

[Fifth Reprint]

ASSEMBLY, No. 3822

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Assemblywomen Reynolds-Jackson, Jimenez, McKnight and Senator Pou

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 Budget and Appropriations Committee on June 27, 2022, with amendments.

(Sponsorship Updated As Of: 6/29/2022)

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 ⁵**[2.** Section 1 of P.L.2018, c.110 (C.19:52-3.1) is amended to
28 read 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

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.

⁵Senate SBA committee amendments adopted June 27, 2022.

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

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

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

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

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

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

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

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

46 (3) Each county ²**[board of elections]** clerk² and the Division of
47 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)]⁵

7

8 ⁵2. R.S.19:23-14 is amended to read as follows:

9 19:23-14. Petitions addressed to the Secretary of State, the
10 county clerks, or the municipal clerks shall be filed with such
11 officers, respectively, before 4:00 p.m. of the [64th] 71st day next
12 preceding the day of the holding of the primary election for the
13 general election.

14 Not later than noon of the [54th] 61st day preceding the primary
15 election for the general election, the municipal clerk shall certify to
16 the county clerk the full and correct names and addresses of all
17 candidates for nomination for public and party office and the name
18 of the political party of which such persons are candidates together
19 with their slogan and designation. The county clerk shall transmit
20 this information to the Election Law Enforcement Commission in
21 the form and manner prescribed by the commission and shall notify
22 the commission immediately upon the withdrawal of a petition of
23 nomination.⁵

24 (cf: P.L.2022, c.7, s.3)

25

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

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

30 a. publish, in advance of the election and pursuant to rules and
31 regulations promulgated by the Secretary of State, official notice
32 that the election shall be conducted by mail together with such other
33 information regarding the conduct of the election as shall be
34 deemed necessary by the Secretary of State;

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

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

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

1 e. make a provisional ballot available at the office of the
2 county clerk and the office of the municipal clerk so that each
3 person who has been a resident of the county or municipality in
4 which the person seeks to register and vote at least 21 days prior to
5 the day of the election and has moved to a location within the
6 municipality after that 21st day and prior to the day of the election
7 may vote;

8 f. suspend distribution to each registered voter in the
9 municipality of samples of the official ballot of any election, but
10 distribute to each registered voter in the municipality with each
11 ballot a copy of the voter information notice provided for in section
12 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
13 by the Secretary of State as deemed appropriate for use in
14 municipalities conducting elections by mail, and such instruction
15 about the completion of the ballot as deemed necessary by the
16 Secretary of State;

17 g. make certain that all qualified voters in the municipality
18 requesting a mail-in ballot between the ~~45th~~⁵ ~~38th~~ 45th⁵ day
19 and the 21st day prior to the day of an election receive such ballot
20 after the 20th day prior to the day of an election and voters
21 requesting a ballot on or before the seventh day prior to the date of
22 the election shall receive a ballot authorized pursuant to this
23 section; and

24 h. establish, after consultation with the county board of
25 elections and in accordance with rules and regulations adopted by
26 the Secretary of State, the time by which all ballots must be
27 received by the board on the day of an election to be considered
28 valid and counted.

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

30

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

33 1. a. In addition to delivering a voted mail-in ballot by mail or
34 in person as provided under "The Vote By Mail Law," P.L.2009,
35 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
36 the voter's completed mail-in ballot in a ballot drop box established
37 by the county board of elections as provided under this section.
38 Each mail-in ballot deposited in a ballot drop box by the time
39 designated under current law for the closing of the polls for that
40 election shall be considered valid and shall be canvassed. If, at the
41 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
42 box in a county in which the voter does not reside, the county board
43 of elections, upon discovering that fact, shall notify and timely
44 deliver the ballot to the county board of elections of the county in
45 which the voter resides, who shall accept the ballot for processing.
46 The limitations and prohibitions applicable to mail-in ballot bearers
47 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
48 shall apply under this section.

