

[Second Reprint]

SENATE, No. 2364

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED NOVEMBER 29, 2012

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SYNOPSIS

Requires availability of early voting for certain elections; makes appropriation.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on March 4, 2013, with amendments.

(Sponsorship Updated As Of: 3/22/2013)

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 the
 11 primary election for the general election and the day of the general
 12 election, starting on the 15th day before the election and ending on
 13 the second 'calendar' day before the election. This procedure shall
 14 be known as early voting. Any municipality conducting regular
 15 municipal elections in May pursuant to the provisions of the
 16 "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5
 17 et seq.), may, by an ordinance adopted by its governing body, also
 18 conduct early voting for the regular municipal election, in
 19 accordance with the provisions of this act, P.L. , c. (C.)
 20 (pending before the Legislature as this bill). The voting shall be
 21 conducted using '[the same voting machines, ballots, and
 22 procedures as used in any election] paper ballots'. Pursuant to the
 23 provisions of this act and Title 19 of the Revised Statutes, each
 24 county board of elections shall determine the method of verifying
 25 that a registered voter is qualified to vote in the election and shall
 26 prescribe the manner '[, equipment and method]' by which a
 27 registered voter may vote during such period.

28 b. (1) For the primary election for the general election and the
 29 general election, each county board of elections shall designate ²[at
 30 least one public location within each municipality as the site] three
 31 public locations within each county as the sites² for early voting to
 32 occur ', except that ²[if there are more than 30,000 registered
 33 voters in a municipality, each county board of elections shall
 34 designate additional sites in the municipality in proportion to the
 35 number of registered voters in the municipality pursuant to a
 36 uniform standard which shall be determined by the Secretary of
 37 State through the rulemaking process pursuant to the
 38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
 39 seq.)]¹ the county board shall designate a total of five public
 40 locations for early voting if the number of registered voters in the
 41 county is at least 150,000 but less than 300,000, and shall designate
 42 a total of seven public locations for early voting if the number of
 43 registered voters in the county is 300,000 or more. The number of

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 SSG committee amendments adopted January 28, 2013.

²Senate SBA committee amendments adopted March 4, 2013.

1 registered voters in each county shall be determined ahead of the
2 selection of early voting sites pursuant to a uniform standard which
3 shall be developed by the Secretary of State through the rulemaking
4 process pursuant to the "Administrative Procedure Act," P.L.1968,
5 c.410 (C.52:14B-1 et seq.)². Whenever possible, ²[each location]
6 early voting locations² shall be geographically located ²so as to
7 ensure both access² in the part of the ²[municipality] county² that
8 features the greatest concentration of population, according to the
9 most recent federal decennial census of the United States ², and
10 access in various geographic areas of the county². All early voting
11 locations shall be public facilities, such as county courthouses,
12 public libraries and the offices of the municipal clerk, county clerk,
13 and county board of elections. No public school building and no
14 building used as a public school shall, however, be designated as an
15 early voting location. The locations shall be designated at the same
16 time as all other polling places are designated by the board of
17 elections. In the event of a tie vote among members of the county
18 board with respect to the selection of sites for early voting, the
19 county clerk shall cast the deciding vote. ¹Once early voting
20 locations are designated in each ²[municipality] county², county
21 boards of election shall, as provided by the Secretary of State,
22 evaluate and, if deemed necessary, revise these locations in order to
23 accommodate significant changes in the number of registered voters
24 within each ²[municipality] county², reflect the population
25 distribution and density within each ²[municipality] county², or
26 enhance convenience when an early voting site has proven to be
27 inconvenient for the voters, or because of similar circumstances.
28 The Secretary of State shall develop the criteria to be used by
29 county boards of election to revise the location of early voting sites
30 and shall prescribe how often such revision shall take place.¹

31 (2) Whenever a municipality that conducts regular municipal
32 elections in May chooses to participate in early voting for the
33 regular municipal election, the county board of elections shall
34 designate at least one public location within the municipality as the
35 site for early voting to occur ²[¹, except that if there are more than
36 30,000 registered voters in a municipality, each county board of
37 elections shall designate additional sites in the municipality in
38 proportion to the number of registered voters in the municipality
39 pursuant to a uniform standard which shall be determined by the
40 Secretary of State through the rulemaking process pursuant to the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.)¹². Whenever possible, each such location shall be
43 geographically located in the part of the municipality that features
44 the greatest concentration of population, according to the most
45 recent federal decennial census of the United States. All early
46 voting locations shall be public facilities, such as municipal
47 courthouses and the offices of the municipal clerk. No public

