

SENATE, No. 536

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator JIM WHELAN

District 2 (Atlantic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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 general election, starting on the 15th day before the election and
12 ending on the second calendar day before the election. This
13 procedure shall be known as early voting. Any municipality
14 conducting regular municipal elections in May pursuant to the
15 provisions of the "Uniform Nonpartisan Elections Law," P.L.1981,
16 c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its
17 governing body, also conduct early voting for the regular municipal
18 election, in accordance with the provisions of this act, P.L. ,
19 c. (C.) (pending before the Legislature as this bill). The
20 voting shall be conducted using paper ballots. The ballot used to
21 conduct early voting as provided in this act shall be labeled "Early
22 Voting / Vote By Mail Ballot" and shall also be used to conduct the
23 vote by mail process for the general election pursuant to the
24 provisions of "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1
25 et seq.). Pursuant to the provisions of this act and Title 19 of the
26 Revised Statutes, each county board of elections shall determine the
27 method of verifying that a registered voter is qualified to vote in the
28 election and shall prescribe the manner by which a registered voter
29 may vote during such period.

30 b. (1) For the general election, each county board of elections
31 shall designate three public locations within each county as the sites
32 for early voting to occur, except that the county board shall
33 designate a total of five public locations for early voting if the
34 number of registered voters in the county is at least 150,000 but less
35 than 300,000, and shall designate a total of seven public locations
36 for early voting if the number of registered voters in the county is
37 300,000 or more. The number of registered voters in each county
38 shall be determined ahead of the selection of early voting sites
39 pursuant to a uniform standard which shall be developed 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.). Whenever possible, early voting locations shall be
43 geographically located so as to ensure both access in the part of the
44 county that features the greatest concentration of population,
45 according to the most recent federal decennial census of the United

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

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

- 1 c. Each early voting site in a county or municipality shall be
2 open for early voting on Monday through Saturday from 10 AM to
3 8 PM, and on Sunday from 10 AM to 6 PM. Any voter who is on
4 line at the time scheduled for the closing of an early voting site
5 shall be permitted to vote.
- 6 d. The election officers responsible for conducting early voting
7 shall be the same as those responsible for conducting a general
8 election pursuant to this Title. The number of such officers and
9 their hours of service shall be as determined by each county board
10 of elections. The compensation for such officers shall be the same
11 as provided to district board of election members serving at a
12 school election pursuant to R.S.19:45-6.
- 13 e. The restrictions governing the conduct of voters at a polling
14 place on the days that early voting occurs, the procedures governing
15 who is permitted in a polling place on such occasions and the
16 prohibition on electioneering within 100 feet of a polling place
17 during an election, shall be as provided in chapters 15, 34, 50 and
18 52 of Title 19 of the Revised Statutes and every other applicable
19 section of this Title.
- 20 f. At least once each day during the early voting period, and
21 prior to the start of each regularly scheduled general election, and
22 regular municipal election in each non-partisan municipality
23 choosing to participate in early voting, each county board shall
24 make such changes as may be necessary to the voter's record in the
25 Statewide voter registration system and the signature copy register
26 used at each polling place to indicate that a voter has voted in that
27 election using the early voting procedure.
- 28 g. (1) Each county board shall be responsible for forming and
29 executing a written plan to ensure, to the greatest extent possible,
30 the integrity of the voting process and the security of ballots used
31 during the early voting period, including the security of voted
32 ballots and election records. The plan shall be based on guidelines
33 established by the Secretary of State and shall be submitted thereto
34 no later than December 15 of each year. The Secretary of State
35 shall review and, if deemed necessary thereby, require changes to a
36 plan no later than February 1 of each year. Each plan shall specify
37 a chain of custody for ballots and voted ballots and shall require,
38 among other specifications deemed necessary by the Secretary of
39 State and county boards of election, that all voted ballots shall be
40 transferred at the end of each early voting day to county boards of
41 election for safekeeping until canvassing on election day as
42 required pursuant to section 5 of this act, P.L. , c. (C.) (pending
43 before the Legislature as this bill).
- 44 (2) Notwithstanding the provisions of this subsection, in the
45 year in which P.L. , c. (C.) (pending before the Legislature
46 as this bill) becomes law, each county board shall submit its plan to
47 the Secretary of State within 15 days following the effective date of
48 this act and the Secretary of State shall review it and, if deemed

1 necessary thereby, require changes in the plan within 45 days
2 following the effective date of this act.