1 b. (1) For any election, the county board of elections in each
2 county shall establish ballot drop boxes where voters may deposit
3 their voted mail-in ballots at least 45 days before the election. The
4 ballot drop boxes shall be located throughout the county in a
5 manner specified under paragraph (2) of this subsection. The
6 county board of elections may establish a pickup schedule to
7 retrieve mail-in ballots deposited in ballot drop boxes ², consistent
8 with the guidelines established by the Secretary of State pursuant to
9 subparagraph (c) of paragraph (2) of this subsection².

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

15 (b) Beginning with the 2021 general election, at least one ballot
16 drop box shall be located: at any county government building in
17 which the main office of the county clerk is located; in each
18 municipality with a population larger than 5,000 residents; at the
19 main campus of each State college or university; and the main
20 campus of each independent four-year college or university with
21 enrollments larger than 5,000 students. Notwithstanding the
22 locational criteria established by this subparagraph, whenever two
23 or more ballot drop box locations are separated by a distance of less
24 than 2,000 feet, the board of elections in each county shall
25 determine secondary locations for those ballot drop boxes in
26 compliance with the requirements of this section. The secondary
27 ballot drop box locations shall be located within the municipality
28 where those ballot drop boxes were originally located and shall be
29 approved by a majority vote of the members of the board of
30 elections. However, in the event of a tie in the votes cast by the
31 members of the board of elections, the county clerk shall cast the
32 deciding vote. Whenever possible, at least one ballot drop box shall
33 be located in a municipality with an average per capita income or a
34 median family income at or below 250% of the federal poverty
35 guideline according to the most recent federal American
36 Community Survey.

37 (c) The board of elections in each county shall establish no
38 fewer than 10 ballot drop boxes. To the best of their ability, the
39 board of elections of every county shall place secure ballot drop
40 boxes based on geographic location and population density to best
41 serve the voters of each county in compliance with the guidelines
42 adopted pursuant to subsection c. of this section. The Secretary of
43 State shall establish guidelines for the placement of the ballot drop
44 boxes, the security of the ballot drop boxes, and the schedule for
45 ballot pickup from the ballot boxes.

46 (d) All ballot drop box locations shall be on sites that meet the
47 accessibility requirements applicable to polling places under
48 R.S.19:8-2 and shall be subject to the same compliance oversight
49 applicable to polling places under section 3 of P.L.1991, c.429

1 (C.19:8-3.3). A ballot drop box site shall be considered accessible
2 if it is in compliance with the federal "Americans with Disabilities
3 Act of 1990" (42 U.S.C. s.12101 et seq.).

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

7 Notwithstanding the provisions of this subparagraph, a ballot
8 drop box that has already been installed and permanently affixed
9 prior to the effective date of this act, P.L.2021, c.459, at any of the
10 following locations may remain at that location notwithstanding
11 that the ballot drop box is within 100 feet of an entrance or exit of a
12 State, county, or municipal police station if the county
13 commissioners approve the continued presence at that location by a
14 majority vote of the commissioners and with the reasons therefor
15 subject to public disclosure:

16 any county government building in which the main office of the
17 county clerk is located; any municipal government building in
18 which the main office of the municipal clerk is located in
19 municipalities with populations larger than 5,000 residents; the
20 main campus of a county community college; the main campus of a
21 State college or university; and the main campus of an independent
22 four-year college or university with enrollments larger than 5,000
23 students.

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

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

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

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

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

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

44 c. The Secretary of State, in consultation with county boards of
45 elections, shall establish the guidelines necessary to ensure the
46 secure and successful implementation of the mail-in ballot drop
47 boxes required by this section to ensure adequate access in various
48 geographic areas of the county. In determining the ballot drop box
49 locations, the secretary and county boards of elections shall

1 consider, at a minimum, concentrations of population, geographic
2 areas, voter convenience, proximity to public transportation,
3 community-based locations, travel time to the location, proximity to
4 other voting locations and ballot drop boxes, commuter traffic
5 patterns, and security. The guidelines shall include, but may not be
6 limited to, criteria for each county board of elections to:

7 (1) determine the number of ballot drop boxes required per voter
8 population, considering both the number of registered voters and
9 the number of registered mail-in voters in each county before each
10 election;

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

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

16 (4) maintain the security of ballot drop boxes and of the ballots
17 deposited therein, including standards and procedures for ballot
18 retrieval by authorized persons only, and for ensuring the proper
19 chain of custody and safe storage of voted mail-in ballots before
20 each election.

