of Elections website to determine the proper polling place
40 location for the voter.(3) For a school election:

41 (a) The day and time thereof,

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

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

45 (d) That a voter who, prior to the election, shall have moved
46 within the same county without (i) filing, on or before the 21st day
47 preceding the election, a notice of change of residence with the

1 commissioner of registration of the county or the municipal clerk of
2 the municipality in which the voter resides on the day of the
3 election, (ii) returning the confirmation notice sent to the voter by
4 the commissioner of registration of the county, if such a notice has
5 been sent to the voter, or (iii) otherwise notifying the commissioner
6 of registration of the voter's change of address within the county
7 shall be permitted to correct the voter's registration and to vote in
8 the school election by provisional ballot at the polling place of the
9 district in which the voter resides on the day of the election,

10 (e) That if the voter has any questions as to where to vote on
11 the day of the election, the voter may contact the county
12 commissioner of registration or municipal clerk or may view
13 polling place location information on the Division of Elections
14 website to determine the proper polling place location for the voter;
15 and

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

17 c. If such publication is made in more than one newspaper, it
18 shall not be necessary to duplicate in the notice published in each
19 such newspaper all the information required under this section, so
20 long as:

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

25 (2) All offices to be filled, or nominations made therefor, or
26 public questions to be voted upon, by the voters of the entire State
27 or of the entire county shall be set forth in a newspaper or
28 newspapers which, singly or in combination, have general
29 circulation throughout the county;

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

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

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

39 f. The cost of publishing the notices required by this section
40 shall be paid by the respective counties, unless otherwise provided
41 for by law.

42 g. Notices required to be published or posted pursuant to this
43 section shall set forth a general description of the contents of the
44 voter information notice provided for in section 1 of P.L.2005,
45 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
46 prior to the day of an election, and that the notice will be posted in

1 each polling place on the day of an election.
2 (cf: P.L.2019, c.170, s.1)

3
4 9. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
5 read as follows:

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

11 The notice shall contain:

12 the date of the election and the hours during which polling places
13 will be open;

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

16 instruction for the use of the voting machine in that polling place
17 and an explanation of what instructions for voting are available at
18 the polling place for the voter;

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

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

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

25 an explanation of the right of the voter to vote in **【privacy】**
26 private, regardless of the voter's physical abilities;

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

32 an explanation of the right of the voter to receive a replacement
33 ballot for a ballot that has been spoiled, destroyed, lost or never
34 received;

35 an explanation of the right of the voter to ask for and receive
36 assistance in voting;

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

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

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

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

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

1 an explanation that "All ballots are counted and your vote
2 remains anonymous";

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

8 an explanation giving the options for the voter to provide the
9 cure to their rejected ballot;

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

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

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

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

1 c. A county board of elections may modify or supplement the
2 voter information notice used in a county or municipality to provide
3 additional information specific to that county or a municipality in
4 that county, provided, however, that any such modification or
5 supplementation shall be submitted to the Secretary of State for
6 prior approval.

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

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

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

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

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

23

24 10. R.S.19:14-21 is amended to read as follows:

25 19:14-21. The county clerk shall cause samples of the official
26 general election ballot to be printed in English, but for each election
27 district within the county in which the primary language of 10% or
28 more of the registered voters is Spanish, shall cause samples of the
29 official general election ballot to be printed bilingually in English
30 and Spanish.

31 a. In counties not having a superintendent of elections where
32 the county board of elections does not have the equipment or
33 facilities to address and mail sample ballot envelopes, the county
34 clerk not later than noon of the eighth day prior to the start of the
35 early voting period for the general election shall furnish to the
36 municipal clerk of each municipality in his county one and one-
37 tenth times as many such sample ballots and stamped envelopes as
38 there are voters registered, less the number of voters who have been
39 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
40 and have not responded, to enable each **district board in each**
41 **municipality** municipal clerk to mail one of such sample ballots to
42 each voter who is registered in the municipality, except those voters
43 who have been sent a confirmation notice pursuant to subsection d.
44 of R.S.19:31-15 and have not responded, for such election and shall
45 take a receipt for the same from each of the municipal clerks, which
46 receipt shall indicate the number of such sample ballots and

1 stamped envelopes delivered by the county clerk and the date and
2 hour of their delivery.

3 b. In counties having a superintendent of elections, and in other
4 counties where the county board of elections may have the
5 equipment or facilities to prepare a properly stamped envelope
6 addressed to each registered voter in the county for mailing, the
7 county clerk, not later than the **[thirtieth]** eighth day preceding the
8 start of the early voting period for the general election, shall furnish
9 to the commissioner of registration located in his county one and
10 one-tenth times as many stamped envelopes as there are registered
11 voters in the county, less the number of voters who have been sent a
12 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
13 have not responded, and not later than noon of the **[twelfth]**
14 seventh day preceding the start of the early voting period for the
15 general election shall furnish to the commissioner of registration
16 located in the county, one and one-tenth times as many sample
17 ballots as there are registered voters in the county to enable the
18 commissioner of registration of the county to mail one of such
19 sample ballots to each voter registered in the county, except those
20 voters who have been sent a confirmation notice pursuant to
21 subsection d. of R.S.19:31-15 and have not responded, for such
22 election and shall take a receipt for the same from the commissioner
23 of registration, which receipt shall indicate the number of such
24 sample ballots and stamped envelopes delivered by the county clerk
25 and the date and hour of their delivery. County boards of elections
26 which elect to operate under the provisions of this paragraph shall
27 notify their county clerk in sufficient time to enable him to make
28 the necessary arrangements the first year.

29 c. The county clerk in counties having a superintendent of
30 elections shall also deliver to the county board not later than the
31 **[twelfth]** seventh day preceding the start of the early voting period
32 for the general election 10 such sample ballots of each election
33 district of each municipality in the county.

34 d. During the early voting period for the general election, the
35 county clerk may provide for the electronic display of sample
36 ballots at each early voting location. If a county clerk elects to
37 provide for the electronic display of sample ballots at each early
38 voting location, at a minimum, the electronic display shall provide
39 the sample ballot in ²[at least the five most commonly spoken
40 languages in this State, based on the most recent federal decennial
41 census data, and any other language deemed necessary by the
42 county clerk] the languages required by Title 19 of the Revised
43 Statutes or federal law as applicable to the county² .

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

45

46 11. R.S.19:14-22 is amended to read as follows:

1 19:14-22. The official general election sample ballots shall be
2 as nearly as possible facsimiles of the official general election
3 ballot to be voted at such election and shall have printed thereon,
4 after the words which indicate the number of the election district for
5 which such sample ballots are printed, the name of the school
6 district, when appropriate, the number or name and municipality or
7 municipalities of the fire district, when appropriate, the street
8 address or location of the polling place in the election district, and
9 the hours between which the polls shall be open. Such sample
10 ballots shall be printed on paper different in color from the official
11 general election ballot, and have the following words printed in
12 large type at the top: "This ballot cannot be voted. It is a sample
13 copy of the official general election ballot used on election day."
14 The sample ballot shall also state clearly the days, hours and places
15 at which early voting shall be available in the county.
16 (cf: P.L.2017, c.206, s.7)

17
18 12. R.S.19:14-24 is amended to read as follows:

19 19:14-24. The municipal clerk to whom the sample ballots and
20 stamped envelopes have been so delivered by the county clerk shall
21 deliver the same at his office, or in any other way he sees fit, on or
22 before noon of the Tuesday preceding the start of the early voting
23 period for the general election, to a member or members of each
24 district board, and shall take a receipt for the same from the
25 member or members of the district boards of such municipality,
26 which receipt shall indicate the number of sample ballots and
27 stamped envelopes delivered by the municipal clerk and the date
28 and hour of their delivery.
29 (cf: R.S.19:14-24)

30
31 13. R.S.19:14-25 is amended to read as follows:

32 19:14-25. In counties not having a superintendent of elections
33 where the county board of elections does not have the equipment or
34 facilities to address and mail sample ballot envelopes, **[all the**
35 **members of each of the district boards]** the municipal clerk shall
36 prepare and deposit in the post office, on or before 12 noon on
37 Wednesday preceding the start of the early voting period for the
38 general election **[day]**, a properly stamped envelope containing a
39 copy of the sample ballot printed in English, addressed to each
40 registered voter in the district of such board at the address shown on
41 the register, except that for districts in which the primary language
42 of 10% or more of the registered voters is Spanish, a properly
43 stamped envelope containing a copy of the bilingual sample ballot,
44 addressed to each registered voter in the district of such board at the
45 address shown on the register shall be prepared and deposited. The
46 board shall also post the appropriate sample ballots in the polling
47 place in its district.

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

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

23 The county board of elections, in all counties having a
24 superintendent of elections, and in other counties where the county
25 board of elections shall elect to operate under the provisions of
26 subsection b. of section 19:14-21 of this Title, shall, not later than
27 **【noon of the second Monday preceding】** the start of the early
28 voting period for the election, deliver **【or mail】** to the members of
29 the district board three appropriate sample ballots for their
30 respective election district. The board shall post the appropriate
31 sample ballots in the polling place in its district.

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

33

34 14. R.S.19:23-31 is amended to read as follows:

35 19:23-31. The official primary sample ballot shall be, as nearly
36 as possible, a facsimile of the official primary ballot to be voted at
37 the primary election and shall be printed on paper different in color
38 from the official primary ballot, so that the same may be readily
39 distinguished from the official primary ballot. It shall state clearly
40 the days, hours, and places at which early voting shall be available
41 in the county. The official primary sample ballot shall have printed
42 at the top in large type the words: "This official primary sample
43 ballot is an exact copy of the official primary ballot to be used on
44 primary election day. This ballot cannot be voted." The official
45 primary sample ballot shall also have printed thereon, following the
46 words which indicate the election district, the following words:
47 "The polling place for this election district is

1 (Stating the location of said polling place)."
2 (cf: R.S.19:23-31)

3
4 15. R.S.19:23-33 is amended to read as follows:

5 19:23-33. In counties not having a superintendent of elections
6 where the county board of elections does not have the equipment or
7 facilities to address and mail sample ballot envelopes, the municipal
8 clerk in each municipality shall furnish to a member of each district
9 board in his municipality, at his office, or in any other way that he
10 sees fit, on or before Tuesday preceding the start of the early voting
11 period for the primary election in each year, sufficient sample
12 ballots and sufficient stamped envelopes to enable the board to mail
13 sample ballots to the voters as hereinbefore provided. Each of the
14 boards shall give the municipal clerk a receipt for such sample
15 ballots and envelopes signed by one of its members.

16 In counties having a superintendent of elections, and in other
17 counties where the county board of elections shall elect to operate
18 under the provisions of subsection b. of section 19:23-30 of this
19 Title, the municipal clerk in each municipality shall furnish to the
20 commissioner of registration of his county not later than **【thirty**
21 **days】** the eighth day preceding the start of the early voting period
22 for the primary election of each year, sufficient stamped envelopes
23 to enable the commissioner of registration to mail sample ballots to
24 each voter who is registered in the county, less the number of voters
25 who have been sent a confirmation notice pursuant to subsection d.
26 of R.S.19:31-15 and have not responded, and shall, not later than
27 noon of the **【twelfth】** seventh day preceding the start of the early
28 voting period for the primary election furnish sufficient sample
29 ballots to the commissioner of registration of his county for that
30 purpose. The commissioner of registration shall give the municipal
31 clerk a receipt for such sample ballots and envelopes.

