

[Fourth Reprint]

ASSEMBLY, No. 3822

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 24, 2022

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Assemblywomen Reynolds-Jackson, Jimenez and McKnight

SYNOPSIS

Changes certain mail-in ballot deadlines; permits opening and canvassing of mail-in ballots prior to election day; permits pickup schedule for certain mail-in ballots; requires confirmation notice when voter changes party affiliation at MVC.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on June 23, 2022, with amendments.

(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning the conduct of elections and amending various
2 parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.19:14-1 is amended to read as follows:

8 19:14-1. Every county clerk shall have ready for the printer on
9 or before the **[50th]** 45th day prior to the primary ⁴**[or general]**⁴
10 election a copy of the contents of official ballots as hereinafter
11 required to be printed for use at such election ², except that every
12 county clerk shall have ready for the printer on or before the 50th
13 day prior to a federal primary ⁴election⁴ or ⁴**[federal]** any⁴ general
14 election ⁴in this State⁴ a copy of the contents of the official ballots
15 for use in such election². **[He]** The county clerk shall also on or
16 before that time place another copy of such contents on file in **[his]**
17 the county clerk's office and keep the same open to public
18 inspection until the sample ballots hereinafter provided to be
19 printed shall have been distributed.

20 ²Nothing in this section, as amended by P.L. _____, c. _____ (pending
21 before the Legislature as this bill), shall be construed to hinder,
22 limit, or interfere with the ability of a county clerk to comply with
23 the federal "Uniformed and Overseas Citizens Absentee Voting
24 Act" (52 U.S.C. s.20301 et seq.).²
25 (cf: P.L.2011, c.37, s.6)

26
27 2. Section 1 of P.L.2018, c.110 (C.19:52-3.1) is amended to read
28 as follows:

29 1. **[The]** a. On the day of an election, the district boards of
30 election at each polling place shall create and publicly display a
31 notice containing an official count of the cumulative number of
32 voters who have voted at each precinct, indicating the number of
33 voters who have voted using **[a]** the voting **[machine]** equipment
34 at the polling place and the number of voters who have voted using
35 a provisional ballot. The first notice shall be produced two hours
36 from the opening of the polls and updated every two hours
37 thereafter until the time the polls close.

38 b. (1) At the close of the polls on election day and ²**[in real**
39 **time]** until all eligible ballots are counted² thereafter, each county
40 ²**[board of elections,]** clerk,² in consultation with the county
41 ²**[clerk]** board of elections² of that county, shall list on ²**[its]** the
42 county clerk's² Internet site in an easily accessible location the
43 number of ballots that have been received, have been counted, and
44 are remaining to be counted. ¹The ballot tabulations provided by a

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:

¹Assembly ASL committee amendments adopted May 12, 2022.

²Assembly AJU committee amendments adopted June 9, 2022.

³Assembly AAP committee amendments adopted June 13, 2022.

⁴Senate SSG committee amendments adopted June 23, 2022.

1 county ²[board of elections] clerk² shall include a date and time
2 stamp designating the date and time in which the ²county clerk and
3 the² county board ²of elections, as appropriate,² stopped tabulating
4 the number of ballots represented in the totals on that particular
5 list.¹ Each county ²[board of elections] clerk² shall provide the
6 ballot tabulations by the following categories:

7 the number of early in-person ballots that have been received,
8 have been counted, and are remaining to be counted;

9 the number of vote-by-mail ballots that have been received, have
10 been counted, and are remaining to be counted;

11 the number of provisional ballots that have been received, have
12 counted, and are remaining to be counted; and

13 the number of election day ballots that have been received, have
14 been counted, and are remaining to be counted.

15 ²[The] Each² county ²[board of elections] clerk² shall provide
16 ²[real time]² reporting of the ballot tabulations by the listed
17 categories until all eligible ballots are counted.

