

ASSEMBLY, No. 3103

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblywoman SADAF F. JAFFER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

Permits county board of elections to begin counting mail-in ballots up to 14 days prior to election day.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/7/2022)

A3103 JAFFER, STANLEY

2

1 AN ACT concerning the opening and canvassing of mail-in ballots
2 and amending P.L.2009, c.79.

3

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

6

7 1. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to read
8 as follows:

9 22. On the day of each election each county board of elections
10 shall open in the presence of the commissioner of registration, or
11 the designee thereof, the inner envelopes that contain the mail-in
12 ballots with the votes cast for the election. A county board of
13 elections may begin opening the inner envelopes and canvassing the
14 mail-in ballots no earlier than 14 days prior to the date of the
15 election. If the county board of elections begins canvassing mail-in
16 ballots before the date of the election, the county board shall
17 implement the measures necessary to ensure the security and
18 secrecy of the mail-in ballots and the canvassing process. The
19 contents of the mail-in ballots shall remain confidential until the
20 closing of the polls for that election, and, thereafter, shall be
21 disclosed only in accordance with the provisions of Title 19 of the
22 Revised Statutes and regulations concerning the disclosure of
23 election results.

24 The inner envelopes containing the ballots that the board or the
25 Superior Court has rejected shall not be so opened, but shall be
26 retained as provided for by this act. The board shall then proceed to
27 canvass the votes cast on the mail-in ballots, but no such ballot shall
28 be counted in any primary election for the general election if the
29 ballot of the political party marked for voting thereon differs from
30 the designation of the political party in the primary election of
31 which such ballot is intended to be voted as marked on the envelope
32 by the county board of elections.

33 Every mail-in ballot that bears a postmark date before or of the
34 day of the election and that is received by the county board within
35 144 hours after the time of the closing of the polls for the election
36 that the ballot was prepared shall be considered valid and shall be
37 canvassed. Every mail-in ballot that does not bear a postmark date
38 but that is received by the county board by delivery of the United
39 States Postal Service before, or within 48 hours after, the time of
40 the closing of the polls for the election for which the ballot was
41 prepared shall be considered valid and shall be canvassed.

42 Immediately after the canvass is completed, the respective
43 county boards of election shall certify the result of the canvass to
44 the county clerk or the municipal or district clerk or other
45 appropriate officer, as the case may be, showing the result of the

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 canvass by municipality and ward. The votes thus canvassed shall
2 be counted in determining the result of the election.

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

8 (cf: P.L.2020, c.71, s.13)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 Under current law, mail-in ballots for an election are not
16 permitted to be counted until election day. Under this bill, a county
17 board of elections may begin opening the inner envelopes and
18 canvassing the mail-in ballots no earlier than 14 days prior to the
19 date of the election. If the county board of elections begins
20 canvassing mail-in ballots before the day of the election, the county
21 board is required to ensure the security and secrecy of the mail-in
22 ballots and the canvassing process. The contents of the mail-in
23 ballots must remain confidential until the closing of the polls for
24 that election, and, thereafter, are to be disclosed only in accordance
25 with the laws and regulations concerning the disclosure of election
26 results.