32 (cf: P.L.2009, c.110, s.3)

33

34 16. R.S.19:23-34 is amended to read as follows:

35 19:23-34. Each of such district boards, in counties not having a
36 superintendent of elections where the county board of elections
37 does not have the equipment or facilities to address and mail sample
38 ballot envelopes, and the commissioner of registration in all other
39 counties, shall prepare and deposit in the post office, on or before
40 twelve o'clock noon on Wednesday preceding the start of the early
41 voting period for the primary **【day】**, the stamped envelopes
42 containing a copy of the sample primary ballot of each political
43 party addressed to each voter whose name appears in the primary
44 election registry book.

45 (cf: P.L.1947, c.168, s.11)

46

47 17. R.S.19:23-35 is amended to read as follows:

1 19:23-35. In counties not having a superintendent of elections,
2 where the county board of elections does not have the equipment or
3 facilities to address and mail sample ballot envelopes, such district
4 board shall also post three sample ballots in the polling place in its
5 district.

6 The county board of elections in all counties of the first class,
7 and in other counties where the county board of elections shall elect
8 to operate under the provisions of subsection b of section 19:23-30
9 of this Title, shall, not later than **【noon of the second Monday**
10 **preceding】** the start of the early voting period for the primary
11 election, deliver **【or mail】** to the members of the district board three
12 sample ballots for their respective election district. The board shall
13 post the sample ballots in the polling place in its district.
14 (cf: P.L.1952, c.61, s.2)

15

16 18. R.S.19:49-3 is amended to read as follows:

17 19:49-3. At least one week prior to the start of the early voting
18 period for any primary, local, or general election two sets of official
19 ballots shall be provided for each voting machine, for each polling
20 place, for each election district, for use in and upon the voting
21 machine. One set thereof shall be inserted or placed in or upon the
22 voting machine and the other shall be retained in the custody and
23 possession of the county board of elections or the superintendent of
24 elections or the municipal clerk, as the case may be, having custody
25 of voting machines, unless it shall become necessary during the
26 course of the election to make use of the same upon or in the voting
27 machine. At the close of the election all official ballots, except
28 those actually in or upon the voting machine at the close of the
29 election, whether the same shall have been used in the machine or
30 not, shall be returned to the official providing the same in the
31 manner by this Title provided.

32 (cf: P.L.1945, c.56, s.4)

33

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

36 1. Each county commissioner of registration and county board
37 of elections **【may adopt】** shall require the use of electronic poll
38 books, as further provided by this act, P.L.2019, c.80 (C.19:31-
39 35 et seq.), **【electronic poll books for use】** at each polling place
40 during the early voting period and on the day of any election, in
41 place of the paper polling record or signature copy register, to
42 access the registration record, eligibility, signature, and other
43 information of each registered voter in the election district. The
44 electronic poll books shall enable at least the same functionality
45 currently provided by the paper polling records or signature copy
46 register to be accomplished in the conduct of an election. An
47 electronic poll book shall not be used unless it has been certified by

1 the Secretary of State. The Secretary of State shall adopt and
2 publish electronic poll books standards and regulations governing
3 the certification and use of electronic poll books. The Secretary of
4 State shall not certify an electronic poll book unless it is in
5 compliance with at least the capabilities and standards specified
6 under section 2 of P.L.2019, c.80 (C.19:31-36) and the Secretary of
7 State's standards and regulations. The Secretary of State shall
8 provide **each county commissioner of registration and board of**
9 **elections that adopts the use of electronic poll books under this act**
10 **with** the rules, regulations, and instructions regarding the
11 examination, testing, and use of electronic poll books, including
12 rules regarding the security and protection of the information stored
13 in such electronic poll books, to each county commissioner of
14 registration and board of elections.

15 (cf: P.L.2019, c.80, s.1)

16

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

19 3. A county commissioner of registration and county board of
20 elections **opting to use electronic poll books** shall submit to the
21 Secretary of State a request for approval in the form, content, and
22 timeframe specified by the Secretary of State. Within 10 days of
23 receiving the request, the Secretary of State shall review the request
24 for compliance with the Secretary of State's standards and
25 regulations and all of the capabilities and standards required under
26 this act, P.L.2019, c.80 (C.19:31-35 et seq.). A county
27 commissioner of registration and county board of elections
28 approved to use electronic poll books shall furnish at least two
29 electronic poll books for each polling place ²**and a backup paper**
30 **polling record or signature copy register for each election district in**
31 **the polling place**². Each voter shall be ¹**offered the option**
32 **required**¹ to sign ¹**either**¹ the electronic poll book ¹**or**² **,**
33 **except that each voter shall be required to sign**¹ the backup paper
34 polling record or signature copy register **.** Notwithstanding any
35 provision of Title 19 of the Revised Statutes, or any other law, rule, or
36 regulation to the contrary, a voter shall be permitted to vote by
37 provisional ballot² ¹if the electronic poll book ceases to operate¹.
38 Electronic poll books for each election shall be prepared by the
39 commissioner of registration no later than the 10th day preceding
40 the start of the early voting period for the election. At each
41 election, the delivery of the electronic poll books to the municipal
42 clerk and to the district boards or other officials charged with the
43 same duties as the district boards in connection with the conduct of
44 an election, and the return of those electronic poll books by the
45 district boards or such other election officials to the commissioner
46 of registration, shall be made in the manner prescribed by the

1 commissioner of registration and shall comply with Title 19 of the
2 Revised Statues. The commissioner of registration shall retain the
3 electronic poll books records for any election for a period of not
4 less than six years following that election.
5 (cf: P.L.2019, c.80, s.3)

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

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

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

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

39 As used in this section “a period of religious observance” means
40 any day or portion thereof on which a religious observance imposes
41 a substantial burden on an individual's ability to vote.
42 (cf: P.L.2009, c.196, s.4)

43
44 ²22. (New Section) a. For the purpose of facilitating early
45 voting as quickly and efficiently as possible, the State may procure
46 qualified vendors to develop, implement, or produce any hardware,

1 software, or equipment, any change to its Internet website, or any
2 supporting systems ahead of the 2021 general election.

3 b. Notwithstanding the provisions of any other law, rule, or
4 regulation to the contrary, a contract to effectuate any provision of
5 subsection a. of this section may be procured in an expedited
6 process and in the manner provided by this section.

7 c. The Division of Purchase and Property in the Department of
8 the Treasury, the Secretary of State, or other appropriate State
9 entity may procure, without the need for formal advertisement, but
10 through the solicitation of proposals from professional services
11 vendors, a qualified vendor with relevant experience.

12 d. Notwithstanding the provisions of any other law, rule, or
13 regulation to the contrary, for the purpose of expediting the
14 procurement of any capable and experienced vendor, the following
15 provisions shall apply as modifications to any law or regulation that
16 may interfere with the expedited procurement:

17 (1) the timeframes for challenging the specifications shall be
18 modified as determined by the Division of Purchase and Property,
19 the Secretary of State, or other applicable entity;

20 (2) in lieu of advertising in accordance with section 7 of
21 P.L.1954, c.48 (C.52:34-12), the division shall advertise the request
22 for proposals for the procurement under this section and any
23 addenda thereto on the applicable agency's website;

24 (3) the period of time that the State Comptroller, if applicable,
25 has to review the request for proposals for the procurement under
26 this section for compliance with applicable public contracting laws,
27 rules, and regulations, pursuant to section 10 of P.L.2007, c.52
28 (C.52:15C-10), shall be 10 business days or less, if practicable, as
29 determined by the State Comptroller;

30 (4) the timeframes for submission under section 4 of P.L.2012,
31 c.25 (C.52:32-58) and section 1 of P.L.1977, c.33 (C.52:25-24.2)
32 shall be extended to prior to the issuance of a Notice of Intent to
33 Award;

34 (5) the provisions of section 1 of P.L.2005, c.92 (C.52:34-13.2)
35 shall not apply to technical and support services under this section
36 provided by a vendor using a "24/7 follow-the-sun model" as long
37 as the contractor is able to provide such services in the United
38 States during the business day; and

39 (6) the term "bids" in subparagraph (f) of subsection a. of
40 section 7 of P.L.1954, c.48 (C.52:34-12) shall not include pricing
41 which will be revealed to all responsive bidders during the
42 negotiation process.

43 e. The applicable entity may, to the extent necessary, waive or
44 modify any requirement under any other law or regulation that may
45 interfere with the expeditious procurement required under this
46 section.²

1 ¹22. Section 1 of P.L.1960, c.82 (C.19:7-6.1) is amended to
2 read as follows:

3 1. a. Unless express permission be given by the district board,
4 not more than one challenger appointed for a party, candidate, or on
5 a public question, shall be present at any one time in any polling
6 place while serving and exercising the powers of a challenger and
7 during the hours when the polls are open for voting. If the district
8 board shall in any case give permission for more than one
9 challenger so appointed to be present at any one time in any polling
10 place, it shall on the same grounds and on request permit a like
11 number to be present on behalf of any opposing party, or on behalf
12 of any other candidate for the same office, or on the other side of
13 any public question.

14 The provisions of this section shall not apply to any challengers
15 appointed by the **[chairman]** chairperson of a county committee,
16 pursuant to paragraph 2 of subsection b. of R.S.19:7-1, except that
17 no more than one such challenger shall be present at any time in a
18 polling place while serving and exercising his or her power as a
19 challenger during the hours when the polling place is open for
20 voting.

21 b. Notwithstanding the provisions of subsection a. of this
22 section, or any other law, rule, or regulation to the contrary, not
23 more than one challenger appointed for a party, candidate, or on a
24 public question, shall be present at any one time in any early voting
25 site while serving and exercising the powers of a challenger and
26 during the hours when the polls are open for early voting. No
27 challengers shall be appointed by the chairman of a county
28 committee, pursuant to paragraph 2 of subsection b. of R.S.19:7-1,
29 to be present at any time in an early voting site to serve and
30 exercise any powers as a challenger during the hours when the polls
31 are open for early voting.

32 (cf: P.L.1999, c.232, s.30)¹

33

34 ²23. (New Section) For the purpose of facilitating early voting as
35 quickly and efficiently as possible, a contracting unit may procure
36 qualified vendors to develop, implement, or produce any hardware,
37 software, or equipment, any change to its Internet website, or any
38 supporting systems or services ahead of the 2021 general election
39 pursuant to paragraph (l) of subsection (1) of section 5 of P.L.1971,
40 c.198 (C.40A:11-5).²

41

42 ¹23. ²22. ¹ 24.² (New section) The provisions of this act,
43 P.L. , c. (C.) (pending before the Legislature as this bill), shall
44 only apply to the 2021 general election and general elections
45 thereafter; the 2022 primary election and primary elections
46 thereafter; and, if adopted by a municipal governing body, a

1 municipal election conducted in May 2022 and municipal elections
2 conducted in May thereafter.