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

30 e. Whenever a municipal, school, or special election is held,
31 the board **[may]** shall, at a minimum, open **[only]** the ballot drop
32 box located geographically closest to the municipal government
33 building in which the main office of the municipal clerk is located
34 and the ballot drop box located at the board of elections or county
35 office, if one is placed at that location. When a school election
36 encompasses more than one municipality, the board shall be
37 responsible for the selection of the ballot drop box location with
38 respect to each municipality.

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

40

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

43 9. a. ²**[Starting]** Except as provided in subsection d. of this
44 section, starting² on or before the **[45th]** ⁵**[38th]** 45th⁵ day before
45 the day an election is held, each county clerk shall forward mail-in
46 ballots by first-class postage or hand delivery to each mail-in voter
47 whose request therefor has been approved. Mail-in ballots for that
48 have been approved before the **[45th]** ⁵**[38th]** 45th⁵ day before an
49 election shall be forwarded or delivered at least **[45]** ⁵**[38]** 45⁵

1 days before the day of the election. Hand delivery of a mail-in
2 ballot shall be made by the county clerk or the clerk's designee only
3 to the voter, or the voter's authorized messenger, who must appear
4 in person. No person shall serve as an authorized messenger for
5 more than three qualified voters in an election, but a person may
6 serve as such for up to five qualified voters in an election if those
7 voters are immediate family members residing in the same
8 household as the messenger. Ballots that have not been hand
9 delivered shall be addressed to the voter at the forwarding address
10 given in the application.

11 b. (1) Whenever the clerk forwards a mail-in ballot by mail to
12 a mail-in voter between the ~~[45th]~~ ⁵~~[38th]~~ ⁵45⁵ day and the 13th
13 day before the day of an election, the ballot shall be transmitted
14 within three business days of the receipt of the application.

15 (2) Whenever the clerk forwards a mail-in ballot by mail to a
16 mail-in voter between the 12th day and the seventh day before the
17 day of an election, the ballot shall be transmitted within two
18 business days of the receipt of the application.

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

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

32 ²d. Each uniformed and overseas mail-in voter, as defined by the
33 federal "Uniformed and Overseas Citizens Absentee Voting Act"
34 (52 U.S.C. s.20301 et seq.), ⁴or any general election voter in this
35 State⁴ whose request for a mail-in ballot has been approved, shall
36 be forwarded by the county clerk a mail-in ballot by first-class
37 postage or hand delivery no later than the 45th day before the day
38 of a federal election. Whenever the county clerk forwards a mail-in
39 ballot by mail to a uniformed or overseas mail-in voter ⁴or a State
40 general election voter⁴ between the 45th day and the 13th day
41 before the day of a federal election, the ballot shall be transmitted
42 within three business days of the receipt of the application. Nothing
43 in this section, as amended by P.L. , c. (pending before the
44 Legislature as this bill), shall be construed to be inconsistent with
45 the federal "Uniformed and Overseas Citizens Absentee Voting
46 Act" (52 U.S.C. s.20301 et seq.).²
47 (cf: P.L.2020, c.71, s.9)

