

SENATE, No. 3850

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 28, 2024

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

SYNOPSIS

Permits county boards of elections to extend distance within which electioneering is prohibited.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning electioneering and amending various parts of
2 the statutory law.

3

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

6

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

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

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

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

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

23 The voting process during the early voting period shall be
24 conducted using electronic poll books and optical-scan voting
25 machines that read hand-marked paper ballots or other voting
26 machines that produce a voter-verifiable paper ballot. Any
27 municipality conducting regular municipal elections in May
28 pursuant to the provisions of the "Uniform Nonpartisan Elections
29 Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance
30 adopted by its governing body, also conduct early voting for the
31 regular municipal election, in accordance with the provisions of this
32 act, P.L.2021, c.40 (C.19:15A-1 et al.). If adopted by a municipal
33 governing body, the early voting period for a regular municipal
34 election in May shall start on the 4th calendar day before the regular
35 municipal election and end on the second calendar day before that
36 regular municipal election. An early voting period shall only be
37 permitted for a non-presidential or presidential primary election and
38 a general election in this State and, if adopted by a municipal
39 governing body, a regular municipal election conducted in May.
40 Pursuant to the provisions of this act and Title 19 of the Revised
41 Statutes and in accordance with procedures that may be established
42 by the Secretary of State for verifying eligible voters, each county
43 board of elections shall verify that a registered voter is qualified to
44 vote in the election and shall prescribe the manner by which a
45 registered voter may vote during such period.

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 b. (1) For the primary and the general election, each county
2 board of elections shall designate at least three, but not more than
3 five, public locations within each county as the sites for early
4 voting to occur, except that the county board shall designate at least
5 five, but not more than seven, public locations for early voting if
6 the number of registered voters in the county is at least 150,000 but
7 less than 300,000, and shall designate at least seven, but not more
8 than 10, public locations for early voting if the number of registered
9 voters in the county is 300,000 or more. This provision shall not be
10 interpreted to prevent county boards of elections, at their discretion,
11 from establishing additional locations in excess of the five, seven,
12 or 10 location limits respectively set forth herein; provided,
13 however, that the State shall be required to provide reimbursement
14 for the costs of locations up to and including the five, seven, or 10
15 respective limits established herein, and shall not be required to
16 provide reimbursement for additional locations beyond those limits
17 under section 6 of this act, P.L.2021, c.40 (C.19:15A-6). The
18 number of registered voters in each county shall be determined
19 ahead of the selection of early voting sites pursuant to a uniform
20 standard which shall be developed by the Secretary of State through
21 the rulemaking process pursuant to the "Administrative Procedure
22 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible,
23 early voting locations shall be geographically located so as to
24 ensure both access in the part of the county that features the greatest
25 concentration of population, according to the most recent federal
26 decennial census of the United States, and access in various
27 geographic areas of the county. All early voting locations shall be
28 public facilities, such as county courthouses, public libraries and the
29 offices of the municipal clerk, county clerk, and county board of
30 elections, or places of public accommodation as provided under
31 Title 10 of the Revised Statutes. No public school building and no
32 building used as a public school, as that term is defined under
33 N.J.S.18A:1-1, shall, however, be designated as an early voting
34 location. The locations shall be designated at the same time as all
35 other polling places are designated by the board of elections. In the
36 event of a tie vote among members of the county board with respect
37 to the selection of sites for early voting, the county clerk shall cast
38 the deciding vote. Once early voting locations are designated in
39 each county, county boards of election shall evaluate and, if deemed
40 necessary, revise these locations in order to accommodate
41 significant changes in the number of registered voters within each
42 county, reflect the population distribution and density within each
43 county, or because of similar circumstances. The Secretary of State
44 may develop the criteria to be used by county boards of election to
45 revise the location of early voting sites and shall prescribe how
46 often such revision shall take place.

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

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

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

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

43 d. The election officers responsible for conducting early voting
44 shall be the same as those responsible for conducting a primary and
45 a general election, as appropriate, pursuant to this Title. The
46 number of such officers and their hours of service shall be as
47 determined by each county board of elections. The compensation
48 for such officers shall be the same as provided to district board of

1 election members serving at a school election pursuant to
2 R.S.19:45-6, or that required pursuant to Article I, paragraph 23 of
3 the New Jersey Constitution, whichever is greater.

4 e. The restrictions governing the conduct of voters at a polling
5 place on the days that early voting occurs, the procedures governing
6 who is permitted in a polling place on such occasions and the
7 prohibition on electioneering within 100 feet of a polling place
8 during an election, or within 200 feet of a polling place during an
9 election if the electioneering prohibition is extended at the
10 discretion of a county board of elections, shall be as provided in
11 chapters 15, 34, 50 and 52 of Title 19 of the Revised Statutes and
12 every other applicable section of this Title.

13 f. In real time using the electronic poll books each day during
14 the early voting period, and prior to the start of each regularly
15 scheduled primary and general election, and regular municipal
16 election in each non-partisan municipality choosing to participate in
17 early voting, each county board shall make such changes as may be
18 necessary to the voter's record in the Statewide voter registration
19 system to indicate that a voter has voted in that election using the
20 early voting procedure.