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

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

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

19
20 EARLY VOTING VOTER CERTIFICATE

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

32
33 _____
34 (Voter Signature)

35
36 _____
37 (Date)

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

48 b. A voter who has voted in an election using the early voting

1 procedure established by this act, P.L. , c. (C.)(pending
2 before the Legislature as this bill), shall not be permitted to vote by
3 mail-in ballot or in person at the polling place in the voter's election
4 district on the day of the election.

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

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

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

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

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

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

46
47 6. (New section) In compliance with the provisions of Article
48 VIII, Section II, paragraph 5 of the New Jersey Constitution, upon

1 application for reimbursement by a county governing body or a
2 municipal governing body, as may be appropriate, to the Secretary
3 of State and approval of the application by the Director of the
4 Division of Budget and Accounting in the Department of the
5 Treasury, a county or municipality shall be reimbursed by the State
6 for any additional costs incurred by the county or municipality as a
7 result of the provisions of this act, P.L. , c. (C.) (pending
8 before the Legislature as this bill).

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

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

25
26 9. R.S.19:12-7 is amended to read as follows:

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

41 b. Such notice shall set forth:

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

43 (a) That a primary election for making nominations for the
44 general election, for the selection of members of the county
45 committees of each political party, and in each presidential year for
46 the selection of delegates and alternates to national conventions of

1 political parties, will be held on the day and between the hours and
2 at the places provided for by or pursuant to this Title.

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

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

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

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

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

34 (2) For the general election:

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

40 (b) The place or places at which and hours during which a
41 person may register, the procedure for transfer of registration, and
42 the date on which the books are closed for registration or transfer of
43 registration.

44 (c) The several State, county and municipal offices, and where
45 applicable, school board offices to be filled, notice of any school
46 district propositions to be submitted to the people and, except as
47 provided in R.S.19:14-33 of this Title as to publication of notice of

1 any Statewide proposition directed by the Legislature to be
2 submitted to the people, the State, county and municipal public
3 questions to be voted upon at such general 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) the accessibility
7 of voter information to the deaf by means of a telecommunications
8 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 early voting period for the
13 general election **【is held】** begins, that a voter who, prior to the
14 election, shall have moved within the same county without (i)
15 filing, on or before the 21st day preceding the election, a notice of
16 change of residence with the commissioner of registration of the
17 county or the municipal clerk of the municipality in which the voter
18 resides on the day of the election, (ii) returning the confirmation
19 notice sent to the voter by the commissioner of registration of the
20 county, if such a notice has been sent to the voter, or (iii) otherwise
21 notifying the commissioner of registration of the voter's change of
22 address within the county shall be permitted to correct the voter's
23 registration and to vote in the general election by provisional ballot
24 at the polling place of the district in which the voter resides on the
25 day of the election. The notice shall further provide that the voter
26 may contact the county commissioner of registration or municipal
27 clerk to determine the proper polling place location for the voter.

28 (3) For a school election:

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

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

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

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

45 (e) That if the voter has any questions as to where to vote on the
46 day of the election, the voter may contact the county commissioner

1 of registration or municipal clerk to determine the proper polling
2 place location for the voter; and

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

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

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

12 (2) All offices to be filled, or nominations made therefor, or
13 public questions to be voted upon, by the voters of the entire State
14 or of the entire county shall be set forth in a newspaper or
15 newspapers which, singly or in combination, have general
16 circulation throughout the county;

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

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

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

26 f. The cost of publishing the notices required by this section
27 shall be paid by the respective counties, unless otherwise provided
28 for by law.

