

ASSEMBLY, No. 1715

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

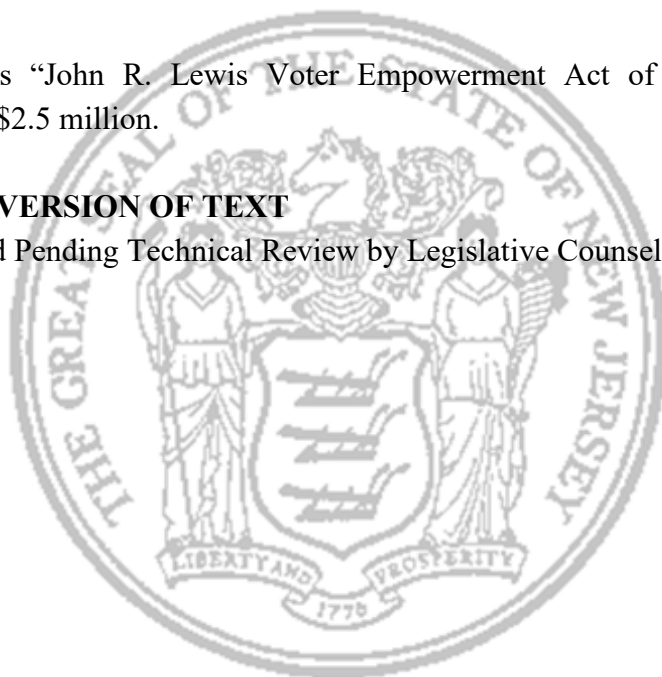
Assemblyman Sampson, Assemblywoman Speight, Assemblyman Spearman, Assemblywomen Tucker, Carter, Assemblymen Verrelli, Venezia, Assemblywomen McCoy, Drulis, Assemblyman Danielsen, Assemblywomen Haider, Quijano, Assemblyman Schnall, Assemblywomen Park, Bagolie, Assemblyman Tully, Assemblywoman Swain, Assemblymen Schaer, Egan, Calabrese, Assemblywomen Collazos-Gill, Morales, Assemblymen Stanley, Karabinchak, Miller, Freiman, Assemblywoman Kane, Assemblyman Singh, Assemblywoman Lopez, Assemblymen Abdelaziz, Greenwald, DeAngelo, Stewart, Moen, Assemblywomen Sweeney, Brennan and Assemblyman Onyema

SYNOPSIS

Establishes “John R. Lewis Voter Empowerment Act of New Jersey”; appropriates \$2.5 million.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/19/2026)

1 AN ACT establishing the “John R. Lewis Voter Empowerment Act of
2 New Jersey,” supplementing Title 19 of the Revised Statutes,
3 repealing R.S.19:43-5, and making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. This act shall be known and may be cited as the “John R. Lewis
9 Voter Empowerment Act of New Jersey.”
10

11 2. a. In recognition of the protections for the right to vote
12 provided by the Constitution of the United States, the Constitution of
13 the State of New Jersey, and under the laws of New Jersey, and in
14 conjunction with the constitutional guarantees of equal protection,
15 freedom of expression, and freedom of association under the law and
16 against the denial or abridgement of the voting rights of members of
17 protected classes, including a race, color, or language-minority
18 group, it is the public policy of the State of New Jersey to:

19 (1) encourage participation in the elective franchise by all eligible
20 voters to the maximum extent; and

21 (2) ensure that eligible voters who are members of protected
22 classes, including racial, color, and language-minority groups shall
23 have an equal opportunity to participate in the political processes of
24 the State of New Jersey, and especially to exercise the elective
25 franchise.

26 b. In further recognition of the protections for the right to vote
27 provided by the Constitution of the State of New Jersey, any
28 provision of state law, regulation, charter, home rule ordinance, or
29 other enactment of the state or any political subdivision relating to
30 the right to vote shall be construed liberally in favor of the factors
31 listed below. To the extent courts are afforded discretion on any
32 issue, including but not limited to with respect to questions of
33 discovery, procedure, admissibility of evidence, or remedies, it is the
34 policy of the state that courts should exercise that discretion, and
35 weigh other equitable discretion, in favor of the following factors:

36 (1) protecting the right to cast a ballot and make the ballot valid;

37 (2) ensuring eligible individuals seeking voter registration are not
38 impaired in being registered;

39 (3) ensuring voters are not impaired in voting, including, but not
40 limited to having their votes counted;

41 (4) making the fundamental right to vote more accessible to
42 eligible voters; and

43 (5) ensuring equitable access for protected class members to
44 opportunities to be registered to vote and to vote.