1 school building and no building used as a public school shall,
2 however, be designated as an early voting location. The locations
3 shall be designated at the same time as all other polling places are
4 designated by the board of elections. In the event of a tie vote
5 among members of the county board with respect to the selection of
6 sites for early voting, the municipal clerk shall cast the deciding
7 vote. 'Once early voting locations are designated in each
8 municipality, county boards of election shall, as provided by the
9 Secretary of State, evaluate and, if deemed necessary, revise these
10 locations in order to accommodate significant changes in the
11 number of registered voters within each municipality, reflect the
12 population distribution and density within each municipality, or
13 enhance convenience when an early voting site has proven to be
14 inconvenient for the voters, or because of similar circumstances.
15 The Secretary of State shall develop the criteria to be used by
16 county boards of election to revise the location of early voting sites
17 and shall prescribe how often such revision shall take place.'¹

18 c. Each early voting site in a county or municipality shall be
19 open '[on the same days and for the same period of time. Early
20 voting shall be available to voters seven days a week for eight hours
21 each day at each site] for early voting on Monday through Saturday
22 from 10 AM to 8 PM, and on Sunday from ²[12 Noon] 10 AM² to
23 6 PM'¹. Any voter who is on line at the time scheduled for the
24 closing of an early voting site shall be permitted to vote.

25 d. The election officers responsible for conducting early voting
26 shall be the same as those responsible for conducting a general
27 election pursuant to this Title. The number of such officers and
28 their hours of service shall be as determined by each county board
29 of elections. The compensation for such officers shall be the same
30 as provided to district board of election members serving at a
31 school election pursuant to R.S.19:45-6.

32 e. The restrictions governing the conduct of voters at a polling
33 place on the days that early voting occurs, the procedures governing
34 who is permitted in a polling place on such occasions and the
35 prohibition on electioneering within 100 feet of a polling place
36 during an election, shall be as provided in chapters 15, 34, 50 and
37 52 of Title 19 of the Revised Statutes and every other applicable
38 section of this Title.

39 f. At least once each day during the early voting period, and
40 prior to the start of each regularly scheduled primary election for
41 the general election, each general election, and regular municipal
42 election in each non-partisan municipality choosing to participate in
43 early voting, each county board shall make such changes as may be
44 necessary to the voter's record in the Statewide voter registration
45 system and the signature copy register used at each polling place to
46 indicate that a voter has voted in that election using the early voting
47 procedure.

48 g. (1) Each county board shall be responsible for forming and

1 executing a written plan '[for] to ensure, to the greatest extent
2 possible, the integrity of the voting process and' the security of
3 '[voting machines and]' ballots used during the early voting
4 period, including the security of '[voter] voted' ballots and
5 election records. The plan shall be based on guidelines established
6 by the Secretary of State and shall be submitted thereto no later than
7 December 15 of each year. The Secretary of State shall review and,
8 if deemed necessary thereby, require changes to a plan no later than
9 February 1 of each year. 'Each plan shall specify a chain of
10 custody for ballots and voted ballots and shall require, among other
11 specifications deemed necessary by the Secretary of State and
12 county boards of election, that all voted ballots shall be transferred
13 at the end of each early voting day to county boards of election for
14 safekeeping until canvassing on election day as required pursuant to
15 section 5 of this act, P.L. , c. (C.) (pending before the
16 Legislature as this bill).'

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

24 h. Each county board shall make certain that each polling place
25 used for early voting shall be accessible to individuals with
26 disabilities and the elderly, in compliance with the "Americans with
27 Disabilities Act of 1990" (42 U.S.C. 12101 et seq.) '[. At least one
28 voting machine at each such polling place shall be accessible to
29 such individuals, including the blind and visually impaired, in a
30 manner that] , and that each polling place' provides 'such voters,
31 including the blind and visually impaired,' the same opportunity for
32 access and participation, including privacy and independence, as
33 other voters in compliance with the "Help America Vote Act of
34 2002" (42 U.S.C. 15481).