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

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

36

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

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

44 The notice shall contain:

45 the date of the election and the hours during which polling places
46 will be open;

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

3 instruction for the use of the voting machine in that polling place
4 and an explanation of what instructions for voting are available at
5 the polling place for the voter;

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

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

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

12 an explanation of the right of the voter to vote in **[privacy]**
13 private, regardless of the voter's physical abilities;

14 an explanation of the right of the voter to a provisional ballot,
15 including in the event that a mail-in ballot has been applied for and
16 not received or not transmitted to the county board of elections
17 before the day of any election, and the other circumstances under
18 which a voter has a right to a provisional ballot;

19 an explanation of the right of the voter to receive a replacement
20 ballot for a ballot that has been spoiled, destroyed, lost or never
21 received;

22 an explanation of the right of the voter to ask for and receive
23 assistance in voting;

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

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

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

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

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

36 The requirement to post this notice in each polling place shall
37 not replace, supersede or void any other requirement set forth in law
38 for the posting of information in each polling place apart from the
39 voter information notice.

40 b. The Secretary of State shall prescribe the form and specific
41 content of the voter information notice, which may be comprised of
42 more than one page. If the notice is comprised of more than one
43 page, each page shall be posted separately. For an election district
44 in which the primary language of 10 percent or more of the
45 registered voters is a language other than English, the Secretary of
46 State shall prescribe an official version of the voter information
47 notice in that other language or languages for use in that election

1 district. The notice shall be posted in English and in the other
2 language or languages in the polling places in each such district.
3 The alternate language shall be determined based on information
4 from the latest federal decennial census.

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

11 d. The voter information notice shall be printed on each sample
12 ballot, to the extent practicable, or if not practicable, information on
13 how to view or obtain a copy of the voter information notice shall
14 be printed on each sample ballot.

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

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

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

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

28
29 11. R.S.19:14-21 is amended to read as follows:

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

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

1 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
2 and have not responded, for such election and shall take a receipt
3 for the same from each of the municipal clerks, which receipt shall
4 indicate the number of such sample ballots and stamped envelopes
5 delivered by the county clerk and the date and hour of their
6 delivery.

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

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

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

39
40 12. R.S.19:14-22 is amended to read as follows:

41 19:14-22. The official general election sample ballots shall be as
42 nearly as possible facsimiles of the official general election ballot to
43 be voted at such election and shall have printed thereon, after the
44 words which indicate the number of the election district for which
45 such sample ballots are printed, the name of the school district,
46 when appropriate, the street address or location of the polling place
47 in the election district, the hours between which the polls shall be
48 open, and shall be printed on paper different in color from the

1 official general election ballot, and have the following words
2 printed in large type at the top: "This ballot cannot be voted. It is a
3 sample copy of the official general election ballot used on election
4 day." The sample ballot shall also state clearly the days, hours and
5 places at which early voting shall be available in the county.
6 (cf: P.L.2011, c.202, s.30)

7
8 13. R.S.19:14-24 is amended to read as follows:

9 19:14-24. The municipal clerk to whom the sample ballots and
10 stamped envelopes have been so delivered by the county clerk shall
11 deliver the same at his office, or in any other way he sees fit, on or
12 before noon of the Tuesday preceding the start of the early voting
13 period for the general election, to a member or members of each
14 district board, and shall take a receipt for the same from the
15 member or members of the district boards of such municipality,
16 which receipt shall indicate the number of sample ballots and
17 stamped envelopes delivered by the municipal clerk and the date
18 and hour of their delivery.
19 (cf: R.S.19:14-24)

20
21 14. R.S.19:14-25 is amended to read as follows:

22 19:14-25. In counties not having a superintendent of elections
23 where the county board of elections does not have the equipment or
24 facilities to address and mail sample ballot envelopes, all the
25 members of each of the district boards shall prepare and deposit in
26 the post office, on or before 12 noon on Wednesday preceding the
27 start of the early voting period for the general election **[day]**, a
28 properly stamped envelope containing a copy of the sample ballot
29 printed in English, addressed to each registered voter in the district
30 of such board at the address shown on the register, except that for
31 districts in which the primary language of 10% or more of the
32 registered voters is Spanish, a properly stamped envelope
33 containing a copy of the bilingual sample ballot, addressed to each
34 registered voter in the district of such board at the address shown on
35 the register shall be prepared and deposited. The board shall also
36 post the appropriate sample ballots in the polling place in its
37 district.