3

4 ~~1~~² ~~23.1~~ ~~25.2~~ a. There is appropriated from the General
5 Fund to the Department of State the sum of \$2,000,000 for the
6 purposes described in subsection i. of section 1 of this act.

7 b. There is appropriated from the General Fund as State aid to
8 each county governing body and to each municipal governing body
9 that approves conducting early voting such sums as the State Treasurer
10 and the Director of the Division of Budget and Accounting in the
11 Department of the Treasury deem necessary to effectuate the purpose
12 of section 6 of this act.

13

14 ~~1~~² ~~25.~~ ~~24.1~~ ~~26.2~~ This act shall take effect immediately.

15

16

17

18

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

SENATE, No. 3203

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Pou and Singleton

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

S3203 GILL, GREENSTEIN

2

1 AN ACT requiring early voting to be available for certain elections,
2 amending various parts of the statutory law, supplementing Title
3 19 of the Revised Statutes, and making an appropriation.

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

7
8 1. (New section) a. In addition to all other forms of voting
9 provided for by this Title, a registered voter shall be permitted to vote
10 at a specially designated polling place before the day of the general
11 election, starting on the 15th day before the election and ending on
12 the second calendar day before the election. This procedure shall be
13 known as early voting. The voting process during the early voting
14 period shall be conducted using electronic poll books and voting
15 machines. Any municipality conducting regular municipal elections
16 in May pursuant to the provisions of the “Uniform Nonpartisan
17 Elections Law,” P.L.1981, c.379 (C.40:45-5 et seq.), may, by an
18 ordinance adopted by its governing body, also conduct early voting
19 for the regular municipal election, in accordance with the provisions
20 of this act, P.L. , c. (C.) (pending before the Legislature as this
21 bill). Pursuant to the provisions of this act and Title 19 of the Revised
22 Statutes, each county board of elections shall determine the method
23 of verifying that a registered voter is qualified to vote in the election
24 and shall prescribe the manner by which a registered voter may vote
25 during such period.

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

1 effective date of this act.

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

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

14

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

18

19

EARLY VOTING VOTER CERTIFICATE

20

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

31

32

(Voter Signature)

34

35

(Date)

37

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 b. Such notice shall set forth:

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

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

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

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

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

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

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

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

28 (2) For the general election:

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

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

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

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

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

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

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

23 (3) For a school election:

24 (a) The day and time thereof,

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

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

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

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

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

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

1 long as:

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

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

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

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

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

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

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

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

30

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

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

38 The notice shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9

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

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

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

27

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

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

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

40

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

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

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

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

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

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

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

40

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

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

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

21

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

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

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

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

4

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

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

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

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

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

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

41

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

1 19. This act shall take effect on the 120th day following the date
2 of enactment.

3
4
5 STATEMENT
6

7 This bill establishes an in-person early voting procedure to allow
8 voters to cast their votes at specially designated polling places,
9 starting on the 15th day before the general election, and ending on
10 the second calendar day before the election (a Sunday). A
11 municipality holding municipal elections on the second Tuesday in
12 May, by an ordinance adopted by its governing body, may also
13 conduct in-person early voting for those municipal elections.

14 Under the bill, in-person early voting will enable a registered voter
15 to vote at a designated polling place before the day of a general
16 election using a voting machine. Designated polling places must be
17 open for early voting on Monday through Saturday from at least 10
18 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. A duly-
19 registered voter will be permitted to vote after signing an early voting
20 voter certificate, and after the voter's eligibility to vote is ascertained
21 in substantially the same manner as done on election day. At least
22 once each day during the early voting period, and prior to the start of
23 the regularly scheduled election, each county board must make such
24 changes as may be necessary to the voter's record in the Statewide
25 voter registration system and the signature copy register used at each
26 polling place to indicate that a voter has voted in that election using
27 the early voting procedure. A voter who participates in early voting
28 would not be permitted to vote by mail-in ballot or in person on
29 election day.

30 The bill provides that each county board of elections is to
31 designate at least three early voting locations in each county, except
32 that the county board must designate at least five public locations for
33 early voting if the number of registered voters in the county is at least
34 150,000 but less than 300,000, and must designate at least seven
35 public locations for early voting if the number of registered voters in
36 the county is 300,000 or more. Under the bill, the number of
37 registered voters in each county must be determined ahead of the
38 selection of early voting sites pursuant to a uniform standard to be
39 developed by the Secretary of State. Whenever possible, early voting
40 sites must be geographically located so as to ensure both access in
41 the part of the county that features the greatest concentration of
42 population, according to the most recent federal decennial census of
43 the United States, and access in various geographic areas of the
44 county. No public school building may serve as an early voting
45 location. Once early voting locations are designated in each county,
46 county boards of election must, as provided by the Secretary of State,
47 evaluate and, if deemed necessary, revise these locations in order to
48 accommodate significant changes in the number of registered voters

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

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

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

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

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

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

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20

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

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

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

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 3203**

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 3203 SCS (1R), with committee amendments.

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

- (1) start on the 4th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election;
- (2) start on the 6th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; and
- (3) start on the 10th calendar day before a general election and end on the second calendar day before that general election.

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

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

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

The bill provides that each county board of elections is to designate at least three but not more than five early voting locations in each county, except that the county board must designate at least five but not more than seven public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven but not more than 10 public locations for early voting if the number of registered voters in the county is 300,000 or more. A municipality that conducts May elections and that chooses to participate in early voting is to designate at least one but not more than three early voting locations. However, this provision would not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the upper limits respectively set forth, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits established, and would not be required to provide reimbursement for additional locations beyond those limits. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

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

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting

period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on election day. The results of the voted ballots cast during early voting must remain confidential and would be disclosed only in accordance with the provisions of current law, regulations, and guidelines concerning the disclosure of election results, and a violation would be subject to the penalties established by law.

For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law. Under the bill, challengers for early voting would be appointed as follows: (a) the chairperson of the county committee of a political party or the chairperson of the municipal committee of the political party, as the case may be, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be; (b) a candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers would be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot; and (c) whenever a public question appears on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for

the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site. Only those challengers appointed under (a) through (c) would be permitted to be present at early voting sites.

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

Under the bill, during the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display would provide the sample ballot in the languages required by state or federal law for the county.

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

Under current law, each commissioner of registration and board of elections may elect to use electronic poll books at a polling place on election day. Under the bill, each commissioner of registration and board of elections would be required to use electronic polls books during the early voting period and on election day. The bill also provides that each voter must sign the electronic poll book, and that a voter must be permitted to vote by provisional ballot if the electronic poll book ceases to operate.

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

For the purpose of facilitating early voting as quickly and efficiently as possible, the bill also establishes an expedited State and local process for the procurement of qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems ahead of the 2021 general election.

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

As amended and reported the Senate Committee Substitute for Senate Bill No. 3203 (1R) is identical to Assembly Bill No. 4830 (1R), which also was amended and reported by the committee

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) permit, rather than require, the Secretary of State to establish procedures for the counties to follow in verifying eligible voters, the manner for voters to vote during early voting, and the criteria for revising early voting locations;

(2) establish upper limits of five, seven, and 10 locations for early voting for each range of registered voters in each county, and an upper limit of three locations for a municipality conducting elections in May;

(3) provide that county boards of elections may, at their discretion, establish additional locations in excess of the upper limits, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits, and will not be required to provide reimbursement for additional locations beyond those limits;

(4) allow places of public accommodation to be used as early voting locations;

(5) provide that early voting poll workers would receive the compensation established under current law, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater;

(6) require the use of electronic poll books to update voters' records in real time during early voting, and remove the requirement to use paper poll books or paper signature copy registers;

(7) prohibit the disclosure of early voting results prior to canvassing on election day, and subject such disclosure to the penalties under current law;

(8) extend the deadline from 15 to 30 days following the effective date of the bill for county boards of elections to submit their plans to the Secretary of State;

(9) allow the Secretary of State to issue any new regulations that may be necessary to implement the provisions of this bill on an expedited basis;

(10) provide that the electronic display of sample ballots would be in the languages required by state or federal law for the county;

(11) require that a voter would be permitted to vote by provisional ballot if the electronic poll books cease to operate; and

(12) allow for an expedited state and local procurement process to facilitate early voting as quickly and efficiently as possible ahead of the 2021 general election.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the total cost of in-person early voting as prescribed in the bill is indeterminate and depends on many factors including decisions made regarding the number and type of voting machines that will be purchased; additional equipment needed (e.g. Americans with Disabilities Act (ADA)-compliant ballot marking devices and privacy booths); and the number of elections and the type of election held in any given year (i.e. non-presidential primary, presidential primary, and general election).

The Executive has not submitted a fiscal note for this bill. However, in 2020, the Department of State provided fiscal information for a bill that had many of the same elements relevant to this bill. First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs.

The OLS notes that the actual cost of the bill will depend on any additional election costs applicable at that time, such as hardware accessories, specifically transfer cases, election management software, system training, Election Day support, election supplies, and maintenance and support costs that are not in the department's estimate. These costs may be substantial and in the millions of dollars. The OLS notes that the State costs could also be higher compared to the Department of State's estimate depending on whether the estimate for the optical-scan voting machine system includes software costs and

if the division's estimate for the other voting machines includes the cost to add voter-verifiable paper audit trail (VVPAT) capabilities, should the decision be made to purchase one or the other.

The Department of State indicated that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of ballot on demand printers (BDPs) that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and optical-scan voting machines, if those voting machines are chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3203

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3203

with Senate Floor Amendments
(Proposed by Senator GILL)

ADOPTED: FEBRUARY 19, 2021

These Senate amendments modify the appointment of challengers for early voting, as follows:

(1) The chairperson of the county committee of a political party or the chairperson of the municipal committee of the political party, as the case may be, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be.

(2) A candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers shall be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot.

(3) Whenever a public question shall appear on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site.

The amendments further provide that not more than the challengers authorized pursuant to (1) through (3) above would be permitted to be present at any one time in any early voting site while serving and exercising the powers of a challenger and during the hours when the polls are open for early voting.