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

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

EARLY VOTING VOTER CERTIFICATE

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

(Voter Signature)

(Date)

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

b. A voter who has voted in an election using the early voting procedure established by this act, P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill), shall not be permitted to vote by mail-in ballot or in person at the polling place in the voter's election district on the day of the election.

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

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

c. Any voter whose name does not appear on a challenge list

1 but who is challenged as not qualified or entitled to vote by a
2 challenger duly appointed pursuant to this section shall be entitled
3 to the rights and protections provided by R.S.19:15-18 et seq., and
4 every other applicable section of this Title.

5
6 4. (New section) During each early voting period, the county
7 board shall make available to the public a tally of the total number
8 of voters who have cast a ballot at each early voting location during
9 the previous day. The county boards shall prepare an electronic
10 data file listing the names of the individual voters who cast a ballot
11 during the early voting period. This information shall be made
12 available to the public in an electronic format pursuant to rules
13 adopted by the county board and subject to review each year by the
14 Secretary of State. The information shall be updated and made
15 available to the public no later than noon of each day during the
16 early voting period and shall at the same time be provided to the
17 clerk of the county in which early voting is occurring and to the
18 Secretary of State.

19
20 5. (New section) An early vote cast in an election, as provided
21 for in this act, P.L. , c. (C.) (pending before the Legislature
22 as this bill), shall not be canvassed prior to the closing of the polls
23 on the day of an election.

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

27
28 6. (New section) In compliance with the provisions of Article
29 VIII, Section II, paragraph 5 of the New Jersey Constitution, upon
30 application for reimbursement by a county governing body or a
31 municipal governing body, as may be appropriate, to the Secretary
32 of State and approval of the application by the Director of the
33 Division of Budget and Accounting in the Department of the
34 Treasury, a county or municipality shall be reimbursed by the State
35 for any additional costs incurred by the county or municipality as a
36 result of the provisions of this act, P.L. , c. (C.) (pending
37 before the Legislature as this bill).

38
39 7. (New section) In addition to any publications required under
40 Title 19 of the Revised Statutes, the Secretary of State and each
41 county board of elections shall cause to be published information
42 concerning the early voting procedure on the Department of State's
43 website and on each county's website. The early voting information
44 shall include, but may not be limited to, a notice to the public
45 concerning their eligibility to participate in early voting, the
46 duration of the early voting period, and the locations and hours of
47 operation of specially designated polling places for early voting in
48 each county.

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

5
6 9. R.S.19:12-7 is amended to read as follows:

7 19:12-7. a. The county board in each county shall cause to be
8 published in a newspaper or newspapers which, singly or in
9 combination, are of general circulation throughout the county, a
10 notice containing the information specified in subsection b. hereof,
11 except for such of the contents as may be omitted pursuant to
12 subsection c. or d. hereof. Such notice shall be published once
13 during the 30 days next preceding the day fixed for the closing of
14 the registration books for the primary election, once during the
15 calendar week **[next]** preceding the week in which the early voting
16 period for the primary election for the general election **[is held]**
17 begins, once during the 30 days next preceding the day fixed for the
18 closing of the registration books for the general election, and once
19 during the calendar week **[next]** preceding the week in which the
20 early voting period for the general election**[is held]** begins.

21 b. Such notice shall set forth:

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

23 (a) That a primary election for making nominations for the
24 general election, for the selection of members of the county
25 committees of each political party, and in each presidential year for
26 the selection of delegates and alternates to national conventions of
27 political parties, will be held on the day and between the hours and
28 at the places provided for by or pursuant to this Title and the days,
29 hours and places at which early voting shall be available in the
30 county.

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

35 (c) The several State, county, municipal and party offices or
36 positions to be filled, or for which nominations are to be made, at
37 such primary election.