45 c. The authority to prescribe or maintain voting or elections
46 policies and practices shall not be so exercised as to unnecessarily
47 deny or abridge the right to vote. Policies and practices that burden

1 the right to vote shall be narrowly tailored to promote a compelling
2 policy justification that shall be supported by substantial evidence.

3

4 3. As used in this act, P.L. , c. (C.)(pending before the
5 Legislature as this bill):

6 “Covered entity” means any political subdivision subject to the
7 preclearance program as determined by the criteria established in
8 subsection c. of section 13 of this act, P.L. , c. (C.) (pending
9 before the Legislature as this bill).

10 “Covered policy” means any new or modified voting qualification,
11 prerequisite to voting, law, ordinance, standard, practice, procedure,
12 regulation, or policy that relates to any voting or elections-related
13 topics as specified in subsection b. of section 13 of this act,
14 P.L. , c. (C.) (pending before the Legislature as this bill).

15 “Deceptive or fraudulent device, contrivance, or communication”
16 means a device, contrivance, or communication that contains false
17 information pertaining to:

18 (1) the time, place, and manner of any election;

19 (2) the qualifications or restrictions on voter eligibility for such
20 election; or

21 (3) a statement of endorsement by any specifically named person,
22 political party, or organization.

23 “Disparity” means any variance that is supported by validated
24 methodologies and, where relevant, is statistically significant.

25 “Division” means the Division of Voting Rights in, but not of, the
26 Department of the Treasury, as established pursuant to section 4 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).

28 “Federal voting rights act” means the federal Voting Rights Act of
29 1965, 52 U.S.C. s.10301 et seq., as amended.

30 “Government enforcement action” means a denial of preclearance
31 by the State or federal or local government, pending litigation filed
32 by a federal or State or local entity, a final judgment or adjudication,
33 a consent decree, or similar formal action.

34 “Limited English proficient” means individuals who do not speak
35 English as their primary language and who speak or understand the
36 English language less than “very well,” in accordance with United
37 States Census Bureau data or data of comparable quality collected by
38 a governmental entity, including as self-reported by that person to a
39 governmental entity.

40 “Local election office” means any member of the offices of the
41 county clerk, county board of elections, commissioner of registration,
42 or superintendent of elections.

43 “Method of election” means the manner or mechanism by which
44 candidates are elected to a governmental body of a political
45 subdivision, including but not limited to, at-large and district-based
46 methods and any districting or redistricting plan used to elect
47 candidates to the governmental body.

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1 “Political subdivision” means a geographic area of representation
2 created for the provision of government services, including, but not
3 limited to, a county, city, town, township, village, borough, school
4 district, or any other district organized pursuant to State or local law.

5 “Preclearance” means the process of obtaining prior approval
6 from the Attorney General or a court of this State of any changes
7 related to a covered policy of a covered entity, as defined under
8 section 13 of this act, P.L. , c. (C.)(pending before the
9 Legislature as this bill).

10 “Protected class” means a class of individuals who are members
11 of a racial, color, or language-minority group, or two or more such
12 groups and includes: (i) individuals who are members of a racial,
13 color, or language-minority group as that term has been interpreted
14 under the federal Voting Rights Act; or (ii) individuals who are
15 members of a minimum reporting category that has ever been
16 officially recognized or considered through notice and comment by
17 the United States Census Bureau.

18 “Racially polarized voting” means voting in which there is a
19 divergence between the political preferences or electoral choice of
20 members in a protected class and the political preferences or electoral
21 choice of other electors.

