

**SENATE, No. 1234**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED FEBRUARY 3, 2022

**Sponsored by:**  
**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**

**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.



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

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

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

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

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

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

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

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10 2. This act shall take effect immediately.

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**STATEMENT**

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