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

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

45 (f) In the case of the notice published during the calendar week
46 **[next]** preceding the week in which the early voting period for the
47 primary election **[is held]** begins, that a voter who, prior to the

1 election, shall have moved within the same county without (i)
2 filing, on or before the 21st day preceding the election, a notice of
3 change of residence with the commissioner of registration of the
4 county or the municipal clerk of the municipality in which the voter
5 resides on the day of the election, (ii) returning the confirmation
6 notice sent to the voter by the commissioner of registration of the
7 county, if such a notice has been sent to the voter, or (iii) otherwise
8 notifying the commissioner of registration of the voter's change of
9 address within the county shall be permitted to correct the voter's
10 registration and to vote in the primary election by provisional ballot
11 at the polling place of the district in which the voter resides on the
12 day of the election. The notice shall further provide that the voter
13 may contact the county commissioner of registration or municipal
14 clerk to determine the proper polling place location for the voter.

15 (2) For the general election:

16 (a) That a general election will be held on the day and between
17 the hours and at the places provided for by or pursuant to this Title,
18 and the days, hours and places at which early voting shall be
19 available in the county, and, where applicable, shall include annual
20 school elections held on that date.

21 (b) The place or places at which and hours during which a
22 person may register, the procedure for transfer of registration, and
23 the date on which the books are closed for registration or transfer of
24 registration.

25 (c) The several State, county and municipal offices, and where
26 applicable, school board offices to be filled, notice of any school
27 district propositions to be submitted to the people and, except as
28 provided in R.S.19:14-33 of this Title as to publication of notice of
29 any Statewide proposition directed by the Legislature to be
30 submitted to the people, the State, county and municipal public
31 questions to be voted upon at such general election.

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

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

39 (f) In the case of the notice published during the calendar week
40 **【next】** preceding the week in which the early voting period for the
41 general election **【is held】** begins, that a voter who, prior to the
42 election, shall have moved within the same county without (i)
43 filing, on or before the 21st day preceding the election, a notice of
44 change of residence with the commissioner of registration of the
45 county or the municipal clerk of the municipality in which the voter
46 resides on the day of the election, (ii) returning the confirmation
47 notice sent to the voter by the commissioner of registration of the
48 county, if such a notice has been sent to the voter, or (iii) otherwise

1 notifying the commissioner of registration of the voter's change of
2 address within the county shall be permitted to correct the voter's
3 registration and to vote in the general election by provisional ballot
4 at the polling place of the district in which the voter resides on the
5 day of the election. The notice shall further provide that the voter
6 may contact the county commissioner of registration or municipal
7 clerk to determine the proper polling place location for the voter.

8 (3) For a school election:

9 (a) The day, time and place thereof,

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

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

13 (d) That a voter who, prior to the election, shall have moved
14 within the same county without (i) filing, on or before the 21st day
15 preceding the election, a notice of change of residence with the
16 commissioner of registration of the county or the municipal clerk of
17 the municipality in which the voter resides on the day of the
18 election, (ii) returning the confirmation notice sent to the voter by
19 the commissioner of registration of the county, if such a notice has
20 been sent to the voter, or (iii) otherwise notifying the commissioner
21 of registration of the voter's change of address within the county
22 shall be permitted to correct the voter's registration and to vote in
23 the school election by provisional ballot at the polling place of the
24 district in which the voter resides on the day of the election,

25 (e) That if the voter has any questions as to where to vote on the
26 day of the election, the voter may contact the county commissioner
27 of registration or municipal clerk to determine the proper polling
28 place location for the voter; and

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

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

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

38 (2) All offices to be filled, or nominations made therefor, or
39 public questions to be voted upon, by the voters of the entire State
40 or of the entire county shall be set forth in a newspaper or
41 newspapers which, singly or in combination, have general
42 circulation throughout the county;

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

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

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

5 f. The cost of publishing the notices required by this section
6 shall be paid by the respective counties, unless otherwise provided
7 for by law.

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

14 (cf: P.L.2011, c.202, s.25)

15

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

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

23 The notice shall contain:

24 the date of the election and the hours during which polling places
25 will be open;

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

28 instruction for the use of the voting machine in that polling place
29 and an explanation of what instructions for voting are available at
30 the polling place for the voter;

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

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

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

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

39 an explanation of the right of the voter to a provisional ballot,
40 including in the event that a mail-in ballot has been applied for and
41 not received or not transmitted to the county board of elections
42 before the day of any election, and the other circumstances under
43 which a voter has a right to a provisional ballot;

44 an explanation of the right of the voter to receive a replacement
45 ballot for a ballot that has been spoiled, destroyed, lost or never
46 received;

47 an explanation of the right of the voter to ask for and receive
48 assistance in voting;

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

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

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

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

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

13 The requirement to post this notice in each polling place shall
14 not replace, supersede or void any other requirement set forth in law
15 for the posting of information in each polling place apart from the
16 voter information notice.

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

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

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

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

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

47 g. The State shall be liable for the costs incurred by local
48 government entities for compliance with this section, and they shall

1 be reimbursed for those costs, upon application, by the State
2 Treasurer.

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

4
5 11. R.S.19:14-21 is amended to read as follows:

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

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

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

1 for the same from the commissioner of registration, which receipt
2 shall indicate the number of such sample ballots and stamped
3 envelopes delivered by the county clerk and the date and hour of
4 their delivery. County boards of elections which elect to operate
5 under the provisions of this paragraph shall notify their county clerk
6 in sufficient time to enable him to make the necessary arrangements
7 the first year.

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

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

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

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

29 (cf: P.L.2011, c.202, s.30)

30
31 13. R.S.19:14-24 is amended to read as follows:

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

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

43
44 14. R.S.19:14-25 is amended to read as follows:

45 19:14-25. In counties not having a superintendent of elections
46 where the county board of elections does not have the equipment or
47 facilities to address and mail sample ballot envelopes, all the
48 members of each of the district boards shall prepare and deposit in

1 the post office, on or before 12 noon on Wednesday preceding the
2 start of the early voting period for the general election [day], a
3 properly stamped envelope containing a copy of the sample ballot
4 printed in English, addressed to each registered voter in the district
5 of such board at the address shown on the register, except that for
6 districts in which the primary language of 10% or more of the
7 registered voters is Spanish, a properly stamped envelope
8 containing a copy of the bilingual sample ballot, addressed to each
9 registered voter in the district of such board at the address shown on
10 the register shall be prepared and deposited. The board shall also
11 post the appropriate sample ballots in the polling place in its
12 district.

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

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

35 The county board of elections, in all counties having a
36 superintendent of elections, and in other counties where the county
37 board of elections shall elect to operate under the provisions of
38 subsection b. of section 19:14-21 of this Title, shall, not later than
39 noon of the second Monday preceding the start of the early voting
40 period for the election, deliver or mail to the members of the district
41 board three appropriate sample ballots for their respective election
42 district. The board shall post the appropriate sample ballots in the
43 polling place in its district.
44 (cf: P.L.1974, c.30, s.3)

45

46 15. R.S.19:23-31 is amended to read as follows:

47 19:23-31. The official primary sample ballot shall be, as nearly
48 as possible, a facsimile of the official primary ballot to be voted at

1 the primary election and shall be printed on paper different in color
2 from the official primary ballot, so that the same may be readily
3 distinguished from the official primary ballot. It shall state clearly
4 the days, hours and places at which early voting shall be available
5 in the county. The official primary sample ballot shall have printed
6 at the top in large type the words: "This official primary sample
7 ballot is an exact copy of the official primary ballot to be used on
8 primary election day. This ballot cannot be voted." The official
9 primary sample ballot shall also have printed thereon, following the
10 words which indicate the election district, the following words:
11 "The polling place for this election district is
12 (Stating the location of said polling place)."
13 (cf: R.S.19:23-31)

14
15 16. R.S.19:23-33 is amended to read as follows:

16 19:23-33. In counties not having a superintendent of elections
17 where the county board of elections does not have the equipment or
18 facilities to address and mail sample ballot envelopes, the municipal
19 clerk in each municipality shall furnish to a member of each district
20 board in his municipality, at his office, or in any other way that he
21 sees fit, on or before Tuesday preceding the start of the early voting
22 period for the primary election in each year, sufficient sample
23 ballots and sufficient stamped envelopes to enable the board to mail
24 sample ballots to the voters as hereinbefore provided. Each of the
25 boards shall give the municipal clerk a receipt for such sample
26 ballots and envelopes signed by one of its members.