22

23 4. a. There is established in, but not of, the Department of the
24 Treasury, a Division of Voting Rights. Notwithstanding the
25 provisions of any other law, rule, or regulation to the contrary, the
26 division shall be charged with and responsible for enforcing the
27 provisions of this act, P.L. , c. (C.) (pending before the
28 Legislature as this bill), as well as the provisions of any other law or
29 regulation concerning voting rights in this State. The division shall
30 have general jurisdiction and authority for such purposes, and may
31 undertake any action that may be necessary to carry out such
32 responsibilities, including, but not limited to:

33 (1) conducting investigations and issuing subpoenas pursuant to
34 sections 16 and 17 of P.L. , c. (C.) (pending before the
35 Legislature as this bill);

36 (2) initiating studies, conducting research, and issuing reports on
37 elections and voting rights, and producing and disseminating
38 guidance on any matters that fall within the division’s purview;

39 (3) promulgating rules or regulations related to voting rights;

40 (4) litigating cases on behalf of individuals or the public; and

41 (5) representing the public interest by appearing before any
42 federal court or governmental body that holds proceedings related to
43 voting rights.

44 b. The division shall also issue, at the request of a covered entity,
45 advisory opinions concerning current or proposed policies or
46 procedures related to elections and voting rights, and whether such
47 policies or procedures comply with the provisions of this act.

1 c. (1) The Governor shall appoint a director of the Division of
2 Voting Rights with the advice and consent of the Senate. The director
3 shall be an attorney-at-law licensed to practice in this State, with
4 demonstrated education, training, or prior experience in elections
5 administration or voting rights, and shall serve as the head of the
6 Division of Voting Rights. Notwithstanding the provisions of the
7 Criminal Justice Act of 1970, P.L.1970, c.74 (C.52:17B-97 et seq.),
8 P.L.1944, c.20 (C.52:17A-1 et seq.), or any other law, rule, or
9 regulation to the contrary, the director shall be the chief enforcement
10 officer and authority on all civil and criminal violations arising under
11 the provisions of this act or Title 19 of the Revised Statutes, except
12 for any violations arising under the New Jersey Campaign
13 Contributions and Expenditures Reporting Act, P.L.1973, c.83
14 (C.19:44A-1 et seq.).

15 (2) The director shall hold the office for a term of six years and
16 until reappointed or the appointment of a qualified successor. No
17 person shall be appointed to more than two consecutive terms as
18 director, including an appointment to fill an unexpired term, but may
19 be appointed to more than two nonconsecutive terms.

20 (3) Any vacancy in the office, howsoever caused, shall be filled
21 in the same manner as the original appointment, within 90 days of
22 the occurrence of the vacancy. A vacancy due to cause other than the
23 expiration of the term shall be filled for the unexpired term only.

24 (4) The director shall devote full time to the duties and
25 responsibilities of the office and shall receive a salary as shall be
26 provided pursuant to law.

27 (5) The director shall report directly to the Governor. The director
28 shall not be subject to Title 11A, Civil Service, of the New Jersey
29 Statutes, and may be removed only by the Governor for cause,
30 including, but not limited to, neglect of duty, misconduct, or the
31 inability to perform duties, upon notice and opportunity to be heard.

32 d. The director may:

33 (1) appoint such clerical staff, attorneys, and employees as
34 necessary and fix their duties, all of whom shall be subject to Title
35 11A, Civil Service, of the New Jersey Statutes;

36 (2) maintain liaison with local and State officials and agencies
37 concerned with matters related to the work of the division; and

38 (3) conduct investigations, receive complaints, and conduct
39 hearings thereon.

40 e. At least once annually, the director, or a designee, shall
41 present to the Legislature on the division's performance, including
42 any new policies, rules, or changes in procedures or processes
43 established by the division, and provide a summary of actions taken
44 to enforce the provisions of this act during the preceding calendar
45 year. The director, or a designee, shall answer any questions and
46 provide any information requested by the Legislature.

1 5. Concerning voter suppression, no voting qualification,
2 prerequisite to voting, law, ordinance, standard, practice, procedure,
3 regulation, or policy shall be enacted or implemented by any State
4 agency, local election office, or political subdivision in a manner that
5 results in a denial or abridgement of the right of members of a
6 protected class to vote. This section shall apply to any action to enact
7 or seek to administer any such voting qualification, prerequisite to
8 voting, law, ordinance, standard, practice, procedure, regulation, or
9 policy; however, no such law passed by the State Legislature in
10 accordance with Article IV, Section IV, paragraph 6 of the State
11 Constitution shall be facially invalidated pursuant to any provision
12 of this act.