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

3 24. a. The Secretary of State, with the assistance of the Chief
4 Administrator of the New Jersey Motor Vehicle Commission, shall
5 provide for an eligible applicant to simultaneously apply for a
6 motor vehicle driver's license, an examination permit, a
7 probationary driver's license, or a non-driver identification card, as
8 applicable, and be automatically registered to vote, or have an
9 existing voter registration updated, in a manner which satisfies both
10 the requirements necessary to receive a license to operate a motor
11 vehicle, pursuant to R.S.39:3-10, or an examination permit, a
12 probationary driver's license, or a non-driver identification card, as
13 applicable, and to register to vote, pursuant to R.S.19:4-1. The
14 applicant shall be offered an opportunity to decline the automatic
15 voter registration under this section. If an applicant ²chooses to
16 update ²changes the applicant's party affiliation when updating ²an
17 existing voter registration ²under this section², the applicant shall
18 ²not be offered the opportunity to change the applicant's party
19 affiliation ⁵be sent a confirmation notice by the ⁵Secretary of
20 State ⁵county commissioner of registration⁵ noting that change².

21 b. (1) Pursuant to subsection a. of this section, for every
22 application for a motor vehicle driver's license, an examination
23 permit, a probationary driver's license, or a non-driver identification
24 card, and each related update, renewal, or change of address, except
25 as provided in paragraphs (2) and (3) of this subsection, the Chief
26 Administrator shall ensure that the information necessary for voter
27 registration is collected from the application and promptly
28 transmitted electronically to the Secretary of State. The Chief
29 Administrator shall ensure that electronic records are not
30 transmitted to the Secretary of State for any applicant who has
31 declined registration. The Commissioner of Registration shall
32 register to vote or update an existing registration for any eligible
33 applicant who has not declined voter registration.

34 (2) Voter registration information from an application received
35 online for the renewal of a motor vehicle driver's license or non-
36 driver identification card shall be collected and promptly
37 transmitted electronically to the Secretary of State upon the
38 implementation by the Secretary of State of online voter
39 registration. Subsection c. of this section shall be inapplicable to
40 such applications until that time.

41 (3) Voter registration information from an application received
42 through the mail for the renewal of a motor vehicle driver's license
43 or non-driver identification card shall be exempt from collection
44 and electronic transmission to the Secretary of State until such time
45 as the Chief Administrator determines that the prompt electronic
46 transmission of the information is practicable. Subsection c. of this
47 section shall be inapplicable to such applications until that time.
48 Following the effective date of P.L.2018, c.6, the Chief

1 Administrator shall inform the Governor and the Legislature every
2 six months of the practicability of collecting and transmitting to the
3 Secretary of State voter registration information from such
4 applications. This paragraph shall not be construed to preclude the
5 Motor Vehicle Commission from processing voter registration
6 applications received in the manner in which such applications were
7 processed in connection with such renewals prior to the effective
8 date of P.L.2018, c.6.

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

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

17 (2) a notice of the voter eligibility requirements under R.S.19:4-
18 1 and the penalties for false registration and illegal voting under
19 Title 19 of the Revised Statutes, which notice shall contain an
20 affirmation that the applicant meets each such requirement and shall
21 require the signature of the applicant, under penalty of law; and

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

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

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

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

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

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

10
11 ¹7. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
12 read as follows:

13 22. a. On the day of each election, or as provided under
14 subsection b. of this section, each county board of elections shall
15 open in the presence of the commissioner of registration, or the
16 designee thereof, the inner envelopes that contain the mail-in ballots
17 with the votes cast for the election. The inner envelopes containing
18 the ballots that the board or the Superior Court has rejected shall
19 not be so opened, but shall be retained as provided for by this act.
20 The board shall then proceed to canvass the votes cast on the mail-
21 in ballots, but no such ballot shall be counted in any primary
22 election for the general election if the ballot of the political party
23 marked for voting thereon differs from the designation of the
24 political party in the primary election of which such ballot is
25 intended to be voted as marked on the envelope by the county board
26 of elections.

27 Every mail-in ballot that bears a postmark date before or of the
28 day of the election and that is received by the county board within
29 ~~144 hours~~ ²~~72~~ ⁴~~96~~ ² 144⁴ hours after the time of the closing
30 of the polls for the election that the ballot was prepared shall be
31 considered valid and shall be canvassed. Every mail-in ballot that
32 does not bear a postmark date but that is received by the county
33 board by delivery of the United States Postal Service before, or
34 within 48 hours after, the time of the closing of the polls for the
35 election for which the ballot was prepared shall be considered valid
36 and shall be canvassed.