18 ¹If a county board of elections opts to begin opening the inner
19 envelopes for mail-in ballots and canvassing the mail-in ballots
20 from the inner envelopes prior to the day of an election pursuant to
21 subsection b. of section 22 of P.L.2009, c.79 (C.19:63-22), the
22 county ²[board of elections] clerk² shall report the unofficial ballot
23 tabulations of those mail-in ballots ²on the county clerk's Internet
24 site² as soon as practicable after the closing of the polls on ²[it's
25 Internet site.] election day.²

26 (2) Each county ²[board] clerk, in consultation with the county
27 board² of elections ²of that county,² shall send ¹the ballot
28 tabulations of that county by¹ the same ¹[list] categories¹ to the
29 Secretary of State ¹by 11:59 P.M. on the day of the election and¹
30 each day after the election by 8:00 P.M. until all eligible ballots are
31 counted. Upon receipt of the number of ballots that have been
32 received, have been counted, and are remaining to be counted by
33 each category from each county ²[board of elections] clerk², the
34 Secretary of State shall provide in an easily accessible location on
35 the Internet site of the Division of Elections the total number of
36 ballots for the State and for each county that have been received,
37 have been counted, and are remaining to be counted by the same
38 categories. ¹The Statewide and county-by-county ballot tabulations
39 provided by the Secretary of State shall include a date and time
40 stamp designating the date and time in which the Secretary of State
41 stopped compiling the number of ballots represented in the totals on
42 that particular list.¹ The Secretary of State shall provide the ballot
43 tabulations each day after the election by 9:00 P.M until all eligible
44 ballots are counted.

45 (3) Each county ²[board of elections] clerk² and the Division of
46 Elections shall note on their respective Internet site that the number

1 of ballots that have been received, have been counted, and are
2 remaining to be counted are unofficial ballot tabulations and are
3 subject to change as each ²county clerk and² county board of
4 elections ², as appropriate,² receive and process ballots that have
5 been cast in the election.

6 (cf: P.L.2018, c.110, s.1)

7

8 3. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
9 as follows:

10 2. If an election by mail is authorized pursuant to section 1 of
11 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

12 a. publish, in advance of the election and pursuant to rules and
13 regulations promulgated by the Secretary of State, official notice
14 that the election shall be conducted by mail together with such other
15 information regarding the conduct of the election as shall be
16 deemed necessary by the Secretary of State;

17 b. mail a ballot, including an outer envelope and an inner
18 envelope substantially similar to the envelopes provided for mail-in
19 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
20 and C.19:63-13), not sooner than the 20th day prior to the day of
21 the election nor later than the 14th day prior to the day of the
22 election, to each person registered to vote in the municipality at that
23 election;

24 c. designate the county clerk's office or the municipal clerk's
25 office as the places to obtain a replacement ballot pursuant to
26 section 5 of P.L.2005, c.148 (C.19:62-5);

27 d. designate, after consultation with the county board of
28 elections and pursuant to criteria established by the Secretary of
29 State, places within the county or municipality that shall be
30 available for the deposit of voted ballots for the election;

31 e. make a provisional ballot available at the office of the
32 county clerk and the office of the municipal clerk so that each
33 person who has been a resident of the county or municipality in
34 which the person seeks to register and vote at least 21 days prior to
35 the day of the election and has moved to a location within the
36 municipality after that 21st day and prior to the day of the election
37 may vote;

38 f. suspend distribution to each registered voter in the
39 municipality of samples of the official ballot of any election, but
40 distribute to each registered voter in the municipality with each
41 ballot a copy of the voter information notice provided for in section
42 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
43 by the Secretary of State as deemed appropriate for use in
44 municipalities conducting elections by mail, and such instruction
45 about the completion of the ballot as deemed necessary by the
46 Secretary of State;

47 g. make certain that all qualified voters in the municipality
48 requesting a mail-in ballot between the **45th** 38th day and the

1 21st day prior to the day of an election receive such ballot after the
2 20th day prior to the day of an election and voters requesting a
3 ballot on or before the seventh day prior to the date of the election
4 shall receive a ballot authorized pursuant to this section; and

5 h. establish, after consultation with the county board of
6 elections and in accordance with rules and regulations adopted by
7 the Secretary of State, the time by which all ballots must be
8 received by the board on the day of an election to be considered
9 valid and counted.