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

42 In counties having a superintendent of elections, and in other
43 counties where the county board of elections shall elect to operate
44 under the provisions of subsection b. of section 19:14-21 of this
45 Title, the commissioner of registration shall prepare and deposit in
46 the post office on or before 12:00 o'clock noon, on the Wednesday
47 preceding the start of the early voting period for the general election

1 **【day】**, a properly stamped envelope containing a copy of the
2 sample ballot printed in English addressed to each registered voter
3 in the county at the address shown on the registry, except that for
4 districts in which the primary language of 10% or more of the
5 registered voters is Spanish, a properly stamped envelope
6 containing a copy of the bilingual sample ballot, addressed to each
7 registered voter in the district of such board at the address shown on
8 the register shall be prepared and deposited. The commissioner of
9 registration shall return to the county clerk all ballots and envelopes
10 not mailed or posted by him, with a sworn statement in writing
11 signed by him that all the remainder of such ballots and envelopes
12 have been mailed.

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

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

23

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

26 3. Except as may otherwise be provided by law for initial
27 elections conducted in a municipality following its adoption of a
28 plan or form of government, or a charter or an amendment thereto,
29 regular municipal elections shall be held in each municipality
30 governed by this act on the second Tuesday in May, or the day of
31 the general election in November if chosen by the municipality
32 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
33 7.1), in the years in which municipal officers are to be elected. The
34 municipal election shall be held at the same place or places and
35 conducted in the same manner, so far as possible, as the general
36 election. The election officers shall be those provided for
37 conducting the general election.

38 A municipality holding municipal elections on the second
39 Tuesday in May, in addition to those elections and by an ordinance
40 adopted by its governing body, may also conduct early voting for
41 those municipal elections, in accordance with the provisions of
42 P.L. , c. (C.) (pending before the Legislature as this bill). A
43 municipality holding municipal elections on the day of the general
44 election in November shall conduct early voting in accordance with
45 the provisions of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

1 necessary to the voter's record in the Statewide voter registration
2 system and the signature copy register used at each polling place to
3 indicate that a voter has voted in that election using the early voting
4 procedure. A voter who participates in early voting would not be
5 permitted to vote by mail-in ballot or in person on election day.

6 The bill provides that each county board of elections is to
7 designate three early voting locations in each county, except that
8 the county board must designate a total of five public locations for
9 early voting if the number of registered voters in the county is at
10 least 150,000 but less than 300,000, and must designate a total of
11 seven public locations for early voting if the number of registered
12 voters in the county is 300,000 or more. Under the bill, the number
13 of registered voters in each county must be determined ahead of the
14 election of early voting sites pursuant to a uniform standard to be
15 developed by the Secretary of State. Whenever possible, early
16 voting sites must be geographically located so as to ensure both
17 access in the part of the county that features the greatest
18 concentration of population, according to the most recent federal
19 decennial census of the United States, and access in various
20 geographic areas of the county. No public school building may
21 serve as an early voting location. Once early voting locations are
22 designated in each county, county boards of election must, as
23 provided by the Secretary of State, evaluate and, if deemed
24 necessary, revise these locations in order to accommodate
25 significant changes in the number of registered voters within each
26 county, reflect the population distribution and density within each
27 county, or enhance convenience when an early voting site has
28 proven to be inconvenient for the voters, or because of similar
29 circumstances. The Secretary of State must develop the criteria to
30 be used by county boards of election to revise the location of early
31 voting sites and must prescribe how often such revision must take
32 place.

33 The election officers responsible for conducting early voting
34 would be the same as those responsible for conducting a general
35 election. The number of such officers and their hours of service
36 would be as determined by each county board of elections. The
37 compensation for such officers would be as provided for by current
38 law for poll workers serving at a school election.

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

1 include the transfer of voted ballots to each county board of
2 elections at the end of each early voting day for safekeeping until
3 canvassing on election day. For the elections that early voting is
4 available, the procedures concerning the conduct of voters at the
5 polling place and the appointment of challengers, as well as the
6 prohibition on electioneering within 100 feet of a polling place, will
7 be as provided for in current law.

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

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

24 This bill will take effect on January 1 next following the date of
25 enactment. This bill is based on the early voting procedures used
26 by other states that permit in-person voting prior to the day of
27 certain elections.