The amendments also require each voter to sign the electronic poll book, except that each voter would be required to sign the backup paper poll book only if the electronic poll book ceases to operate.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3203
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: FEBRUARY 24, 2021

- Synopsis:** Requires in person early voting period for certain elections; makes appropriation.
- Type of Impact:** Annual State expenditure increase; annual local expenditure and revenue increases.
- Agencies Affected:** Department of State, County Boards of Elections, County Clerks’ Offices, Municipal Clerks’ Offices.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------------|----------------------|----------------------|----------------------|
| State Expenditure Increase | | Indeterminate | |
| Local Expenditure Increase | | Indeterminate | |
| Local Revenue Increase | | Indeterminate | |

- The Office of Legislative Services (OLS) finds that the total cost of in-person early voting as prescribed in the bill is indeterminate and depends on many factors including decisions made regarding the number and type of voting machines that will be purchased; additional equipment needed (e.g. Americans with Disabilities Act (ADA)-compliant ballot marking devices and privacy booths); and the number of elections and the type of election held in any given year (i.e. non-presidential primary, presidential primary, and general election).
- The Executive has not submitted a fiscal note for this bill. However, in 2020, the Department of State provided fiscal information for a bill that had many of the same elements relevant to this bill. First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs.
- The OLS notes that the actual cost of the bill will depend on any additional election costs applicable at that time, such as hardware accessories, specifically transfer cases, election



management software, system training, Election Day support, election supplies, and maintenance and support costs that are not in the department's estimate. These costs may be substantial and in the millions of dollars.

- The OLS notes that the State costs could also be higher compared to the Department of State's estimate depending on whether the estimate for the optical-scan voting machine system includes software costs and if the division's estimate for the other voting machines includes the cost to add voter-verifiable paper audit trail (VVPAT) capabilities, should the decision be made to purchase one or the other.
- The Department of State indicated that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of ballot on demand printers (BDPs) that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and optical-scan voting machines, if those voting machines are chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.
- The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either an ADA ballot marking device or instead of optical-scan voting machines, a Direct-Recording Electronic (DRE) Voting Machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot. However, they can be equipped with VVPAT that allows the voter to verify that the vote was recorded correctly.
- Funds to pay for in-person early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the Department of the Treasury deems necessary to cover any additional costs incurred as a result of this bill.

BILL DESCRIPTION

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

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

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

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

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

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on Election Day.

The bill provides that each county board of elections is to designate at least three early voting locations in each county, except that the county board must designate at least five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State must develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place. The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on Election Day.

The bill directs the Secretary of State to establish a printing on demand ballot and elections system. At a minimum, the system must be compatible with the Statewide voter registration system and any electronic poll books authorized under current law. Each polling place used for early voting would have a computer, tablet, or other electronic device to print provisional ballots for voters required to vote by provisional ballot in accordance to the provisions of Title 19 of the Revised Statutes or due to an equipment malfunction, a voter file, a polling record or signature copy register, or any other election related material, if needed. A computer, tablet, or other

electronic device and the printer used to print election materials at a polling place would not be used unless it has been certified by the Secretary of State. The Secretary of State would adopt and publish standards and regulations governing the certification and use of computer, tablets, or other electronic devices and printers to print election materials at each polling place used for early voting. The Secretary of State would be prohibited from certifying a computer, tablet, or other electronic device or printer unless it is in compliance with the secretary's standards.

The bill also provides that the Secretary of State and county boards of elections must publish on the Department of State's website and the respective county's website information concerning the early voting procedure.

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

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

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a fiscal note for this bill. However, in 2020, it provided fiscal information for the substantively similar S-99 of 2020, which had many of the same elements relevant to this bill.

First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between approximately \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs, such as the cost to operate polling locations and the costs to pay poll workers. The analysis regarding the cost of this bill was based on information from county offices and information from other states conducting similar projects. The division's rationale and detail of the costs are as follows:

- Polling: The legislation would require 115 polling locations as specified to be open for a minimum of eight to ten hours per day during the early voting period. There may be a charge for using a location. The total polling location cost per election is estimated to be:
 - \$25,875 per non-presidential primary assuming there are 115 locations that cost \$75 per day for 3 days;
 - \$43,125 per presidential primary assuming there are 115 locations that cost \$75 per day for 5 days;

- \$60,375 per general election assuming there are 115 locations that cost \$75 per day for 7 days.
- Poll Workers: Early voting would require eight poll workers at each early voting location for 12 days at 10 hours per day, and on Sundays for eight hours per day. Poll worker compensation is estimated to be \$14.29 per hour. The total poll worker compensation costs per election are estimated to be approximately:
 - \$368,110 per non-presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for 2 days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for one day;
 - \$631,046 per presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for four days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for one day;
 - \$1,130,624 per general election assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for seven days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for two days.
- Optical-Scan Voting Machines: If the decision is made to purchase optical-scan voting machines, then to keep voter traffic flowing, the division estimates the bill will require four to five optical-scan voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase optical-scan voting machines is estimated to be between \$5,000 and \$7,000 per machine resulting in total costs to purchase optical-scan voting machines to range between \$2.3 million and \$4.025 million.
- Ballot on Demand Printers: BDPs accommodate many different ballot styles. BDPs are printers that can produce voters' exact ballots "on demand" at early voting locations or Election Day polling places that serve multiple precincts. The division estimates, to keep voter traffic flowing, the bill will require four to five BDPs per location per county, specifically three, five, or seven location per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase BDPs is estimated to be between \$5,000 and \$7,000 per BDP resulting in total costs for BDPs to range between \$2.3 million and \$4.025 million.
- Other Voting Machines. If the decision is made to purchase voting machines other than optical scan, to keep voter traffic flowing, the bill will require the purchase of between 10 and 20 voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase the voting machine hardware and software is estimated to be \$10,000 per voting machine resulting in total voting machine costs of between \$11.5 million and \$23 million.
- Electronic Poll Books: In order to process voters at the early voting locations and update the information to poll books for Election Day, the State will have to move from paper poll books to electronic poll books. An electronic poll book can cost between \$1,000 and \$3,000 apiece to purchase. There are approximately 6,400 election districts in the State and each one would require two poll books. The total cost to purchase two electronic poll books for each of 6,400 election districts at an estimated cost of \$1,500 per poll book is estimated to be \$19.2 million.
- ADA-Compliant Ballot Marking Devices for Optical Scan Voting Machine Option: The bill would require at least one ADA-compliant voting system in every location if the optical scan voting machine is purchased. This would require the purchase of additional voting equipment. Some of the larger locations would require more than one machine. The total cost for the devices is estimated to be \$750,000, assuming 150 ADA compliant voting systems at a cost of \$5,000 per device.

- Privacy Booths: The division estimates that at least one privacy booth per polling location would be needed. The total cost to purchase one privacy booth for each of 115 polling locations is estimated to be approximately \$12,650, assuming an average price of \$110 per privacy booth.
- Statewide Voter Registration System Interface: The Executive Branch estimates that it would cost approximately \$600,000 for a vendor to develop an electronic poll book interface with the Statewide Voter Registration System.

The division's estimate does not include licensing and maintenance fees, printing costs, or overtime for county and municipal employees.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the total cost of in-person early voting as prescribed by the bill is indeterminate and depends on many factors including, but not limited to, decisions regarding the number and type of voting machines that will need to be purchased, the ancillary equipment (e.g. ADA-compliant ballot marking devices and privacy booths that will need to be purchased), as well as the number of elections and the type of election held in any given year: non-presidential primary, presidential primary, and general election.

The OLS notes that the actual costs could be higher depending on whether the division's estimate for the optical-scan voting machines includes software costs and if the division's estimate for other voting machines includes the cost to add VVPAT capabilities, should the decision be made to purchase other voting machines with VVPAT instead of optical-scan voting machines. Actual costs could also be higher depending on implementation and start-up costs, applicable at that time, that are not included in the division's estimate, such as hardware accessories like transfer cases, system training, Election Day support, election supplies, and maintenance and support costs. These costs can be substantial and in the millions of dollars. Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill.

The OLS notes the bill would require the purchase of voting machines, either optical-scan or other voting machines with VVPAT, to be used in the early voting program established by the bill. The division has indicated to the OLS that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of BDPs that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and the voting machines chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.

The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently, either because of manual dexterity impairments, reduced vision or other disabilities that make paper hard to use. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either a ballot marking device or a DRE voting machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently.

DREs do not generate a paper ballot, however, they can be equipped with a VVPAT that allows the voter to verify that the vote was recorded correctly. Many older DREs do not come with a VVPAT. However, some election technology vendors can retrofit equipment with VVPAT printers. VVPATs look like a rolling receipt behind glass where voter's choices are indicated on paper.

The division also indicated that poll book technology reduces costs for overtime per election to administer early voting. At this time, it is not known how this will affect the demand for and cost of overtime, which may depend on early voter turnout. Turnout and the manner of implementation of poll book technology may change the estimated number of poll workers required at each early voting location thereby affecting poll worker and overtime costs

Costs for licensing fees, maintenance fees, and printing costs are not included in the estimate. The OLS notes that the estimate does not address costs that may arise if a municipality opts to conduct early voting for elections in May.

Section: State Government
Analyst: Kimberly Clemmensen
Lead Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

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

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3203
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MARCH 2, 2021

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

Type of Impact: Annual State expenditure increase; annual local expenditure and revenue increases.

Agencies Affected: Department of State, County Boards of Elections, County Clerks’ Offices, Municipal Clerks’ Offices.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------------|----------------------|----------------------|----------------------|
| State Expenditure Increase | | Indeterminate | |
| Local Expenditure Increase | | Indeterminate | |
| Local Revenue Increase | | Indeterminate | |

- The Office of Legislative Services (OLS) finds that the total cost of in-person early voting as prescribed in the bill is indeterminate and depends on many factors including decisions made regarding the number and type of voting machines that will be purchased; additional equipment needed (e.g. Americans with Disabilities Act (ADA)-compliant ballot marking devices and privacy booths); and the number of elections and the type of election held in any given year (i.e. non-presidential primary, presidential primary, and general election).
-
- The Executive has not submitted a fiscal note for this bill. However, in 2020, the Department of State provided fiscal information for a bill that had many of the same elements relevant to this bill. First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs.
-
- The OLS notes that the actual cost of the bill will depend on any additional election costs applicable at that time, such as hardware accessories, specifically transfer cases, election management software, system training, Election Day support, election supplies, and



maintenance and support costs that are not in the department's estimate. These costs may be substantial and in the millions of dollars.

- The OLS notes that the State costs could also be higher compared to the Department of State's estimate depending on whether the estimate for the optical-scan voting machine system includes software costs and if the division's estimate for the other voting machines includes the cost to add voter-verifiable paper audit trail (VVPAT) capabilities, should the decision be made to purchase one or the other.
- The Department of State indicated that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of ballot on demand printers (BDPs) that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and optical-scan voting machines, if those voting machines are chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.
- The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either an ADA ballot marking device or instead of optical-scan voting machines, a Direct-Recording Electronic (DRE) Voting Machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot. However, they can be equipped with VVPAT that allows the voter to verify that the vote was recorded correctly.
-
- Funds to pay for in-person early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the Department of the Treasury deems necessary to cover any additional costs incurred as a result of this bill.

BILL DESCRIPTION

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

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

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

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

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

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on Election Day.

The bill provides that each county board of elections is to designate at least three early voting locations in each county, except that the county board must designate at least five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State must develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place. The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on Election Day.

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

The bill also provides that the Secretary of State and county boards of elections must publish on the Department of State's website and the respective county's website information concerning the early voting procedure.