13 a. A local government or State agency shall not take any action
14 or fail to take any action, including implementing, imposing, or
15 enforcing any qualification for eligibility to be an elector, any other
16 prerequisite to voting, or any law, ordinance, regulation, standard,
17 practice, procedure, or policy regarding the administration of
18 elections, or take any other action or fail to take any other action that
19 results in, will result in, or is intended to result in, either of the
20 following:

21 (1) a material disparity in voter participation, access to voting
22 opportunities, or the opportunity or ability to participate in the
23 political process between members of a protected class and other
24 members of the electorate; or

25 (2) based on the totality of the circumstances, an impairment of
26 the opportunity or ability of a protected class member to participate
27 in the political process.

28 b. Except for the circumstances enumerated under subsection c.
29 of this section, there shall be no violation under paragraph (1) of
30 subsection a. of this section if the local government or State agency
31 can demonstrate by clear and convincing evidence that the action or
32 inaction is necessary to significantly further a compelling
33 governmental interest and there is no alternative that results in a
34 smaller disparity between members of a protected class and other
35 members of the electorate.

36 c. Notwithstanding subsection b. of this section, a violation shall
37 always exist under paragraph (1) of subsection a. of this section in
38 the following circumstances:

39 (1) A local government or State agency took action that was
40 intended to result in a material disparity in voter participation, access
41 to voting opportunities, or the opportunity or ability to participate in
42 the political process between members of a protected class and other
43 members of the electorate;

44 (2) A local government closes, moves, or consolidates one or more
45 election districts, polling places, or ballot drop boxes in a manner that
46 results in materially greater burdens on members of a protected class
47 than on other members of the electorate;

1 (3) A local government changes the time or date of an election in
2 a manner that disproportionately impairs the right to vote of members
3 of a protected class;

4 (4) A special election is selected for a date that would likely result
5 in a disparity in levels of participation between protected class voters
6 and other voters, and there exists an alternate date in a reasonable
7 timeframe in which the disparity would be materially less significant;
8 or

9 (5) Following a vacancy in an office where protected class voters
10 are generally able to elect candidates of their choice or otherwise
11 influence the outcome of elections, a special election is not scheduled
12 on a reasonable timeframe, leaving the office vacant for an
13 unreasonable period.

14

15 6. a. Concerning vote dilution, no local election office or political
16 subdivision shall employ any method of election for any office that
17 has the effect, or is motivated in part by the intent, of impairing the
18 equal opportunity or ability of protected class members to participate
19 in the political process by diluting the ability to (1) elect candidates
20 of their choice or (2) influence the outcome of elections.

21 a. A local election office or political subdivision employs an at-
22 large method of election, and:

23 b. A violation of subsection a. of this section shall be established
24 upon a showing that:

25 (1) Elections in the local election office or political subdivision
26 exhibit racially polarized voting, resulting in an impairment of the
27 equal opportunity or ability of protected class members to nominate
28 or elect candidates of their choice or influence the outcome of
29 elections, or, based on the totality of the circumstances, the equal
30 opportunity or ability of members of a protected class to nominate or
31 elect candidates of their choice or influence the outcome of elections
32 is impaired; and

33 (2) One or more new methods of election or modifications to the
34 existing method of election exist that the court could order pursuant
35 to section 8 of this act, P.L. , c. (C.)(pending before the
36 Legislature as this bill), that would likely mitigate the impairment of
37 the equal opportunity or ability of protected class members to
38 nominate or elect candidates of their choice or to influence the
39 outcome of elections. To the extent that the new method of election
40 or modification is a proposed district-based plan that provides
41 members of a protected class with one or more reasonably configured
42 districts in which they would have an equal opportunity or ability to
43 nominate or elect candidates of their choice or influence the outcome
44 of elections, it is not necessary to show that members of a protected
45 class comprise a majority in any such district or districts.

46 c. To determine whether elections in the political subdivision
47 exhibit racially polarized voting:

1 (1) A court of competent jurisdiction shall consider analysis of
2 relevant election results, which may include but need not limited to
3 elections for offices of the political subdivision; elections held in the
4 political subdivision for other offices, such as State or federal offices;
5 ballot measures; and other electoral choices that bear on the rights
6 and privileges of the protected class.