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

1 (2) Notwithstanding the provisions of this subsection, in the
2 year in which P.L.2021, c.40 (C.19:15A-1 et al.) becomes law, each
3 county board shall submit its plan to the Secretary of State within
4 30 days following the effective date of this act and the Secretary of
5 State shall review it and, if deemed necessary thereby, require
6 changes in the plan within 45 days following the effective date of
7 this act.

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

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

37 j. Each polling place used for early voting shall also have such
38 appropriate supplies, ballots and other materials deemed necessary
39 by the Secretary of State or as is required currently for a polling
40 place on the day of any election by Title 19 of the Revised Statutes.
41 (cf: P.L.2021, c.40, s.1)

42
43 2. R.S.19:34-6 is amended to read as follows:

44 19:34-6. a. If a person shall on election day tamper, deface or
45 interfere with any polling booth or obstruct the entrance to any
46 polling place, or obstruct or interfere with any voter, or loiter in or
47 near the polling place, or, with the purpose to obstruct or interfere
48 with any voter or to unduly delay other voters from voting, spend an

1 inordinate amount of time in the polling booth, or do any
2 electioneering within any polling place or within one hundred feet
3 thereof, or within 200 feet thereof if the electioneering prohibition
4 is extended at the discretion of a county board of elections, he shall
5 be guilty of a crime of the third degree.

6 b. This section shall not be construed to prohibit a minor from
7 entering a polling place on the day of an election to vote in a
8 simulated election at that polling place, or persons from supervising
9 or working at a polling place in a simulated election in which
10 minors vote, provided that the county board of elections has
11 determined that the polling place can accommodate simulated
12 election activities without interfering with the orderly conduct of
13 the official voting process.

14 (cf: P.L.2005, c.154, s.26)

15

16 3. R.S.19:34-7 is amended to read as follows:

17 19:34-7. No person shall within the polling room mark his ballot
18 in a place other than in the polling booth or show his ballot, nor
19 shall anyone request such person to show his ballot during the
20 preparation thereof, nor shall any other person inspect such ballot
21 during the preparation thereof or after it is prepared for voting in
22 such a way as to reveal the contents, nor shall any person within the
23 polling place or within a hundred feet thereof, loiter, electioneer, or
24 solicit any voter, or electioneer within 200 feet of the polling place
25 if the electioneering prohibition is extended at the discretion of a
26 county board of elections.

27 No voter, at any election where official ballots are used, shall
28 knowingly vote or offer to vote any ballot except an official ballot
29 as by this Title required.

30 No person shall on any pretext carry any official ballot from the
31 polling room on any election day except such persons as may by
32 this Title be authorized to do so.

33 Any person violating any of the provisions of this section shall
34 be guilty of a crime of the fourth degree.

35 (cf: P.L.2005, c.154, s.27)

36

37 4. R.S.19:34-15 is amended to read as follows:

38 19:34-15. a. If a person shall distribute or display any circular
39 or printed matter or offer any suggestion or solicit any support for
40 any candidate, party or public question within the polling place or
41 room or within a distance of 100 feet of the outside entrance to such
42 polling place or room, or within 100 feet of a ballot drop box in use
43 during the conduct of an election, the person shall be guilty of a
44 disorderly persons offense.

45 b. Each county board of elections shall have the discretion to
46 extend the prohibition against electioneering provided under
47 subsection a. of this section to be within a distance of 200 feet of
48 the outside entrance to a polling place or room, or of a ballot drop

1 box in use during the conduct of an election within the county.
2 Each county board of elections shall provide a clear and
3 conspicuous notice of the electioneering prohibition outside the
4 polling place, room, or ballot drop box prior to placing the
5 prohibition into effect, including the penalties for any violation of
6 that prohibition. A person who violates an electioneering
7 prohibition established by a county board of elections pursuant to
8 this subsection shall be guilty of a disorderly persons offense.

9 (cf: P.L.2021, c.459, s.5)

10
11 5. This act shall take effect immediately.

12
13
14 STATEMENT

15
16 This bill permits county boards of elections to extend the
17 distance within which electioneering is prohibited outside a polling
18 place, room, or ballot drop box in use during the conduct of an
19 election.

20 Under current law, electioneering is prohibited inside any polling
21 place or room, and within a distance of 100 feet of the outside
22 entrance to a polling place or room, or within 100 feet of a ballot
23 drop box in use during the conduct of an election. This bill grants
24 county boards of elections the discretion to extend the distance
25 prohibiting electioneering to be within 200 feet of the outside
26 entrance to any polling place or room, or of a ballot drop box in use
27 during the conduct of an election within the county. The bill
28 requires county boards of elections to place a clear and conspicuous
29 notice of the prohibition outside the polling place or room or ballot
30 drop box prior to placing the prohibition into effect, including the
31 penalties for any violation of the prohibition. A person who violates
32 an electioneering prohibition established by a county board of
33 elections as provided under the bill will be guilty of a crime of the
34 same degree as currently established for a violation of the 100 feet
35 prohibition.