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

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

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a fiscal note for this bill. However, in 2020, it provided fiscal information for the substantively similar S-99 of 2020, which had many of the same elements relevant to this bill.

First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between approximately \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs, such as the cost to operate polling locations and the costs to pay poll workers. The analysis regarding the cost of this bill was based on information from county offices and information from other states conducting similar projects. The division's rationale and detail of the costs are as follows:

- Polling: The legislation would require 115 polling locations as specified to be open for a minimum of eight to ten hours per day during the early voting period. There may be a charge for using a location. The total polling location cost per election is estimated to be:
 - \$25,875 per non-presidential primary assuming there are 115 locations that cost \$75 per day for 3 days;
 - \$43,125 per presidential primary assuming there are 115 locations that cost \$75 per day for 5 days;
 - \$60,375 per general election assuming there are 115 locations that cost \$75 per day for 7 days.
- Poll Workers: Early voting would require eight poll workers at each early voting location for 12 days at 10 hours per day, and on Sundays for eight hours per day. Poll worker compensation is estimated to be \$14.29 per hour. The total poll worker compensation costs per election are estimated to be approximately:

- \$368,110 per non-presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for 2 days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for one day;
 - \$631,046 per presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for four days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for one day;
 - \$1,130,624 per general election assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for seven days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for two days.
- Optical-Scan Voting Machines: If the decision is made to purchase optical-scan voting machines, then to keep voter traffic flowing, the division estimates the bill will require four to five optical-scan voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase optical-scan voting machines is estimated to be between \$5,000 and \$7,000 per machine resulting in total costs to purchase optical-scan voting machines to range between \$2.3 million and \$4.025 million.
 - Ballot on Demand Printers: BDPs accommodate many different ballot styles. BDPs are printers that can produce voters' exact ballots "on demand" at early voting locations or Election Day polling places that serve multiple precincts. The division estimates, to keep voter traffic flowing, the bill will require four to five BDPs per location per county, specifically three, five, or seven location per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase BDPs is estimated to be between \$5,000 and \$7,000 per BDP resulting in total costs for BDPs to range between \$2.3 million and \$4.025 million.
 - Other Voting Machines. If the decision is made to purchase voting machines other than optical scan, to keep voter traffic flowing, the bill will require the purchase of between 10 and 20 voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase the voting machine hardware and software is estimated to be \$10,000 per voting machine resulting in total voting machine costs of between \$11.5 million and \$23 million.
 - Electronic Poll Books: In order to process voters at the early voting locations and update the information to poll books for Election Day, the State will have to move from paper poll books to electronic poll books. An electronic poll book can cost between \$1,000 and \$3,000 apiece to purchase. There are approximately 6,400 election districts in the State and each one would require two poll books. The total cost to purchase two electronic poll books for each of 6,400 election districts at an estimated cost of \$1,500 per poll book is estimated to be \$19.2 million.
 - ADA-Compliant Ballot Marking Devices for Optical Scan Voting Machine Option: The bill would require at least one ADA-compliant voting system in every location if the optical scan voting machine is purchased. This would require the purchase of additional voting equipment. Some of the larger locations would require more than one machine. The total cost for the devices is estimated to be \$750,000, assuming 150 ADA compliant voting systems at a cost of \$5,000 per device.
 - Privacy Booths: The division estimates that at least one privacy booth per polling location would be needed. The total cost to purchase one privacy booth for each of 115 polling locations is estimated to be approximately \$12,650, assuming an average price of \$110 per privacy booth.

- Statewide Voter Registration System Interface: The Executive Branch estimates that it would cost approximately \$600,000 for a vendor to develop an electronic poll book interface with the Statewide Voter Registration System.

The division's estimate does not include licensing and maintenance fees, printing costs, or overtime for county and municipal employees.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the total cost of in-person early voting as prescribed by the bill is indeterminate and depends on many factors including, but not limited to, decisions regarding the number and type of voting machines that will need to be purchased, the ancillary equipment (e.g. ADA-compliant ballot marking devices and privacy booths that will need to be purchased), as well as the number of elections and the type of election held in any given year: non-presidential primary, presidential primary, and general election.

The OLS notes that the actual costs could be higher depending on whether the division's estimate for the optical-scan voting machines includes software costs and if the division's estimate for other voting machines includes the cost to add VVPAT capabilities, should the decision be made to purchase other voting machines with VVPAT instead of optical-scan voting machines. Actual costs could also be higher depending on implementation and start-up costs, applicable at that time, that are not included in the division's estimate, such as hardware accessories like transfer cases, system training, Election Day support, election supplies, and maintenance and support costs. These costs can be substantial and in the millions of dollars. Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill.

The OLS notes the bill would require the purchase of voting machines, either optical-scan or other voting machines with VVPAT, to be used in the early voting program established by the bill. The division has indicated to the OLS that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of BDPs that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and the voting machines chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.

The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently, either because of manual dexterity impairments, reduced vision or other disabilities that make paper hard to use. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either a ballot marking device or a DRE voting machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot, however, they can be equipped with a VVPAT that allows the voter to verify that the vote was recorded correctly. Many older DREs do not come with a VVPAT. However, some election technology vendors can retrofit equipment with VVPAT

printers. VVPATs look like a rolling receipt behind glass where voter's choices are indicated on paper.

The division also indicated that poll book technology reduces costs for overtime per election to administer early voting. At this time, it is not known how this will affect the demand for and cost of overtime, which may depend on early voter turnout. Turnout and the manner of implementation of poll book technology may change the estimated number of poll workers required at each early voting location thereby affecting poll worker and overtime costs

Costs for licensing fees, maintenance fees, and printing costs are not included in the estimate. The OLS notes that the estimate does not address costs that may arise if a municipality opts to conduct early voting for elections in May.

Section: State Government

*Analyst: Kimberly Clemmensen
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

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

LEGISLATIVE FISCAL ESTIMATE
 [Second Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3203
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MARCH 22, 2021

SUMMARY

- Synopsis:** Requires in person early voting period for certain elections; makes appropriation.
- Type of Impact:** Annual State expenditure increase; annual local expenditure and revenue increases.
- Agencies Affected:** Department of State, County Boards of Elections, County Clerks’ Offices, Municipal Clerks’ Offices.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------------|----------------------|----------------------|----------------------|
| State Expenditure Increase | | Indeterminate | |
| Local Expenditure Increase | | Indeterminate | |
| Local Revenue Increase | | Indeterminate | |

- The Office of Legislative Services (OLS) finds that the total cost of in-person early voting as prescribed in the bill is indeterminate and depends on many factors including decisions made regarding the number and type of voting machines that will be purchased; additional equipment needed (e.g. Americans with Disabilities Act (ADA)-compliant ballot marking devices and privacy booths); and the number of elections and the type of election held in any given year (i.e. non-presidential primary, presidential primary, and general election).
- The Executive has not submitted a fiscal note for this bill. However, in 2020, the Department of State provided fiscal information for a bill that had many of the same elements relevant to this bill. First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State

would incur between \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs.

- The OLS notes that the actual cost of the bill will depend on any additional election costs applicable at that time, such as hardware accessories, specifically transfer cases, election management software, system training, Election Day support, election supplies, and maintenance and support costs that are not in the department's estimate. These costs may be substantial and in the millions of dollars.
- The OLS notes that the State costs could also be higher compared to the Department of State's estimate depending on whether the estimate for the optical-scan voting machine system includes software costs and if the division's estimate for the other voting machines includes the cost to add voter-verifiable paper audit trail (VVPAT) capabilities, should the decision be made to purchase one or the other.
- The Department of State indicated that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of ballot on demand printers (BDPs) that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and optical-scan voting machines, if those voting machines are chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.
- The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either an ADA ballot marking device or instead of optical-scan voting machines, a Direct-Recording Electronic (DRE) Voting Machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot. However, they can be equipped with VVPAT that allows the voter to verify that the vote was recorded correctly.
- Funds to pay for in-person early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the Department of the Treasury deems necessary to cover any additional costs incurred as a result of this bill. However, the State will not be required to provide reimbursement to local governments for additional in-person early voting locations beyond the limits provided in the bill.

BILL DESCRIPTION

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

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

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

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

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

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. In real time using the electronic poll books each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on Election Day.

The bill provides that each county board of elections is to designate at least three but not more than five early voting locations in each county, except that the county board must designate at least five but not more than seven public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven but not more than 10 public locations for early voting if the number of registered voters in the county is 300,000 or more. A municipality that conducts May elections and that chooses to participate in early voting is to designate at least one but not more than three early voting locations. However, this provision would not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the upper limits respectively set forth, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits established, and would not be required to provide reimbursement for additional locations beyond those limits. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

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

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

officers would be as provided for by current law, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on Election Day. The results of the voted ballots cast during early voting must remain confidential and would be disclosed only in accordance with the provisions of current law, regulations, and guidelines concerning the disclosure of election results, and a violation would be subject to the penalties established by law.

For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law. Under the bill, challengers for early voting would be appointed as follows: (a) the chairperson of the county committee of a political party or the chairperson of the municipal committee of the political party, as the case may be, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be; (b) a candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers would be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot; and (c) whenever a public question appears on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site. Only those challengers appointed under (a) through (c) would be permitted to be present at early voting sites.

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

certification and use of computer, tablets, or other electronic devices and printers to print election materials at each polling place used for early voting. The Secretary of State would be prohibited from certifying a computer, tablet, or other electronic device or printer unless it is in compliance with the secretary's standards.

Under the bill, during the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display would provide the sample ballot in the languages required by state or federal law for the county.

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

Under current law, each commissioner of registration and board of elections may elect to use electronic poll books at a polling place on Election Day. Under the bill, each commissioner of registration and board of elections would be required to use electronic polls books during the early voting period and on Election Day. The bill also provides that each voter must sign the electronic poll book, and that a voter must be permitted to vote by provisional ballot if the electronic poll book ceases to operate.

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

For the purpose of facilitating early voting as quickly and efficiently as possible, the bill also establishes an expedited State and local process for the procurement of qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems ahead of the 2021 general election.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a fiscal note for this bill. However, in 2020, it provided fiscal information for the substantively similar S-99 of 2020, which had many of the same elements relevant to this bill.