7 (a) No set number or combination of elections shall be required
8 to establish the existence of racially polarized voting.

9 (b) Evidence of non-polarized voting in elections for offices
10 outside the political subdivision shall not preclude a finding of
11 racially polarized voting based on elections for offices of the political
12 subdivision.

13 (c) Non-statistical or non-quantitative evidence shall not preclude
14 a finding of racially polarized voting based on quantitative or
15 statistical evidence.

16 (d) Low turnout or registration rates among members of a
17 protected class shall not preclude a finding of racially polarized
18 voting.

19 (2) The presence of racially polarized voting shall be assessed
20 based only on the combined electoral preferences of the racial, color,
21 or language-minority groups comprising the protected class as
22 defined in the complaint. There shall be no requirement to show that
23 each group or any subgroup within a protected class is separately
24 polarized from other voters.

25 (3) The causes of or reasons for racially polarized voting,
26 including partisan explanations or discriminatory intent, shall not be
27 considered.

28
29 7. a. In determining whether, under the totality of the
30 circumstances, a violation of sections 5 and 6 of this act,
31 P.L. , c. (C.)(pending before the Legislature as this bill), has
32 occurred, factors that may be considered shall include, but not be
33 limited to:

34 (1) the history of discrimination in or affecting the political
35 subdivision or geographic region in which that political subdivision
36 is located;

37 (2) the extent to which members of the protected class have been
38 elected to office in the political subdivision or geographic region in
39 which that political subdivision is located;

40 (3) the use of any voting qualification, prerequisite to voting, law,
41 ordinance, standard, practice, procedure, regulation, or policy that
42 may enhance the dilutive effects of the election scheme;

43 (4) denying eligible voters or candidates who are members of the
44 protected class to processes determining which groups of candidates
45 receive access to the ballot, financial support, or other support in a
46 given election;

47 (5) the extent to which members of a protected class vote at lower
48 rates than other members of the electorate;

1 (6) the extent to which members of the protected class are
2 disadvantaged in areas including, but not limited to, accessibility,
3 education, employment, health, public safety, housing, land use,
4 involvement with the criminal justice system, access to information
5 in their native language, or environmental protection;

6 (7) the extent to which members of the protected class are
7 disadvantaged in other areas which may hinder their ability to
8 participate effectively in the political process;

9 (8) the use of overt or subtle racial appeals in political campaigns
10 or by government officials;

11 (9) a significant lack of responsiveness on the part of elected
12 officials to the particularized needs of members of the protected
13 class; and

14 (10) whether the political subdivision has a compelling policy
15 justification that is substantiated and supported by evidence for
16 adopting or maintaining a particular process of the election or the
17 voting qualification, prerequisite to voting, law, ordinance, standard,
18 practice, procedure, regulation, or policy.

19 b. Evidence of these factors shall be most probative if the
20 evidence relates to the political subdivision in which the alleged
21 violation occurred, but still holds probative value if the evidence
22 relates to the geographic region in which that political subdivision is
23 located or to this State.

24 c. Nothing in this section shall preclude any additional factors
25 from being considered, nor shall any one factor, combination of
26 factors, or specified number of factors be required to determine that
27 an impairment has occurred.

28 d. In determining whether a violation of section 5 or 6 of this act,
29 P.L. , c. (C.)(pending before the Legislature as this bill),
30 has occurred, a court shall not consider any of the following factors:

31 (1) the total number or share of members of a protected class on
32 whom a challenged method of election, ordinance, resolution, rule,
33 policy, standard, regulation, procedure, or law does not impose a
34 material burden;

35 (2) the degree to which the challenged method of election,
36 ordinance, resolution, rule, policy, standard, regulation, procedure,
37 or law has a long pedigree or was in widespread use at some earlier
38 date;

39 (3) the use of an identical or similar challenged method of
40 election, ordinance, resolution, rule, policy, standard, regulation,
41 procedure, or law in another political subdivision;

42 (4) the availability of other forms of voting un-impacted by the
43 challenged method of election, ordinance, resolution, rule, policy,
44 standard, regulation, procedure, or law to all members of the
45 electorate, including members of the protected class;

46 (5) a prophylactic impact on potential criminal activity by
47 individual electors, if those crimes have not occurred in the political
48 subdivision in substantial numbers, or if the connection between the

1 challenged policy and any claimed prophylactic effect is not
2 supported by substantial evidence;

3 (6) mere invocation of interests in voter confidence or prevention
4 of fraud; or

5 (7) a lack of evidence concerning the intent of electors, elected
6 officials, or public officials to discriminate against protected class
7 members.

