

[First Reprint]

SENATE, No. 856

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 18, 2022

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senators Gopal and Turner

SYNOPSIS

Allows canvassing of early votes and mail-in ballots before election day under certain conditions.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on March 3, 2022, with amendments.



(Sponsorship Updated As Of: 3/21/2022)

1 AN ACT concerning the canvassing of votes cast during the early
 2 voting period and through mail-in ballots and amending
 3 P.L.2021, c.40 and P.L.2009, c.22.

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

7
 8 1. Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended to read
 9 as follows:

10 4. a. An early vote cast in an election, as provided for in this
 11 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior
 12 to the closing of the polls on the day of an election, except as
 13 provided under subsection b. of this section.

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

17 b. (1) A ¹["county board of elections"] county clerk¹ may begin
 18 canvassing each early vote no earlier than 24 hours after the
 19 conclusion of the early voting period. The Secretary of State shall
 20 establish guidelines concerning the early vote canvassing process. If
 21 a ¹["county board of elections"] county clerk¹ begins canvassing the
 22 early votes prior to the day of the election, the ¹["county board"]
 23 county clerk¹ shall implement the measures necessary to ensure the
 24 security and secrecy of the early votes. The early votes and the
 25 results of the canvassing shall remain confidential and shall be
 26 disclosed only in accordance with the provisions of Title 19 of the
 27 Revised Statutes, regulations and guidelines concerning the
 28 disclosure of election results, and in no circumstances disclosed
 29 prior to the close of polls on the day of the election.

30 (2) Any person who is authorized to receive and canvass the
 31 early votes pursuant to this section who knowingly discloses to the
 32 public the early votes and the results of the canvass prior to the time
 33 designated by law for the closing of the polls for each election shall
 34 be guilty of a crime of the third degree.

35 ¹c. The county clerk shall transmit the results of the early voting
 36 canvass authorized under subsection b. of this section to the county
 37 board of elections for canvass no later than the opening of the polls
 38 on the day of the election.

39 d. Early voting results shall be reported on the date of the
 40 election following the closing of the polls that day. After the
 41 canvass is completed, early voting results shall be reported as a
 42 separate column alongside the columns for election day voting
 43 results and mail-in voting results.¹

44 (cf: P.L.2021, c.40, s.4)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted March 3, 2022.

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

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

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

26 b. A county board of elections may begin opening the inner
27 envelopes and canvassing each mail-in ballot from the inner
28 envelopes no earlier than ten days prior to the day of the election.
29 The Secretary of State shall establish guidelines concerning the
30 early canvassing process. If a county board of elections begins
31 opening the inner envelopes and canvassing the mail-in ballots from
32 the inner envelopes prior to the day of the election, the county
33 board shall implement the measures necessary to ensure the security
34 and secrecy of the mail-in ballots. The contents of the mail-in
35 ballots and the results of the ballot canvassing shall remain
36 confidential and shall be disclosed only in accordance with the
37 provisions of Title 19 of the Revised Statutes, regulations and
38 guidelines concerning the disclosure of election results, and in no
39 circumstances disclosed prior to the close of polls on the day of the
40 election. As provided under R.S.19:34-13, any person who is
41 authorized to receive and canvass completed mail-in-ballots who
42 knowingly discloses to the public the contents of a mail-in ballot
43 prior to the time designated by law for the closing of the polls for
44 each election shall be guilty of a crime of the third degree.

45 c. Immediately after the canvass is completed, the respective
46 county boards of election shall certify the result of the canvass to
47 the county clerk or the municipal or district clerk or other
48 appropriate officer, as the case may be, showing the result of the

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 3. This act shall take effect immediately.