First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In

addition, depending on the type and number of elections in a year, the State would incur between approximately \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs, such as the cost to operate polling locations and the costs to pay poll workers. The analysis regarding the cost of this bill was based on information from county offices and information from other states conducting similar projects. The division's rationale and detail of the costs are as follows:

- Polling: The legislation would require 115 polling locations as specified to be open for a minimum of eight to ten hours per day during the early voting period. There may be a charge for using a location. The total polling location cost per election is estimated to be:
 - \$25,875 per non-presidential primary assuming there are 115 locations that cost \$75 per day for 3 days;
 - \$43,125 per presidential primary assuming there are 115 locations that cost \$75 per day for 5 days;
 - \$60,375 per general election assuming there are 115 locations that cost \$75 per day for 7 days.
- Poll Workers: Early voting would require eight poll workers at each early voting location for 12 days at 10 hours per day, and on Sundays for eight hours per day. Poll worker compensation is estimated to be \$14.29 per hour. The total poll worker compensation costs per election are estimated to be approximately:
 - \$368,110 per non-presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for 2 days and eight poll workers at each of the 115 locations for eight hours per day at \$14.29 per hours for one day;
 - \$631,046 per presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for four days and eight poll workers at each of the 115 locations for eight hours per day at \$14.29 per hours for one day;
 - \$1,130,624 per general election assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for seven days and eight poll workers at each of the 115 locations for eight hours per day at \$14.29 per hours for two days.
- Optical-Scan Voting Machines: If the decision is made to purchase optical-scan voting machines, then to keep voter traffic flowing, the division estimates the bill will require four to five optical-scan voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase optical-scan voting machines is estimated to be between \$5,000 and \$7,000 per machine resulting in total costs to purchase optical-scan voting machines to range between \$2.3 million and \$4.025 million.
- Ballot on Demand Printers: BDPs accommodate many different ballot styles. BDPs are printers that can produce voters' exact ballots "on demand" at early voting locations or Election Day polling places that serve multiple precincts. The division estimates, to keep voter traffic flowing, the bill will require four to five BDPs per location per county, specifically three, five, or seven location per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase BDPs is estimated to be between \$5,000 and \$7,000 per BDP resulting in total costs for BDPs to range between \$2.3 million and \$4.025 million.
- Other Voting Machines. If the decision is made to purchase voting machines other than optical scan, to keep voter traffic flowing, the bill will require the purchase of between 10 and 20 voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase the voting machine hardware and software is estimated to be \$10,000 per voting machine resulting in total voting machine costs of between \$11.5 million and \$23 million.

- Electronic Poll Books: In order to process voters at the early voting locations and update the information to poll books for Election Day, the State will have to move from paper poll books to electronic poll books. An electronic poll book can cost between \$1,000 and \$3,000 apiece to purchase. There are approximately 6,400 election districts in the State and each one would require two poll books. The total cost to purchase two electronic poll books for each of 6,400 election districts at an estimated cost of \$1,500 per poll book is estimated to be \$19.2 million.
- ADA-Compliant Ballot Marking Devices for Optical Scan Voting Machine Option: The bill would require at least one ADA-compliant voting system in every location if the optical scan voting machine is purchased. This would require the purchase of additional voting equipment. Some of the larger locations would require more than one machine. The total cost for the devices is estimated to be \$750,000, assuming 150 ADA compliant voting systems at a cost of \$5,000 per device.
- Privacy Booths: The division estimates that at least one privacy booth per polling location would be needed. The total cost to purchase one privacy booth for each of 115 polling locations is estimated to be approximately \$12,650, assuming an average price of \$110 per privacy booth.
- Statewide Voter Registration System Interface: The Executive Branch estimates that it would cost approximately \$600,000 for a vendor to develop an electronic poll book interface with the Statewide Voter Registration System.

The division's estimate does not include licensing and maintenance fees, printing costs, or overtime for county and municipal employees.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the total cost of in-person early voting as prescribed by the bill is indeterminate and depends on many factors including, but not limited to, decisions regarding the number and type of voting machines that will need to be purchased, the ancillary equipment (e.g. ADA-compliant ballot marking devices and privacy booths that will need to be purchased), as well as the number of elections and the type of election held in any given year: non-presidential primary, presidential primary, and general election.

The OLS notes that the actual costs could be higher depending on whether the division's estimate for the optical-scan voting machines includes software costs and if the division's estimate for other voting machines includes the cost to add VVPAT capabilities, should the decision be made to purchase other voting machines with VVPAT instead of optical-scan voting machines. Actual costs could also be higher depending on implementation and start-up costs, applicable at that time, that are not included in the division's estimate, such as hardware accessories like transfer cases, system training, Election Day support, election supplies, and maintenance and support costs. These costs can be substantial and in the millions of dollars.

The division has indicated to the OLS that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of BDPs that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and the voting machines chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.

The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently, either because of manual dexterity impairments, reduced vision or other disabilities that make paper hard to use. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either a ballot marking device or a DRE voting machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot, however, they can be equipped with a VVPAT that allows the voter to verify that the vote was recorded correctly. Many older DREs do not come with a VVPAT. However, some election technology vendors can retrofit equipment with VVPAT printers. VVPATs look like a rolling receipt behind glass where voter's choices are indicated on paper.

The division also indicated that poll book technology reduces costs for overtime per election to administer early voting. At this time, it is not known how this will affect the demand for and cost of overtime, which may depend on early voter turnout. Turnout and the manner of implementation of poll book technology may change the estimated number of poll workers required at each early voting location thereby affecting poll worker and overtime costs.

Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill. However, the State will not be required to provide reimbursement to local governments for additional in-person early voting locations beyond the limits provided in the bill.

Costs for licensing fees, maintenance fees, and printing costs are not included in the estimate. The OLS notes that the estimate does not address costs that may arise if a municipality opts to conduct early voting for elections in May.

Section: State Government
Analyst: Kimberly Clemmensen
Lead Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

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

ASSEMBLY, No. 4830

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/19/2020)

1 AN ACT requiring early voting to be available for certain elections,
2 amending various parts of the statutory law, supplementing Title
3 19 of the Revised Statutes, and making an appropriation.

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

7
8 1. (New section) a. In addition to all other forms of voting
9 provided for by this Title, a registered voter shall be permitted to vote
10 at a specially designated polling place before the day of the general
11 election, starting on the 15th day before the election and ending on
12 the second calendar day before the election. This procedure shall be
13 known as early voting. The voting process during the early voting
14 period shall be conducted using electronic poll books and voting
15 machines. Any municipality conducting regular municipal elections
16 in May pursuant to the provisions of the “Uniform Nonpartisan
17 Elections Law,” P.L.1981, c.379 (C.40:45-5 et seq.), may, by an
18 ordinance adopted by its governing body, also conduct early voting
19 for the regular municipal election, in accordance with the provisions
20 of this act, P.L. , c. (C.) (pending before the Legislature as this
21 bill). Pursuant to the provisions of this act and Title 19 of the Revised
22 Statutes, each county board of elections shall determine the method
23 of verifying that a registered voter is qualified to vote in the election
24 and shall prescribe the manner by which a registered voter may vote
25 during such period.

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

1 effective date of this act.

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

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

14

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

18

19

EARLY VOTING VOTER CERTIFICATE

20

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

31

32

33 _____
(Voter Signature)

34

35

36 _____
(Date)

37

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 b. Such notice shall set forth:

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

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

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

1 (c) The several State, county, municipal and party offices or
2 positions to be filled, or for which nominations are to be made, at
3 such primary election

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

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

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

29 (2) For the general election:

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

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

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

47 (d) The existence of registration and voting aids, including: (i)
48 the availability of registration and voting instructions at places of

1 registration as provided under R.S.19:31-6; and (ii) the accessibility
2 of voter information to the deaf by means of a telecommunications
3 device.

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

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

24 (3) For a school election:

25 (a) The day and time thereof,

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

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

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

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

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

47 c. If such publication is made in more than one newspaper, it
48 shall not be necessary to duplicate in the notice published in each

1 such newspaper all the information required under this section, so
2 long as:

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

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

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

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

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

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

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

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

31

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

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

39 The notice shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9

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

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

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

27

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

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

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

40

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

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

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

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

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

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

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

40

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

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

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

21

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

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

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

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

4

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

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

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

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

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

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

41

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

1 19. This act shall take effect on the 120th day following the date
2 of enactment.

3

4

5

STATEMENT

6

7 This bill establishes an in-person early voting procedure to allow
8 voters to cast their votes at specially designated polling places,
9 starting on the 15th day before the general election, and ending on
10 the second calendar day before the election (a Sunday). A
11 municipality holding municipal elections on the second Tuesday in
12 May, by an ordinance adopted by its governing body, may also
13 conduct in-person early voting for those municipal elections.

14 Under the bill, in-person early voting will enable a registered voter
15 to vote at a designated polling place before the day of a general
16 election using a voting machine. Designated polling places must be
17 open for early voting on Monday through Saturday from at least 10
18 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. A duly-
19 registered voter will be permitted to vote after signing an early voting
20 voter certificate, and after the voter's eligibility to vote is ascertained
21 in substantially the same manner as done on election day. At least
22 once each day during the early voting period, and prior to the start of
23 the regularly scheduled election, each county board must make such
24 changes as may be necessary to the voter's record in the Statewide
25 voter registration system and the signature copy register used at each
26 polling place to indicate that a voter has voted in that election using
27 the early voting procedure. A voter who participates in early voting
28 would not be permitted to vote by mail-in ballot or in person on
29 election day.

30 The bill provides that each county board of elections is to
31 designate at least three early voting locations in each county, except
32 that the county board must designate at least five public locations for
33 early voting if the number of registered voters in the county is at least
34 150,000 but less than 300,000, and must designate at least seven
35 public locations for early voting if the number of registered voters in
36 the county is 300,000 or more. Under the bill, the number of
37 registered voters in each county must be determined ahead of the
38 selection of early voting sites pursuant to a uniform standard to be
39 developed by the Secretary of State. Whenever possible, early voting
40 sites must be geographically located so as to ensure both access in
41 the part of the county that features the greatest concentration of
42 population, according to the most recent federal decennial census of
43 the United States, and access in various geographic areas of the
44 county. No public school building may serve as an early voting
45 location. Once early voting locations are designated in each county,
46 county boards of election must, as provided by the Secretary of State,
47 evaluate and, if deemed necessary, revise these locations in order to
48 accommodate significant changes in the number of registered voters

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

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

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

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

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

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

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20

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

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

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

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4830

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2020

The Assembly State and Local Government Committee reports favorably and with amendments Assembly Bill No. 4830.

This bill establishes an in-person early voting procedure to allow voters to cast their votes at specially designated polling places, starting on the 15th day before the general election, and ending on the second calendar day before the election (a Sunday). A municipality holding municipal elections on the second Tuesday in May, by an ordinance adopted by its governing body, may also conduct in-person early voting for those municipal elections.

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of a general election using a voting machine. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. A duly-registered voter will be permitted to vote after signing an early voting voter certificate, and after the voter's eligibility to vote is ascertained in substantially the same manner as done on election day. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on election day.

The bill provides that each county board of elections is to designate at least three early voting locations in each county, except that the county board must designate at least five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by

the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State must develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

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

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

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

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

period, and the locations and hours of operation of specially designated polling places for early voting in each county.

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

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

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

COMMITTEE AMENDMENTS

The committee amended the bill to provide that the Secretary of State may amend regulations as necessary to effectuate the purposes of the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4830

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4830 (1R), with committee amendments.

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

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

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

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

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

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. In real time using the electronic poll books each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on election day.