8 e. Further, in any action under this act, the federal Voting Rights
9 Act, or a voting-related violation of the New Jersey Constitution or
10 United States Constitution, no sovereign, governmental, executive,
11 legislative, or deliberative immunities and privileges, including any
12 evidentiary privileges, may be asserted to limit the scope of relevant
13 discovery. However, this subsection shall have no effect on any
14 attorney-client or attorney work-product privileges.

15

16 8. Upon a finding of a violation of any of the provisions of this
17 act, P.L. , c. (C.) (pending before the Legislature as this bill),
18 a court shall order any remedy which may be appropriate under the
19 circumstances, notwithstanding any other law to the contrary. The
20 court shall have the authority to order remedies tailored to the
21 violation and intended to mitigate the risk of future violations, and
22 may consider, among others, any remedy that is available to a federal
23 court or the court of another jurisdiction for similar violations.

24 The court shall additionally consider remedies proposed by any of
25 the parties before it and any interested non-parties appearing before
26 the court. A remedy so proposed shall not be given priority because
27 it is proposed by a political subdivision.

28 The court may implement such remedies through an order of the
29 court, or via the inclusion of such remedies in a court-approved
30 consent decree or settlement.

31

32 9. a. Voting qualifications, prerequisites to voting, laws,
33 ordinances, standards, practices, procedures, regulations, or policies
34 that burden the right to vote, including registering to vote, for any
35 individual or community on the basis of age or disability, shall be
36 prohibited, unless such voting qualifications, prerequisites to voting,
37 laws, ordinances, standards, practices, procedures, regulations, or
38 policies are narrowly tailored to promote a compelling policy
39 justification that is supported by substantial evidence.

40 b. Any person, including any organization on behalf of an
41 impacted person or community, alleging a violation of this subsection
42 shall have the right to bring judicial action in any court of competent
43 jurisdiction, for remedies including, but not limited to, declaratory or
44 injunctive relief or any such other remedies as specified in this actor
45 as may be determined to cure the violation.

46

47 10. a. The governing body of a political subdivision with the
48 authority under this act and all applicable State and local laws to

1 enact and implement a new apportionment or redistricting plan, shall
2 undertake each of the steps enumerated in this section if such a plan
3 is proposed subsequent to receipt of NJVEA notification letters, as
4 defined in section 11 of this act, P.L. , c. (C.)(pending
5 before the Legislature as this bill), or to the filing of a claim pursuant
6 to this act or the federal Voting Rights Act.

7 b. Before drawing a draft or redistricting plan or plans of the
8 proposed boundaries of the districts, the political subdivision shall
9 hold public hearings, which may be held virtually, for which it will
10 provide at least seven days notice for each and at which the public is
11 invited to provide input regarding the composition of the districts. As
12 determined by the most recent U.S. census enumeration, political
13 subdivisions with 30,000 or more residents shall hold at least four
14 public hearings; political subdivisions with fewer than 30,000
15 residents and more than 5,000 residents shall hold at least three
16 public hearings; and political subdivisions with 5,000 or fewer
17 residents shall hold at least two hearings. Before these public
18 hearings, the political subdivision shall conduct outreach to the
19 public, including to non-English-speaking communities, to explain
20 the redistricting process and to encourage public participation.

21 c. After all draft or redistricting plans are drawn, the political
22 subdivision shall publish and make available for release at least one
23 draft or redistricting plan and, if members of the governing body of
24 the political subdivision would be elected in their districts at different
25 times to provide for staggered terms of office, the potential sequence
26 of such elections. The political subdivision shall additionally publish
27 and make publicly available a written report that shall include, but
28 not be limited to, a detailed summary of how the body came to select
29 such apportionment or redistricting plan, and how the selected plan
30 complies with the provisions of this act and with relevant federal law.