10 (cf: P.L.2011, c.37, s.29)

11

12 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to
13 read as follows:

14 1. a. In addition to delivering a voted mail-in ballot by mail or
15 in person as provided under "The Vote By Mail Law," P.L.2009,
16 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
17 the voter's completed mail-in ballot in a ballot drop box established
18 by the county board of elections as provided under this section.
19 Each mail-in ballot deposited in a ballot drop box by the time
20 designated under current law for the closing of the polls for that
21 election shall be considered valid and shall be canvassed. If, at the
22 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
23 box in a county in which the voter does not reside, the county board
24 of elections, upon discovering that fact, shall notify and timely
25 deliver the ballot to the county board of elections of the county in
26 which the voter resides, who shall accept the ballot for processing.
27 The limitations and prohibitions applicable to mail-in ballot bearers
28 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
29 shall apply under this section.

30 b. (1) For any election, the county board of elections in each
31 county shall establish ballot drop boxes where voters may deposit
32 their voted mail-in ballots at least 45 days before the election. The
33 ballot drop boxes shall be located throughout the county in a
34 manner specified under paragraph (2) of this subsection. The
35 county board of elections may establish a pickup schedule to
36 retrieve mail-in ballots deposited in ballot drop boxes², consistent
37 with the guidelines established by the Secretary of State pursuant to
38 subparagraph (c) of paragraph (2) of this subsection².

39 (2) (a) A ballot drop box shall mean a secured drop box that is
40 not required to be within view of a live person for monitoring. All
41 ballot drop boxes shall be available for use by a voter 24 hours a
42 day and shall be placed at locations equipped with security cameras
43 that allow for surveillance of the ballot drop box.

44 (b) Beginning with the 2021 general election, at least one ballot
45 drop box shall be located: at any county government building in
46 which the main office of the county clerk is located; in each
47 municipality with a population larger than 5,000 residents; at the
48 main campus of each State college or university; and the main

1 campus of each independent four-year college or university with
2 enrollments larger than 5,000 students. Notwithstanding the
3 locational criteria established by this subparagraph, whenever two
4 or more ballot drop box locations are separated by a distance of less
5 than 2,000 feet, the board of elections in each county shall
6 determine secondary locations for those ballot drop boxes in
7 compliance with the requirements of this section. The secondary
8 ballot drop box locations shall be located within the municipality
9 where those ballot drop boxes were originally located and shall be
10 approved by a majority vote of the members of the board of
11 elections. However, in the event of a tie in the votes cast by the
12 members of the board of elections, the county clerk shall cast the
13 deciding vote. Whenever possible, at least one ballot drop box shall
14 be located in a municipality with an average per capita income or a
15 median family income at or below 250% of the federal poverty
16 guideline according to the most recent federal American
17 Community Survey.

18 (c) The board of elections in each county shall establish no
19 fewer than 10 ballot drop boxes. To the best of their ability, the
20 board of elections of every county shall place secure ballot drop
21 boxes based on geographic location and population density to best
22 serve the voters of each county in compliance with the guidelines
23 adopted pursuant to subsection c. of this section. The Secretary of
24 State shall establish guidelines for the placement of the ballot drop
25 boxes, the security of the ballot drop boxes, and the schedule for
26 ballot pickup from the ballot boxes.

27 (d) All ballot drop box locations shall be on sites that meet the
28 accessibility requirements applicable to polling places under
29 R.S.19:8-2 and shall be subject to the same compliance oversight
30 applicable to polling places under section 3 of P.L.1991, c.429
31 (C.19:8-3.3). A ballot drop box site shall be considered accessible
32 if it is in compliance with the federal "Americans with Disabilities
33 Act of 1990" (42 U.S.C. s.12101 et seq.).

34 (e) Except as otherwise provided herein, no ballot drop box
35 shall be located inside, or within 100 feet of an entrance or exit, of a
36 State, county, or municipal police station.

37 Notwithstanding the provisions of this subparagraph, a ballot
38 drop box that has already been installed and permanently affixed
39 prior to the effective date of this act, P.L.2021, c.459, at any of the
40 following locations may remain at that location notwithstanding
41 that the ballot drop box is within 100 feet of an entrance or exit of a
42 State, county, or municipal police station if the county
43 commissioners approve the continued presence at that location by a
44 majority vote of the commissioners and with the reasons therefor
45 subject to public disclosure:

46 any county government building in which the main office of the
47 county clerk is located; any municipal government building in
48 which the main office of the municipal clerk is located in

1 municipalities with populations larger than 5,000 residents; the
2 main campus of a county community college; the main campus of a
3 State college or university; and the main campus of an independent
4 four-year college or university with enrollments larger than 5,000
5 students.

6 (f) Except as otherwise permitted herein, no State, county, or
7 municipal police officer shall remain or stand within 100 feet of a
8 ballot drop box in use during the conduct of an election. Nothing
9 herein shall be interpreted to prohibit the police officer from:

10 voting at that ballot drop box in a personal capacity;

11 traveling to and from, or remaining within, their personal
12 residence if that residence is within 100 feet of a ballot drop box;

13 investigating, addressing, or removing any cause for a
14 disturbance, or otherwise responding to a request for assistance, on
15 or around the premises of the location of that ballot drop box; or

16 escorting to or from, or both, a ballot drop box or the premise on
17 which it is located any person who may require the assistance of the
18 officer.

19 (g) No person shall wear, display, sell, give, or provide any
20 political or campaign slogan, badge, button, or other insignia
21 associated with any political party or candidate within 100 feet of a
22 ballot drop box in use during the conduct of an election, except with
23 respect to the badge furnished by the county board as provided by
24 law. A person violating the provisions of this subparagraph shall be
25 guilty of a disorderly persons offense.

26 c. The Secretary of State, in consultation with county boards of
27 elections, shall establish the guidelines necessary to ensure the
28 secure and successful implementation of the mail-in ballot drop
29 boxes required by this section to ensure adequate access in various
30 geographic areas of the county. In determining the ballot drop box
31 locations, the secretary and county boards of elections shall
32 consider, at a minimum, concentrations of population, geographic
33 areas, voter convenience, proximity to public transportation,
34 community-based locations, travel time to the location, proximity to
35 other voting locations and ballot drop boxes, commuter traffic
36 patterns, and security. The guidelines shall include, but may not be
37 limited to, criteria for each county board of elections to:

38 (1) determine the number of ballot drop boxes required per voter
39 population, considering both the number of registered voters and
40 the number of registered mail-in voters in each county before each
41 election;

42 (2) select the geographic location of each ballot drop box,
43 ensuring an equitable distribution of ballot drop boxes across the
44 county to maximize convenience to voters;

45 (3) ensure the accessibility of ballot drop boxes and drop box
46 locations to persons with disabilities; and

47 (4) maintain the security of ballot drop boxes and of the ballots
48 deposited therein, including standards and procedures for ballot

1 retrieval by authorized persons only, and for ensuring the proper
2 chain of custody and safe storage of voted mail-in ballots before
3 each election.

4 d. Each county clerk shall include the locations of the ballot
5 drop boxes established in the county along with the instructions
6 furnished with the mail-in ballot package sent to each mail-in voter
7 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
8 days before each election, each county board of elections shall
9 cause to be published on their respective websites the location of
10 the ballot drop boxes in each county, and shall provide this
11 information to the Secretary of State for publishing the same on the
12 Division of Elections website.

13 e. Whenever a municipal, school, or special election is held,
14 the board **【may】** shall, at a minimum, open **【only】** the ballot drop
15 box located geographically closest to the municipal government
16 building in which the main office of the municipal clerk is located
17 and the ballot drop box located at the board of elections or county
18 office, if one is placed at that location. When a school election
19 encompasses more than one municipality, the board shall be
20 responsible for the selection of the ballot drop box location with
21 respect to each municipality.

22 (cf: P.L.2021, c.459, s.4)

23

24 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
25 as follows:

26 9. a. ²**【Starting】** Except as provided in subsection d. of this
27 section, starting² on or before the **【45th】** 38th day before the day an
28 election is held, each county clerk shall forward mail-in ballots by
29 first-class postage or hand delivery to each mail-in voter whose
30 request therefor has been approved. Mail-in ballots for that have
31 been approved before the **【45th】** 38th day before an election shall
32 be forwarded or delivered at least **【45】** 38 days before the day of
33 the election. Hand delivery of a mail-in ballot shall be made by the
34 county clerk or the clerk's designee only to the voter, or the voter's
35 authorized messenger, who must appear in person. No person shall
36 serve as an authorized messenger for more than three qualified
37 voters in an election, but a person may serve as such for up to five
38 qualified voters in an election if those voters are immediate family
39 members residing in the same household as the messenger. Ballots
40 that have not been hand delivered shall be addressed to the voter at
41 the forwarding address given in the application.