The bill provides that each county board of elections is to designate at least three but not more than five early voting locations in each county, except that the county board must designate at least five but not more than seven public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven but not more than 10 public locations for early voting if the number of registered voters in the county is 300,000 or more. A municipality that conducts May elections and that chooses to participate in early voting is to designate at least one but not more than three early voting locations. However, this provision would not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the upper limits respectively set forth, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits established, and would not be required to provide reimbursement for additional locations beyond those limits. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

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

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto

no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on election day. The results of the voted ballots cast during early voting must remain confidential and would be disclosed only in accordance with the provisions of current law, regulations, and guidelines concerning the disclosure of election results, and a violation would be subject to the penalties established by law.

For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law. Under the bill, challengers for early voting would be appointed as follows: (a) the chairperson of the county committee of a political party or the chairperson of the municipal committee of the political party, as the case may be, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be; (b) a candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers would be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot; and (c) whenever a public question appears on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or

opponents at each early voting site. Only those challengers appointed under (a) through (c) would be permitted to be present at early voting sites.

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

Under the bill, during the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display would provide the sample ballot in the languages required by state or federal law for the county.

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

Under current law, each commissioner of registration and board of elections may elect to use electronic poll books at a polling place on election day. Under the bill, each commissioner of registration and board of elections would be required to use electronic polls books during the early voting period and on election day. The bill also provides that each voter must sign the electronic poll book, and that a voter must be permitted to vote by provisional ballot if the electronic poll book ceases to operate.

Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that

approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill. In addition, the bill appropriates from the General Fund to the Department of State the sum of \$2,000,000 for the printing on demand purposes as specified in the bill.

For the purpose of facilitating early voting as quickly and efficiently as possible, the bill also establishes an expedited State and local process for the procurement of qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems ahead of the 2021 general election.

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

As amended and reported Assembly Bill No. 4830 (1R) is identical to the Senate Committee Substitute for Senate Bill No. 3203 (1R), which also was amended and reported by the committee.

COMMITTEE AMENDMENTS:

These committee amendments:

(1) provide for early voting for non-presidential and presidential primary elections;

(2) establish the early voting period for each authorized election as follows:

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

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

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

(d) for a May municipal election, start on the 4th calendar day before the regular municipal election and end on the second calendar day before that regular municipal election;

(3) require early voting to be conducted using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot;

(4) provide that, after the voted ballots are transferred to the county board of elections at the end of each early voting day, the county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State, until canvassing on election day;

(5) require the Secretary of State to establish a printing on demand ballot and elections system that is compatible with the Statewide voter registration system and electronic poll books; require each polling place used for early voting to have a computer, tablet, or other electronic device to print provisional ballots for voters required to vote by provisional ballot or due to an equipment malfunction, or any other election related material, if needed; and require such devices to meet the Secretary of State's standards;

(6) remove the requirement for an early voting certificate;

(7) modify the appointment of challengers for early voting, as follows:

(a) the chairperson of the county committee of a political party or the chairperson of the municipal committee of the political party, as the case may be, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be;

(b) a candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers shall be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot;

(c) whenever a public question appears on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site;

(d) provide that not more than the challengers authorized pursuant to (a) through (c) above would be permitted to be present at any one time in any early voting site while serving and exercising the powers of a challenger and during the hours when the polls are open for early voting;

(8) change certain sample ballot delivery deadlines to account for the start of the early voting period, and provide that during the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location,

and if doing so the sample ballots must be in the languages required by state or federal law for the county;

(9) require each voter to sign the electronic poll book, and require that a voter would be permitted to vote by provisional ballot if the electronic poll books cease to operate;

(10) apply the provisions of the bill to the 2021 general election and general elections thereafter; the 2022 primary election and primary elections thereafter; and, if adopted by a municipal governing body, a municipal election conducted in May 2022 and municipal elections conducted in May thereafter;

(11) appropriate from the General Fund to the Department of State an additional sum of \$2,000,000 for the printing on demand and related technology;

(12) provide for an immediate effective date;

(13) permit, rather than require, the Secretary of State to establish procedures for the counties to follow in verifying eligible voters, the manner for voters to vote during early voting, and the criteria for revising early voting locations;

(14) establish upper limits of five, seven, and 10 locations for early voting for each range of registered voters in each county, and an upper limit of three locations for a municipality conducting elections in May;

(15) provide that county boards of elections may, at their discretion, establish additional locations in excess of the upper limits, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits, and will not be required to provide reimbursement for additional locations beyond those limits;

(16) allow places of public accommodation to be used as early voting locations;

(17) provide that early voting poll workers would receive the compensation established under current law, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater;

(18) require the use of electronic poll books to update voters' records in real time during early voting, and remove the requirement to use paper poll books or paper signature copy registers;

(19) prohibit the disclosure of early voting results prior to canvassing on election day, and subject such disclosure to the penalties under current law;

(20) extend the deadline from 15 to 30 days following the effective date of the bill for county boards of elections to submit their plans to the Secretary of State;

(21) allow the Secretary of State to issue any new regulations that may be necessary to implement the provisions of this bill on an expedited basis; and

(23) allow for an expedited state and local procurement process to facilitate early voting as quickly and efficiently as possible ahead of the 2021 general election.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the total cost of in-person early voting as prescribed in the bill is indeterminate and depends on many factors including decisions made regarding the number and type of voting machines that will be purchased; additional equipment needed (e.g. Americans with Disabilities Act (ADA)-compliant ballot marking devices and privacy booths); and the number of elections and the type of election held in any given year (i.e. non-presidential primary, presidential primary, and general election).

The Executive has not submitted a fiscal note for this bill. However, in 2020, the Department of State provided fiscal information for a bill that had many of the same elements relevant to this bill. First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs.

The OLS notes that the actual cost of the bill will depend on any additional election costs applicable at that time, such as hardware accessories, specifically transfer cases, election management software, system training, Election Day support, election supplies, and maintenance and support costs that are not in the department's estimate. These costs may be substantial and in the millions of dollars. The OLS notes that the State costs could also be higher compared to the Department of State's estimate depending on whether the estimate for the optical-scan voting machine system includes software costs and if the division's estimate for the other voting machines includes the cost to add voter-verifiable paper audit trail (VVPAT) capabilities, should the decision be made to purchase one or the other.

The Department of State indicated that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of ballot on demand printers (BDPs) that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and optical-scan voting machines, if those voting machines are chosen for purchase. The current voting machines, located at the estimated 6,400 election

districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.

The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either an ADA ballot marking device or instead of optical-scan voting machines, a Direct-Recording Electronic (DRE) Voting Machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot. However, they can be equipped with VVPAT that allows the voter to verify that the vote was recorded correctly.

Funds to pay for in-person early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the Department of the Treasury deems necessary to cover any additional costs incurred as a result of this bill. However, the State will not be required to provide reimbursement to local governments for additional in-person early voting locations beyond the limits provided in the bill.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4830

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MARCH 2, 2021

SUMMARY

- Synopsis:** Requires in person early voting period for certain elections; makes appropriation.
- Type of Impact:** Annual State expenditure increase; annual local expenditure and revenue increases.
- Agencies Affected:** Department of State, County Boards of Elections, County Clerks' Offices, Municipal Clerks' Offices.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------------|----------------------|----------------------|----------------------|
| State Expenditure Increase | | Indeterminate | |
| Local Expenditure Increase | | Indeterminate | |
| Local Revenue Increase | | Indeterminate | |

- The Office of Legislative Services (OLS) finds that the total cost of in-person early voting as prescribed in the bill is indeterminate and depends on many factors including decisions made regarding the number and type of voting machines that will be purchased; additional equipment needed (e.g. Americans with Disabilities Act (ADA)-compliant ballot marking devices and privacy booths); and the number of elections and the type of election held in any given year (i.e. non-presidential primary, presidential primary, and general election).
- The Executive has not submitted a fiscal note for this bill. However, in 2020, the Department of State provided fiscal information for a bill that had many of the same elements relevant to this bill. First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs.

- The OLS notes that the actual cost of the bill will depend on any additional election costs applicable at that time, such as hardware accessories, specifically transfer cases, election management software, system training, Election Day support, election supplies, and maintenance and support costs that are not in the department's estimate. These costs may be substantial and in the millions of dollars.
- The OLS notes that the State costs could also be higher compared to the Department of State's estimate depending on whether the estimate for the optical-scan voting machine system includes software costs and if the division's estimate for the other voting machines includes the cost to add voter-verifiable paper audit trail (VVPAT) capabilities, should the decision be made to purchase one or the other.
- The Department of State indicated that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of ballot on demand printers (BDPs) that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and optical-scan voting machines, if those voting machines are chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.
- The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently. These voters may need assistance from another person to mark the ballot. Or, to meet federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either an ADA ballot marking device or instead of optical-scan voting machines, a Direct-Recording Electronic (DRE) Voting Machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot. However, they can be equipped with VVPAT that allows the voter to verify that the vote was recorded correctly.
- Funds to pay for in-person early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the Department of the Treasury deems necessary to cover any additional costs incurred as a result of this bill. However, the State will not be required to provide reimbursement to local governments for additional in-person early voting locations beyond the limits provided in the bill.

BILL DESCRIPTION

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

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

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

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

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

Under the bill, in-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. In real time using the electronic poll books each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on Election Day.

The bill provides that each county board of elections is to designate at least three but not more than five early voting locations in each county, except that the county board must designate at least five but not more than seven public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven but not more than 10 public locations for early voting if the number of registered voters in the county is 300,000 or more. A municipality that conducts May elections and that chooses to participate in early voting is to designate at least one but not more than three early voting locations. However, this provision would not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the upper limits respectively set forth, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits established, and would not be required to provide reimbursement for additional locations beyond those limits. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

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

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of voting machines, voted ballots, and election records and materials used during the early voting period. The security plan must specify a chain of custody and security plan for voting machines and a chain of custody for the voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots would not be canvassed until the closing of the polls on Election Day. The results of the voted ballots cast during early voting must remain confidential and would be disclosed only in accordance with the provisions of current law, regulations, and guidelines concerning the disclosure of election results, and a violation would be subject to the penalties established by law.

For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law. Under the bill, challengers for early voting would be appointed as follows: (a) the chairperson of the county committee of a political party or the chairperson of the municipal committee of the political party, as the case may be, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be; (b) a candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers would be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot; and (c) whenever a public question appears on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site. Only those challengers appointed under (a) through (c) would be permitted to be present at early voting sites.

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

from certifying a computer, tablet, or other electronic device or printer unless it is in compliance with the secretary's standards.

Under the bill, during the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display would provide the sample ballot in the languages required by state or federal law for the county.

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

Under current law, each commissioner of registration and board of elections may elect to use electronic poll books at a polling place on Election Day. Under the bill, each commissioner of registration and board of elections would be required to use electronic polls books during the early voting period and on Election Day. The bill also provides that each voter must sign the electronic poll book, and that a voter must be permitted to vote by provisional ballot if the electronic poll book ceases to operate.

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

For the purpose of facilitating early voting as quickly and efficiently as possible, the bill also establishes an expedited State and local process for the procurement of qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems ahead of the 2021 general election.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a fiscal note for this bill. However, in 2020, it provided fiscal information for the substantively similar S-99 of 2020, which had many of the same elements relevant to this bill.