37 b. A county board of elections may begin opening the inner
38 envelopes for each mail-in ballot and canvassing each mail-in ballot
39 from the inner envelope no earlier than five days prior to the day of
40 the election. The Secretary of State shall establish guidelines
41 concerning the early canvassing process. If a county board of
42 elections begins opening the inner envelopes and canvassing the
43 mail-in ballots from the inner envelopes prior to the day of the
44 election, the county board shall implement the measures necessary
45 to ensure the security and secrecy of the mail-in ballots. The
46 contents of the mail-in ballots and the results of the ballot
47 canvassing shall remain confidential and shall be disclosed only in
48 accordance with the provisions of Title 19 of the Revised Statutes,
49 regulations and guidelines concerning the disclosure of election

1 results, and in no circumstances disclosed prior to the close of polls
2 on the day of the election. ³In addition to the guidelines concerning
3 the early canvassing process, the Secretary of State shall
4 promulgate regulations to ensure that any county board of elections
5 that begins opening the inner envelopes and canvassing the mail-in
6 ballots from the inner envelopes prior to the closing of the polls on
7 election day shall do so in a manner that prevents any person⁵,
8 including any person⁵ who is authorized to receive and canvass
9 completed mail-in ballots^{5, 5} from obtaining knowledge of the
10 unofficial results of ballots cast for any candidate for public office
11 or any public question submitted to the voters until after the closing
12 of the polls on election day. No tally or tabulation of results shall
13 occur prior to the opening of polls on election day. ³ As provided
14 under R.S.19:34-13, any person who is authorized to receive and
15 canvass completed mail-in-ballots who knowingly discloses to the
16 public the contents of a mail-in ballot prior to the time designated
17 by law for the closing of the polls for each election shall be guilty
18 of a crime of the third degree.

19 c. Immediately after the canvass is completed, the respective
20 county boards of election shall certify the result of the canvass to
21 the county clerk or the municipal or district clerk or other
22 appropriate officer, as the case may be, showing the result of the
23 canvass by municipality and ward. The votes thus canvassed shall
24 be counted in determining the result of the election.

25 The county board of elections shall, immediately after the
26 canvass is completed for any primary election, certify the results of
27 the votes cast for members of the county committees to the
28 respective municipal clerks, and those votes shall be counted in
29 determining the result of the election.

30 Each mail-in ballot cast, canvassed, and tallied in an election
31 under this section ³, excluding a fire district election,³ shall be
32 reported in the results for the election district in which the voter
33 resides.¹ ³Whenever the reporting requirement of this subsection
34 would cause a voter's privacy to be violated, the election results
35 shall be reported in a manner that maintains the privacy of the
36 vote⁵], provided that the election results posted on the county
37 clerk's and the Division of Elections Internet site shall contain a
38 disclosure stating that the results reported for some individual
39 districts reflect measures to protect the privacy of the vote while the
40 general tally accurately reflects the results^{5, 3}.

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

42
43 ⁵8. The Secretary of State may adopt regulations necessary to
44 effectuate the purposes of this act, which regulations shall be
45 effective immediately upon filing with the Office of Administrative
46 Law for a period not to exceed 18 months, and may, thereafter, be
47 amended, adopted or readopted in accordance with the provisions of

1 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
2 seq.).⁵

3
4 ¹[7.] ⁵[8.1] 9.⁵ This act shall take effect immediately, except
5 that section 6 thereof shall take effect on the first day of the fourth
6 month next following the date of enactment. The Secretary of State
7 and Chief Administrator of the New Jersey Motor Vehicle
8 Commission may take such anticipatory administrative action in
9 advance thereof as shall be necessary for the implementation of this
10 act.