42 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
43 mail-in voter between the **【45th】** 38th day and the 13th day before
44 the day of an election, the ballot shall be transmitted within three
45 business days of the receipt of the application.

46 (2) Whenever the clerk forwards a mail-in ballot by mail to a
47 mail-in voter between the 12th day and the seventh day before the

1 day of an election, the ballot shall be transmitted within two
2 business days of the receipt of the application.

3 The provisions of this subsection shall not apply to: (a) annual
4 school elections and special school elections in those school
5 districts holding such elections, pursuant to P.L.1995, c.278
6 (C.19:60-1 et seq.); (b) any municipality in which elections are
7 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
8 (c) annual elections for members of the boards of fire district
9 commissions, pursuant to N.J.S.40A:14-72, when such elections are
10 held at a time other than the time of the general election; and (d) the
11 vote on any public question submitted to the voters of a local unit to
12 increase the amount to be raised by taxation by more than the
13 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
14 c.62 (C.40A:4-45.46).

15 c. (Deleted by amendment, P.L.2011, c.37).

16 ²d. Each uniformed and overseas mail-in voter, as defined by the
17 federal "Uniformed and Overseas Citizens Absentee Voting Act"
18 (52 U.S.C. s.20301 et seq.), ⁴or any general election voter in this
19 State⁴ whose request for a mail-in ballot has been approved, shall
20 be forwarded by the county clerk a mail-in ballot by first-class
21 postage or hand delivery no later than the 45th day before the day
22 of a federal election. Whenever the county clerk forwards a mail-in
23 ballot by mail to a uniformed or overseas mail-in voter ⁴or a State
24 general election voter⁴ between the 45th day and the 13th day
25 before the day of a federal election, the ballot shall be transmitted
26 within three business days of the receipt of the application. Nothing
27 in this section, as amended by P.L. , c. (pending before the
28 Legislature as this bill), shall be construed to be inconsistent with
29 the federal "Uniformed and Overseas Citizens Absentee Voting
30 Act" (52 U.S.C. s.20301 et seq.).²
31 (cf: P.L.2020, c.71, s.9)

32
33 6. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to read
34 as follows:

35 24. a. The Secretary of State, with the assistance of the Chief
36 Administrator of the New Jersey Motor Vehicle Commission, shall
37 provide for an eligible applicant to simultaneously apply for a
38 motor vehicle driver's license, an examination permit, a
39 probationary driver's license, or a non-driver identification card, as
40 applicable, and be automatically registered to vote, or have an
41 existing voter registration updated, in a manner which satisfies both
42 the requirements necessary to receive a license to operate a motor
43 vehicle, pursuant to R.S.39:3-10, or an examination permit, a
44 probationary driver's license, or a non-driver identification card, as
45 applicable, and to register to vote, pursuant to R.S.19:4-1. The
46 applicant shall be offered an opportunity to decline the automatic
47 voter registration under this section. If an applicant ²chooses to

1 update] changes the applicant's party affiliation when updating² an
2 existing voter registration ²under this section², the applicant shall
3 ²[not be offered the opportunity to change the applicant's party
4 affiliation] be sent a confirmation notice by the Secretary of State
5 noting that change².

6 b. (1) Pursuant to subsection a. of this section, for every
7 application for a motor vehicle driver's license, an examination
8 permit, a probationary driver's license, or a non-driver identification
9 card, and each related update, renewal, or change of address, except
10 as provided in paragraphs (2) and (3) of this subsection, the Chief
11 Administrator shall ensure that the information necessary for voter
12 registration is collected from the application and promptly
13 transmitted electronically to the Secretary of State. The Chief
14 Administrator shall ensure that electronic records are not
15 transmitted to the Secretary of State for any applicant who has
16 declined registration. The Commissioner of Registration shall
17 register to vote or update an existing registration for any eligible
18 applicant who has not declined voter registration.

19 (2) Voter registration information from an application received
20 online for the renewal of a motor vehicle driver's license or non-
21 driver identification card shall be collected and promptly
22 transmitted electronically to the Secretary of State upon the
23 implementation by the Secretary of State of online voter
24 registration. Subsection c. of this section shall be inapplicable to
25 such applications until that time.

26 (3) Voter registration information from an application received
27 through the mail for the renewal of a motor vehicle driver's license
28 or non-driver identification card shall be exempt from collection
29 and electronic transmission to the Secretary of State until such time
30 as the Chief Administrator determines that the prompt electronic
31 transmission of the information is practicable. Subsection c. of this
32 section shall be inapplicable to such applications until that time.
33 Following the effective date of P.L.2018, c.6, the Chief
34 Administrator shall inform the Governor and the Legislature every
35 six months of the practicability of collecting and transmitting to the
36 Secretary of State voter registration information from such
37 applications. This paragraph shall not be construed to preclude the
38 Motor Vehicle Commission from processing voter registration
39 applications received in the manner in which such applications were
40 processed in connection with such renewals prior to the effective
41 date of P.L.2018, c.6.

42 c. The Chief Administrator shall provide for the following
43 notices to be provided with every application for a motor vehicle
44 driver's license, an examination permit, a probationary driver's
45 license, or a non-driver identification card and every related update,
46 renewal, or change of address:

1 (1) a notice that the applicant will be registered to vote, if
2 eligible, unless the applicant specifically declines the automatic
3 voter registration;

4 (2) a notice of the voter eligibility requirements under R.S.19:4-
5 1 and the penalties for false registration and illegal voting under
6 Title 19 of the Revised Statutes, which notice shall contain an
7 affirmation that the applicant meets each such requirement and shall
8 require the signature of the applicant, under penalty of law; and

9 (3) a notice that an applicant who is a victim of domestic
10 violence or stalking may decline the automatic voter registration
11 and register to vote without disclosing the applicant's street address
12 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

13 d. For each applicant already registered to vote, any change of
14 address notification submitted to the Chief Administrator for the
15 purpose of maintaining current information on an applicant shall be
16 promptly reported to the Secretary of State. A change of address
17 notification received by the Chief Administrator in paper format
18 shall be reported to the Secretary of State no later than the 10th day
19 following its receipt by the Chief Administrator. The
20 Commissioner of Registration shall use the change of address
21 notification to update an existing voter registration unless the
22 applicant declines the automatic voter registration pursuant to this
23 section and indicates that the change of address is not for voter
24 registration purposes. A change of address notification submitted to
25 the commission, which is used for voter registration purposes, shall
26 be subject to the provisions of section 1 of P.L.1994, c.148
27 (C.19:31-3.2) if the person submitting the change of address
28 notification previously registered to vote in accordance with that
29 section.

30 e. If a person who is not entitled to vote becomes registered to
31 vote pursuant to this section, that person's registration shall be
32 presumed to have been effected with official authorization, and the
33 person shall not be deemed to have committed a crime under
34 R.S.19:34-1. This subsection shall not apply to a person who
35 knowingly and willfully makes a false statement to effectuate voter
36 registration.

37 f. The Secretary of State, with the assistance of the Chief
38 Administrator, shall take appropriate measures to educate the public
39 about voter registration under this section.

40 For the purposes of this section, "eligible applicant" means a
41 person submitting to the commission an application for a motor
42 vehicle driver's license, an examination permit, a probationary
43 driver's license, or a non-driver identification card who meets all
44 requirements for eligibility to vote under R.S.19:4-1.

45 (cf: P.L.2018, c.6, s.3)

46

47 ¹⁷. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
48 read as follows:

1 22. a. On the day of each election, or as provided under
2 subsection b. of this section, each county board of elections shall
3 open in the presence of the commissioner of registration, or the
4 designee thereof, the inner envelopes that contain the mail-in ballots
5 with the votes cast for the election. The inner envelopes containing
6 the ballots that the board or the Superior Court has rejected shall
7 not be so opened, but shall be retained as provided for by this act.
8 The board shall then proceed to canvass the votes cast on the mail-
9 in ballots, but no such ballot shall be counted in any primary
10 election for the general election if the ballot of the political party
11 marked for voting thereon differs from the designation of the
12 political party in the primary election of which such ballot is
13 intended to be voted as marked on the envelope by the county board
14 of elections.