First year equipment costs of this bill would be between \$4.6 million and \$8 million for optical-scan voting machines with ballot on demand printers or up to \$23 million to purchase other voting machines, up to \$20.5 million in start-up costs for electronic poll books, Statewide Voter Registration System Interface, ADA-compliant ballot marking devices, and privacy booths. In addition, depending on the type and number of elections in a year, the State would incur between approximately \$400,000 and \$1.8 million in State reimbursement of county and municipal early voting operational costs, such as the cost to operate polling locations and the costs to pay poll

workers. The analysis regarding the cost of this bill was based on information from county offices and information from other states conducting similar projects. The division's rationale and detail of the costs are as follows:

- Polling: The legislation would require 115 polling locations as specified to be open for a minimum of eight to ten hours per day during the early voting period. There may be a charge for using a location. The total polling location cost per election is estimated to be:
 - \$25,875 per non-presidential primary assuming there are 115 locations that cost \$75 per day for 3 days;
 - \$43,125 per presidential primary assuming there are 115 locations that cost \$75 per day for 5 days;
 - \$60,375 per general election assuming there are 115 locations that cost \$75 per day for 7 days.
- Poll Workers: Early voting would require eight poll workers at each early voting location for 12 days at 10 hours per day, and on Sundays for eight hours per day. Poll worker compensation is estimated to be \$14.29 per hour. The total poll worker compensation costs per election are estimated to be approximately:
 - \$368,110 per non-presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for 2 days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for one day;
 - \$631,046 per presidential primary assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for four days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for one day;
 - \$1,130,624 per general election assuming eight poll workers at each of the 115 locations for 10 hours a day at \$14.29 per hour for seven days and eight poll workers at each of the 115 locations for eight hours per day at \$14,29 per hours for two days.
- Optical-Scan Voting Machines: If the decision is made to purchase optical-scan voting machines, then to keep voter traffic flowing, the division estimates the bill will require four to five optical-scan voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase optical-scan voting machines is estimated to be between \$5,000 and \$7,000 per machine resulting in total costs to purchase optical-scan voting machines to range between \$2.3 million and \$4.025 million.
- Ballot on Demand Printers: BDPs accommodate many different ballot styles. BDPs are printers that can produce voters' exact ballots "on demand" at early voting locations or Election Day polling places that serve multiple precincts. The division estimates, to keep voter traffic flowing, the bill will require four to five BDPs per location per county, specifically three, five, or seven location per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase BDPs is estimated to be between \$5,000 and \$7,000 per BDP resulting in total costs for BDPs to range between \$2.3 million and \$4.025 million.
- Other Voting Machines. If the decision is made to purchase voting machines other than optical scan, to keep voter traffic flowing, the bill will require the purchase of between 10 and 20 voting machines per location per county, specifically three, five, or seven locations per county depending on the number of registered voters in each county resulting in 115 locations across all counties in the State. The cost to purchase the voting machine hardware and software is estimated to be \$10,000 per voting machine resulting in total voting machine costs of between \$11.5 million and \$23 million.
- Electronic Poll Books: In order to process voters at the early voting locations and update the information to poll books for Election Day, the State will have to move from paper poll books to electronic poll books. An electronic poll book can cost between \$1,000 and \$3,000 apiece to purchase. There are approximately 6,400 election districts in the State

and each one would require two poll books. The total cost to purchase two electronic poll books for each of 6,400 election districts at an estimated cost of \$1,500 per poll book is estimated to be \$19.2 million.

- ADA-Compliant Ballot Marking Devices for Optical Scan Voting Machine Option: The bill would require at least one ADA-compliant voting system in every location if the optical scan voting machine is purchased. This would require the purchase of additional voting equipment. Some of the larger locations would require more than one machine. The total cost for the devices is estimated to be \$750,000, assuming 150 ADA compliant voting systems at a cost of \$5,000 per device.
- Privacy Booths: The division estimates that at least one privacy booth per polling location would be needed. The total cost to purchase one privacy booth for each of 115 polling locations is estimated to be approximately \$12,650, assuming an average price of \$110 per privacy booth.
- Statewide Voter Registration System Interface: The Executive Branch estimates that it would cost approximately \$600,000 for a vendor to develop an electronic poll book interface with the Statewide Voter Registration System.

The division's estimate does not include licensing and maintenance fees, printing costs, or overtime for county and municipal employees.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the total cost of in-person early voting as prescribed by the bill is indeterminate and depends on many factors including, but not limited to, decisions regarding the number and type of voting machines that will need to be purchased, the ancillary equipment (e.g. ADA-compliant ballot marking devices and privacy booths that will need to be purchased), as well as the number of elections and the type of election held in any given year: non-presidential primary, presidential primary, and general election.

The OLS notes that the actual costs could be higher depending on whether the division's estimate for the optical-scan voting machines includes software costs and if the division's estimate for other voting machines includes the cost to add VVPAT capabilities, should the decision be made to purchase other voting machines with VVPAT instead of optical-scan voting machines. Actual costs could also be higher depending on implementation and start-up costs, applicable at that time, that are not included in the division's estimate, such as hardware accessories like transfer cases, system training, Election Day support, election supplies, and maintenance and support costs. These costs can be substantial and in the millions of dollars.

The division has indicated to the OLS that allowing 6,400 individual election districts to vote in 115 larger voting locations will require each of those new locations to be able to provide different ballots to accommodate people voting for different candidates depending upon where they live. This will necessitate the purchase of BDPs that can process different ballots for different voting districts with different candidates running in each district and that can integrate with the electronic poll books and the voting machines chosen for purchase. The current voting machines, located at the estimated 6,400 election districts in New Jersey, can only process single ballot styles. The bill appropriates \$2 million from the General Fund to the Department of State for the purchase of BDPs.

The OLS also notes that optical-scan voting machines that use paper ballots typically do not provide the same ability for voters with disabilities to vote privately and independently, either because of manual dexterity impairments, reduced vision or other disabilities that make paper hard to use. These voters may need assistance from another person to mark the ballot. Or, to meet

federal requirements and provide assistance to voters with disabilities, jurisdictions that use paper ballots may offer either a ballot marking device or a DRE voting machine. DREs meet the federal requirements for allowing voters with disabilities to cast their votes privately and independently. DREs do not generate a paper ballot, however, they can be equipped with a VVPAT that allows the voter to verify that the vote was recorded correctly. Many older DREs do not come with a VVPAT. However, some election technology vendors can retrofit equipment with VVPAT printers. VVPATs look like a rolling receipt behind glass where voter's choices are indicated on paper.

The division also indicated that poll book technology reduces costs for overtime per election to administer early voting. At this time, it is not known how this will affect the demand for and cost of overtime, which may depend on early voter turnout. Turnout and the manner of implementation of poll book technology may change the estimated number of poll workers required at each early voting location thereby affecting poll worker and overtime costs.

Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill. However, the State will not be required to provide reimbursement to local governments for additional in-person early voting locations beyond the limits provided in the bill.

Costs for licensing fees, maintenance fees, and printing costs are not included in the estimate. The OLS notes that the estimate does not address costs that may arise if a municipality opts to conduct early voting for elections in May.

Section: State Government

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

Governor Murphy Signs Legislation Establishing In-Person Early Voting in New Jersey

03/30/2021

Historic Legislation Continues Murphy Administration's Commitment to Expanding Access to Democracy

TRENTON – Governor Murphy, joined by legislators and advocates including national voting rights leader Stacey Abrams, today signed legislation (S3203), which establishes in-person early voting in the State of New Jersey. The legislation is the latest in a series of initiatives by the Murphy Administration and the Legislature to expand access to voting rights and democracy amidst a wave of voter disenfranchisement measures across the country.

“While other states are looking to find ways to keep their citizens from voting, we have consistently worked to ensure that the voices of the people are heard,” **said Governor Murphy**. “I am immensely proud to sign this legislation today and to remind the nation that our democracy wins when we open the doors of our polling places wide instead of slamming them shut.”

“As New Jersey’s chief election officer, I welcome this opportunity to make our state even more voter-friendly,” **said Secretary of State Tahesha Way**. “In person early voting will strengthen our democracy by providing voters with more options to cast their ballot.”

Primary sponsors for S3203 include Senators Nia H. Gill, Linda R. Greenstein, Shirley K. Turner, and Assemblymembers Andrew Zwicker, Joseph Daniels, and Verlina Reynolds-Jackson.

“Our accountability over government, opportunities to better our lives and the chance to elect our representatives all depend upon our ability to access the ballot,” **said Senator Nia Gill**. “Preventing voter intimidation, passing early voting and implementing electronic poll books will ensure our fundamental right to have our voices heard. There are few rights more important than a citizen’s ability to vote.”

“Early in-person voting strengthens our electoral process,” **said Senator Linda Greenstein**. “This law will provide greater accessibility to the polls and encourage greater voter turnout, ensuring the will of the people is adequately heard throughout New Jersey.”

“After the horrific voter suppression law which was enacted in Georgia last week, I am proud we are continuing our efforts to make voting as accessible as possible. This legislation will encourage and increase voter registration and turnout, especially in off-year elections,” **said Senator Shirley Turner**. “Early in-person voting sites should and will be easily accessible to all individuals in order to ensure a more convenient and fair voting system for all New Jerseyans.”

“Voting must be easy, convenient and accessible; our democracy depends on participation of the people. However, the current system makes it difficult for the people to exercise their constitutional right to vote. Heading to the polls on Election Day may require voters to take off work on a weekday, find care for their children or demand hours of their time. It shouldn’t be this hard to cast a ballot,” **said Assembly sponsors Andrew Zwicker, Joseph Daniels, and Verlina Reynolds-Jackson**. “New Jersey must join the ranks of two dozen other states that allow in-person early voting, giving voters more opportunities to cast their ballots at their convenience. More people voting strengthens our democracy.”

“This is a big day for democracy in New Jersey. While state after state across the country is pushing Jim

Crow-like voter suppression laws, New Jersey is proactively taking pro-democracy steps to expand access to voting for all of its residents, including Black and other communities of color,” **said Ryan Haygood, President and CEO of the New Jersey Institute for Social Justice.** “Early in-person voting will make voting more accessible, including for Black voters who will now be able to participate in the Souls to the Polls tradition of voting on Sunday after church. With laws like this, New Jersey is on its way to becoming a model of an inclusive democracy. We are grateful to legislators and the Governor for making this legislation a reality and look forward to working with them to strengthen our democracy even more.”

“As other states attempt to rollback voting rights and restrict access to the ballot, New Jersey is once again proving that we are a national leader in defending democracy,” **said Nancy Hedinger, President of the League of Women Voters of New Jersey.** “We applaud the Governor and Legislature for their recognition that there is no one-size-fits-all approach to voting and that our democracy works better when there are multiple options to participate making the ballot accessible for all.”

S3203 allows registered voters to vote using machines at polling places before the day of certain primary and general elections in New Jersey. In-person early voting will enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM.