

[First Reprint]

SENATE, No. 3990

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED DECEMBER 19, 2024

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

Assemblyman GABRIEL RODRIGUEZ

District 33 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

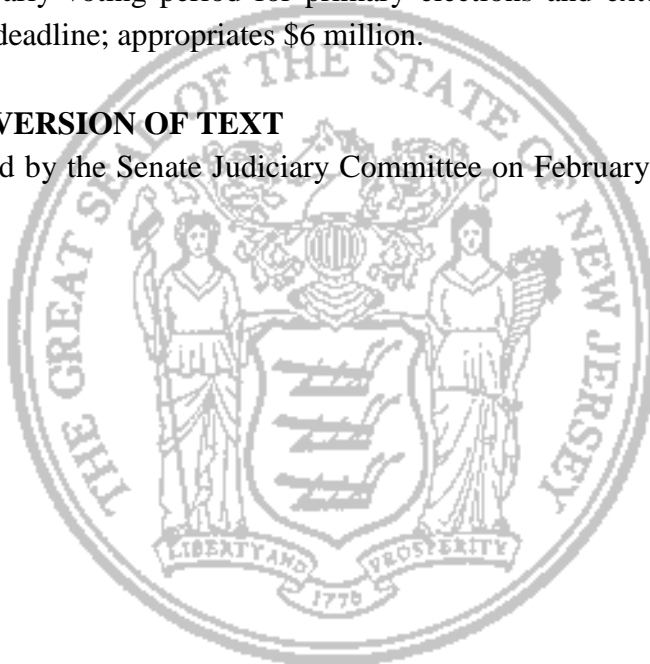
Senator Wimberly and Assemblywoman Haider

SYNOPSIS

Extends early voting period for primary elections and extends challenger appointment deadline; appropriates \$6 million.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on February 20, 2025, with amendments.



(Sponsorship Updated As Of: 2/27/2025)

1 AN ACT extending the early voting period for primary elections and
 2 ¹extending the challenger appointment deadline,¹ amending
 3 P.L.2021, c.40 ¹and R.S.19:7-3, and making an appropriation¹.

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

7
 8 ¹1. R.S.19:7-3 is amended to read as follows:

9 19:7-3. The appointment of or application for challengers shall be
 10 filed with the county board not later than the **[second]** third Tuesday
 11 preceding any election. No person shall be appointed a challenger
 12 under this Title who is not a registered voter in the county in which
 13 the district is located in which such person is appointed to serve, and
 14 no appointed challenger shall serve in any district other than that to
 15 which appointed except for challengers appointed by the chairman of a
 16 county committee, pursuant to paragraph 2 of subsection b. of
 17 R.S.19:7-1.¹

18 (cf: P.L.1999, c.232, s.28)

19

20 ¹**[1.]** 2.¹ Section 1 of P.L.2021, c.40 (C.19:15A-1) is amended to
 21 read as follows:

22 1. a. In addition to all other forms of voting provided for by this
 23 Title, a registered voter shall be permitted to vote at a specially
 24 designated polling place before the day of certain primary and general
 25 elections in this State. This procedure shall be known as early voting.
 26 The early voting period shall:

27 (1) start on the **[4th]** ¹**[11th]** 7th¹ calendar day before a non-
 28 presidential primary election for a non-presidential general election
 29 and end on the second calendar day before that non-presidential
 30 primary election;

31 (2) start on the **[6th]** ¹**[11th]** 7th¹ calendar day before a
 32 presidential primary election for a presidential general election and
 33 end on the second calendar day before that presidential primary
 34 election; or

35 (3) start on the 10th calendar day before a general election and end
 36 on the second calendar day before that general election.

37 The voting process during the early voting period shall be
 38 conducted using electronic poll books and optical-scan voting
 39 machines that read hand-marked paper ballots or other voting
 40 machines that produce a voter-verifiable paper ballot. Any
 41 municipality conducting regular municipal elections in May pursuant
 42 to the provisions of the "Uniform Nonpartisan Elections Law,"
 43 P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by
 44 its governing body, also conduct early voting for the regular municipal

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 SJU committee amendments adopted February 20, 2025.

1 election, in accordance with the provisions of this act, P.L.2021, c.40
2 (C.19:15A-1 et al.). If adopted by a municipal governing body, the
3 early voting period for a regular municipal election in May shall start
4 on the 4th calendar day before the regular municipal election and end
5 on the second calendar day before that regular municipal election. An
6 early voting period shall only be permitted for a non-presidential or
7 presidential primary election and a general election in this State and, if
8 adopted by a municipal governing body, a regular municipal election
9 conducted in May. Pursuant to the provisions of this act and Title 19
10 of the Revised Statutes and in accordance with procedures that may be
11 established by the Secretary of State for verifying eligible voters, each
12 county board of elections shall verify that a registered voter is
13 qualified to vote in the election and shall prescribe the manner by
14 which a registered voter may vote during such period.