15 Every mail-in ballot that bears a postmark date before or of the
16 day of the election and that is received by the county board within
17 **[144 hours]** ²**[72]** ⁴**[96²]** 144⁴ hours after the time of the closing
18 of the polls for the election that the ballot was prepared shall be
19 considered valid and shall be canvassed. Every mail-in ballot that
20 does not bear a postmark date but that is received by the county
21 board by delivery of the United States Postal Service before, or
22 within 48 hours after, the time of the closing of the polls for the
23 election for which the ballot was prepared shall be considered valid
24 and shall be canvassed.

25 b. A county board of elections may begin opening the inner
26 envelopes for each mail-in ballot and canvassing each mail-in ballot
27 from the inner envelope no earlier than five days prior to the day of
28 the election. The Secretary of State shall establish guidelines
29 concerning the early canvassing process. If a county board of
30 elections begins opening the inner envelopes and canvassing the
31 mail-in ballots from the inner envelopes prior to the day of the
32 election, the county board shall implement the measures necessary
33 to ensure the security and secrecy of the mail-in ballots. The
34 contents of the mail-in ballots and the results of the ballot
35 canvassing shall remain confidential and shall be disclosed only in
36 accordance with the provisions of Title 19 of the Revised Statutes,
37 regulations and guidelines concerning the disclosure of election
38 results, and in no circumstances disclosed prior to the close of polls
39 on the day of the election. ³In addition to the guidelines concerning
40 the early canvassing process, the Secretary of State shall
41 promulgate regulations to ensure that any county board of elections
42 that begins opening the inner envelopes and canvassing the mail-in
43 ballots from the inner envelopes prior to the closing of the polls on
44 election day shall do so in a manner that prevents any person who is
45 authorized to receive and canvass completed mail-in ballots from
46 obtaining knowledge of the unofficial results of ballots cast for any
47 candidate for public office or any public question submitted to the
48 voters until after the closing of the polls on election day. No tally

1 or tabulation of results shall occur prior to the opening of polls on
2 election day.³ As provided under R.S.19:34-13, any person who is
3 authorized to receive and canvass completed mail-in-ballots who
4 knowingly discloses to the public the contents of a mail-in ballot
5 prior to the time designated by law for the closing of the polls for
6 each election shall be guilty of a crime of the third degree.

7 c. Immediately after the canvass is completed, the respective
8 county boards of election shall certify the result of the canvass to
9 the county clerk or the municipal or district clerk or other
10 appropriate officer, as the case may be, showing the result of the
11 canvass by municipality and ward. The votes thus canvassed shall
12 be counted in determining the result of the election.

13 The county board of elections shall, immediately after the
14 canvass is completed for any primary election, certify the results of
15 the votes cast for members of the county committees to the
16 respective municipal clerks, and those votes shall be counted in
17 determining the result of the election.

18 Each mail-in ballot cast, canvassed, and tallied in an election
19 under this section ³, excluding a fire district election,³ shall be
20 reported in the results for the election district in which the voter
21 resides.¹ ³Whenever the reporting requirement of this subsection
22 would cause a voter's privacy to be violated, the election results
23 shall be reported in a manner that maintains the privacy of the vote,
24 provided that the election results posted on the county clerk's and
25 the Division of Elections Internet site shall contain a disclosure
26 stating that the results reported for some individual districts reflect
27 measures to protect the privacy of the vote while the general tally
28 accurately reflects the results.³

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

30

31 ¹**[7.] 8.¹** This act shall take effect immediately, except that
32 section 6 thereof shall take effect on the first day of the fourth
33 month next following the date of enactment. The Secretary of State
34 and Chief Administrator of the New Jersey Motor Vehicle
35 Commission may take such anticipatory administrative action in
36 advance thereof as shall be necessary for the implementation of this
37 act.