27 In counties having a superintendent of elections, and in other
28 counties where the county board of elections shall elect to operate
29 under the provisions of subsection b. of section 19:23-30 of this
30 Title, the municipal clerk in each municipality shall furnish to the
31 commissioner of registration of his county not later than thirty days
32 preceding the start of the early voting period for the primary
33 election of each year, sufficient stamped envelopes to enable the
34 commissioner of registration to mail sample ballots to each voter
35 who is registered in the county, less the number of voters who have
36 been sent a confirmation notice pursuant to subsection d. of
37 R.S.19:31-15 and have not responded, and shall, not later than noon
38 of the twelfth day preceding the start of the early voting period for
39 the primary election furnish sufficient sample ballots to the
40 commissioner of registration of his county for that purpose. The
41 commissioner of registration shall give the municipal clerk a receipt
42 for such sample ballots and envelopes.

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

44
45 17. R.S.19:23-34 is amended to read as follows:

46 19:23-34. Each of such district boards, in counties not having a
47 superintendent of elections where the county board of elections
48 does not have the equipment or facilities to address and mail sample

1 ballot envelopes, and the commissioner of registration in all other
2 counties, shall prepare and deposit in the post office, on or before
3 twelve o'clock noon on Wednesday preceding the start of the early
4 voting period for the primary **[day]**, the stamped envelopes
5 containing a copy of the sample primary ballot of each political
6 party addressed to each voter whose name appears in the primary
7 election registry book.

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

9
10 18. R.S.19:23-35 is amended to read as follows:

11 19:23-35. In counties not having a superintendent of elections,
12 where the county board of elections does not have the equipment or
13 facilities to address and mail sample ballot envelopes, such district
14 board shall also post three sample ballots in the polling place in its
15 district.

16 The county board of elections in all counties of the first class,
17 and in other counties where the county board of elections shall elect
18 to operate under the provisions of subsection b of section 19:23-30
19 of this Title, shall, not later than noon of the second Monday
20 preceding the start of the early voting period for the primary
21 election, deliver or mail to the members of the district board three
22 sample ballots for their respective election district. The board shall
23 post the sample ballots in the polling place in its district.

24 (cf: P.L.1952, c.61, s.2)

25
26 19. R.S.19:49-3 is amended to read as follows:

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

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

43
44 20. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
45 as follows:

46 3. Except as may otherwise be provided by law for initial
47 elections conducted in a municipality following its adoption of a
48 plan or form of government, or a charter or an amendment thereto,

1 regular municipal elections shall be held in each municipality
2 governed by this act on the second Tuesday in May, or the day of
3 the general election in November if chosen by the municipality
4 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
5 7.1), in the years in which municipal officers are to be elected. The
6 municipal election shall be held at the same place or places and
7 conducted in the same manner, so far as possible, as the general
8 election. The election officers shall be those provided for
9 conducting the general election.

10 A municipality holding municipal elections on the second
11 Tuesday in May, in addition to those elections and by an ordinance
12 adopted by its governing body, may also conduct early voting for
13 those municipal elections, in accordance with the provisions of
14 P.L. , c. (C.) (pending before the Legislature as this bill). A
15 municipality holding municipal elections on the day of the general
16 election in November shall conduct early voting in accordance with
17 the provisions of P.L. , c. (C.) (pending before the
18 Legislature as this bill).

19 Notwithstanding the provisions of this section, the Secretary of
20 State may change in any year the date provided for a regular
21 municipal election if the date coincides with a period of religious
22 observance that limits significantly the usual activities of the
23 followers of a particular religion or that would result in significant
24 religious consequences for such followers. The secretary shall
25 inform the municipal clerks, county clerks and boards of election of
26 the adjustment no later than the first working day in January of the
27 year in which the adjustments are to occur.

28 As used in this section "a period of religious observance" means
29 any day or portion thereof on which a religious observance imposes
30 a substantial burden on an individual's ability to vote.
31 (cf: P.L.2009, c.196, s.4)

32
33 21. There is appropriated from the General Fund as State aid to
34 each county governing body and to each municipal governing body
35 that approves conducting early voting such sums as the State
36 Treasurer and the Director of the Division of Budget and
37 Accounting in the Department of the Treasury deem necessary to
38 effectuate the purpose of section 6 of this act.

39
40 22. This act shall take effect on ²[the January 1 next following
41 the date of enactment] July 1, 2013, or immediately if enacted after
42 that date².