15 b. (1) For the primary and the general election, each county board
16 of elections shall designate at least three, but not more than five, public
17 locations within each county as the sites for early voting to occur,
18 except that the county board shall designate at least five, but not more
19 than seven, public locations for early voting if the number of registered
20 voters in the county is at least 150,000 but less than 300,000, and shall
21 designate at least seven, but not more than 10, public locations for
22 early voting if the number of registered voters in the county is 300,000
23 or more. This provision shall not be interpreted to prevent county
24 boards of elections, at their discretion, from establishing additional
25 locations in excess of the five, seven, or 10 location limits respectively
26 set forth herein; provided, however, that the State shall be required to
27 provide reimbursement for the costs of locations up to and including
28 the five, seven, or 10 respective limits established herein, and shall not
29 be required to provide reimbursement for additional locations beyond
30 those limits under section 6 of this act, P.L.2021, c.40 (C.19:15A-6).
31 The number of registered voters in each county shall be determined
32 ahead of the selection of early voting sites pursuant to a uniform
33 standard which shall be developed by the Secretary of State through
34 the rulemaking process pursuant to the "Administrative Procedure
35 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible, early
36 voting locations shall be geographically located so as to ensure both
37 access in the part of the county that features the greatest concentration
38 of population, according to the most recent federal decennial census of
39 the United States, and access in various geographic areas of the
40 county. All early voting locations shall be public facilities, such as
41 county courthouses, public libraries and the offices of the municipal
42 clerk, county clerk, and county board of elections, or places of public
43 accommodation as provided under Title 10 of the Revised Statutes.
44 No public school building and no building used as a public school, as
45 that term is defined under N.J.S.18A:1-1, shall, however, be
46 designated as an early voting location. The locations shall be
47 designated at the same time as all other polling places are designated
48 by the board of elections. In the event of a tie vote among members of

1 the county board with respect to the selection of sites for early voting,
2 the county clerk shall cast the deciding vote. Once early voting
3 locations are designated in each county, county boards of election shall
4 evaluate and, if deemed necessary, revise these locations in order to
5 accommodate significant changes in the number of registered voters
6 within each county, reflect the population distribution and density
7 within each county, or because of similar circumstances. The
8 Secretary of State may develop the criteria to be used by county boards
9 of election to revise the location of early voting sites and shall
10 prescribe how often such revision shall take place.

11 A voter shall be permitted to vote at any early voting site in the
12 voter's county.

13 (2) Whenever a municipality that conducts regular municipal
14 elections in May chooses to participate in early voting for the regular
15 municipal election, the county board of elections shall designate at
16 least one public location, but not more than three public locations,
17 within the municipality as the site or sites for early voting to occur.
18 This provision shall not be interpreted to prevent a county board of
19 elections, at its discretion, from establishing additional locations in
20 excess of the three location limit set forth herein; provided, however,
21 that the State shall be required to provide reimbursement for the costs
22 of locations up to and including the three location limit established
23 herein, and shall not be required to provide reimbursement for
24 additional locations beyond that limit under section 6 of this act,
25 P.L.2021, c.40 (C.19:15A-6). Whenever possible, each such location
26 shall be geographically located in the part of the municipality that
27 features the greatest concentration of population, according to the most
28 recent federal decennial census of the United States. All early voting
29 locations shall be public facilities, such as municipal courthouses and
30 the offices of the municipal clerk, or places of public accommodation
31 as provided under Title 10 of the Revised Statutes. No public school
32 building and no building used as a public school, as that term is
33 defined under N.J.S.18A:1-1, shall be designated as an early voting
34 location. The locations shall be designated at the same time as all
35 other polling places are designated by the board of elections. In the
36 event of a tie vote among members of the county board with respect to
37 the selection of sites for early voting, the municipal clerk shall cast the
38 deciding vote. Once early voting locations are designated in each
39 municipality, county boards of election shall evaluate and, if deemed
40 necessary, revise these locations in order to accommodate significant
41 changes in the number of registered voters within each municipality,
42 reflect the population distribution and density within each
43 municipality, or because of similar circumstances. The Secretary of
44 State may develop the criteria to be used by county boards of election
45 to revise the location of early voting sites and shall prescribe how
46 often such revision shall take place.

47 A voter shall be permitted to vote at any early voting site in the
48 voter's municipality.

1 c. Each early voting site in a county or municipality shall be open
2 for early voting on Monday through Saturday from at least 10 AM to 8
3 PM, and on Sunday from at least 10 AM to 6 PM. Any voter who is
4 on line at the time scheduled for the closing of an early voting site
5 shall be permitted to vote.

6 d. The election officers responsible for conducting early voting
7 shall be the same as those responsible for conducting a primary and a
8 general election, as appropriate, pursuant to this Title. The number of
9 such officers and their hours of service shall be as determined by each
10 county board of elections. The compensation for such officers shall be
11 the same as provided to district board of election members serving at a
12 school election pursuant to R.S.19:45-6, or that required pursuant to
13 Article I, paragraph 23 of the New Jersey Constitution, whichever is
14 greater.

15 e. The restrictions governing the conduct of voters at a polling
16 place on the days that early voting occurs, the procedures governing
17 who is permitted in a polling place on such occasions and the
18 prohibition on electioneering within 100 feet of a polling place during
19 an election, shall be as provided in chapters 15, 34, 50 and 52 of Title
20 19 of the Revised Statutes and every other applicable section of this
21 Title.

22 f. In real time using the electronic poll books each day during the
23 early voting period, and prior to the start of each regularly scheduled
24 primary and general election, and regular municipal election in each
25 non-partisan municipality choosing to participate in early voting, each
26 county board shall make such changes as may be necessary to the
27 voter's record in the Statewide voter registration system to indicate that
28 a voter has voted in that election using the early voting procedure.

29 g. (1) Each county board shall be responsible for forming and
30 executing a written plan to ensure, to the greatest extent possible, the
31 integrity of the voting process and the security of ballots used during
32 the early voting period, including the security of voting machines,
33 voted ballots, and election records. The plan shall be based on
34 guidelines established by the Secretary of State and shall be submitted
35 thereto no later than December 15 of each year. The Secretary of State
36 shall review and, if deemed necessary thereby, require changes to a
37 plan no later than February 1 of each year. Each plan shall specify a
38 chain of custody and security plan for the voting machines, and a chain
39 of custody for the voted ballots and election records and materials, and
40 shall require, among other specifications deemed necessary by the
41 Secretary of State and county boards of election, that all voted ballots
42 shall be transferred at the end of each early voting day to county
43 boards of election for safekeeping. After the voted ballots are
44 transferred to the county board of elections at the end of each early
45 voting day, a county board may elect to impound those voted ballots
46 on a secure server, or by any other means deemed appropriate by the
47 Secretary of State. The voted ballots shall not be canvassed until the
48 closing of the polls on election day as required pursuant to section 4 of

1 this act, P.L.2021, c.40 (C.19:15A-4). The results of the voted ballots
2 cast during early voting shall remain confidential and shall be
3 disclosed only in accordance with the provisions of Title 19 of the
4 Revised Statutes, regulations, and guidelines concerning the disclosure
5 of election results, and a violation shall be subject to the penalties
6 established by law.

7 (2) Notwithstanding the provisions of this subsection, in the year
8 in which P.L.2021, c.40 (C.19:15A-1 et al.) becomes law, each county
9 board shall submit its plan to the Secretary of State within 30 days
10 following the effective date of this act and the Secretary of State shall
11 review it and, if deemed necessary thereby, require changes in the plan
12 within 45 days following the effective date of this act.

13 h. Each county board shall make certain that each polling place
14 used for early voting shall be accessible to individuals with disabilities
15 and the elderly, in compliance with the "Americans with Disabilities
16 Act of 1990" (42 U.S.C. s.12101 et seq.), and that each polling place
17 provides such voters, including the blind and visually impaired, the
18 same opportunity for access and participation, including privacy and
19 independence, as other voters in compliance with the "Help America
20 Vote Act of 2002" (42 U.S.C. s.15481).

21 i. The Secretary of State shall establish a printing on demand
22 ballot and elections system. At a minimum, the system shall be
23 compatible with the Statewide voter registration system established
24 pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and any
25 electronic poll books provided by section 1 of P.L.2019, c.80
26 (C.19:31-35). Each polling place used for early voting shall have a
27 computer, tablet, or other electronic device to print provisional ballots
28 for voters required to vote by provisional ballot in accordance with the
29 provisions of Title 19 of the Revised Statutes or due to an equipment
30 malfunction as further provided under section 3 of P.L.2019, c.80
31 (C.19:31-37), or any other election related material, if needed. A
32 computer, tablet, or other electronic device and the printer used to
33 print election materials at a polling place shall not be used unless it has
34 been certified by the Secretary of State. The Secretary of State shall
35 adopt and publish standards and regulations governing the certification
36 and use of computer, tablets, or other electronic devices and printers to
37 print election materials at each polling place used for early voting.
38 The Secretary of State shall not certify a computer, tablet, or other
39 electronic device or printer unless it is in compliance with the
40 secretary's standards.

41 j. Each polling place used for early voting shall also have such
42 appropriate supplies, ballots and other materials deemed necessary by
43 the Secretary of State or as is required currently for a polling place on
44 the day of any election by Title 19 of the Revised Statutes.

45 (cf: P.L.2021, c.40, s.1)

46

47 13. a. There is appropriated from the General Fund to the
48 Department of State the sum of \$6,000,000 for the purposes of this act.

S3990 [1R] STACK, MORIARTY

7

1 b. There is appropriated from the General Fund as State aid to
2 each county governing body and to each municipal governing body
3 that conducts early voting such sums as the State Treasurer and the
4 Director of the Division of Budget and Accounting in the Department
5 of the Treasury deem necessary to effectuate the purpose of this act.¹

6

7 ¹**[2.]** 4.¹ This act shall take effect immediately.