31 d. After the release of any draft pursuant to subsection c. of this
32 section, the political subdivision shall also hold at least two
33 additional hearings, at which the public, including limited English
34 proficient communities, shall be invited to provide input regarding
35 the content of the draft or redistricting plan or plans and the proposed
36 sequence of elections, if applicable. The draft or redistricting plan or
37 plans shall be published at least seven days before consideration at a
38 hearing. If the draft or redistricting plan or plans are revised at or
39 following a hearing, the revised versions shall be published and made
40 available to the public, including to limited English proficient
41 communities, for at least seven days. Before adoption, the political
42 subdivision shall hold at least one additional public hearing on the
43 revised draft plan or plans. Notice shall be provided to the public,
44 including translated to limited English proficient communities, at
45 least seven days prior to any additional hearing. Each public hearing
46 should provide interpretation services for limited English proficient
47 communities provided that where in-person interpretation services
48 may be unavailable, written testimonies in languages other than

1 English may be submitted for the public record within seven days
2 following the hearing. Any further changes to the revised draft plan
3 following the additional public hearing shall not require a second
4 additional public hearing.

5 e. In determining the final sequence of the district elections
6 conducted in a political subdivision in which members of the
7 governing body will be elected at different times to provide for
8 staggered terms of office, the governing body shall give special
9 consideration to the purposes of this act, and it shall take into account
10 the preferences expressed by members of the districts.

11

12 11. a. Before commencing a judicial action against a political
13 subdivision under section 5 or 6 of this act, P.L. , c. (C.)
14 (pending before the Legislature as this bill), a prospective plaintiff
15 shall send by certified mail a written notice to the clerk of the
16 political subdivision, or, if the political subdivision does not have a
17 clerk, the governing body of the political subdivision, against which
18 the action would be brought, asserting that the political subdivision
19 may be in violation of this act. This written notice shall be referred
20 to as a “NJVEA notification letter” in this act. For actions against a
21 school district, the prospective plaintiff shall also send by certified
22 mail a copy of the NJVEA notification letter to the Commissioner of
23 Education.

24 b. A prospective plaintiff shall not commence a judicial action
25 against a political subdivision under this section within 50 days of
26 sending to the political subdivision a NJVEA notification letter or
27 until its receipt of a written denial by the political subdivision,
28 whichever is earlier.

29 c. Within 50 days after a prospective plaintiff has mailed a NJVEA
30 notification letter or on its own volition, the governing body of a
31 political subdivision may pass a resolution affirming:

32 (1) the political subdivision's intention to enact and implement a
33 remedy for a potential violation of this act;

34 (2) specific steps the political subdivision will undertake to
35 facilitate approval and implementation of such a remedy; and

36 (3) a schedule for enacting and implementing such a remedy.

37 Such a resolution shall be referred to as a “NJVEA resolution” in
38 this act. If a political subdivision passes a NJVEA resolution, such
39 political subdivision shall have 140 days after a NJVEA notification
40 letter has been sent to enact and implement such remedy, during
41 which a prospective plaintiff shall not commence an action to enforce
42 this section against the political subdivision. For actions against a
43 school district, the Commissioner of Education may order the
44 enactment of a NJVEA resolution.

45 d. If the governing body of a political subdivision lacks the
46 authority under this act or applicable State law or local laws to enact
47 or implement a remedy identified in a NJVEA resolution, or fails to
48 enact or implement a remedy identified in a NJVEA resolution,

1 within 90 days after the passage of the NJVEA resolution, or if the
2 political subdivision is a covered entity as defined under subsection
3 c. of section 13 of this act the governing body of the political
4 subdivision shall undertake the steps enumerated in the following
5 provisions:

6 (1) the governing body of the political subdivision may approve a
7 proposed remedy that complies with this act and submit such a
8 proposed remedy to the division. Such a submission shall be referred
9 to as a “NJVEA proposal” in this act;

10 (2) prior to passing a NJVEA proposal, the political subdivision
11 shall hold at least one public hearing, at which the public shall be
12 invited to provide input regarding the NJVEA proposal. Before this
13 hearing, the political subdivision may conduct outreach to the public,
14 including to non-English-speaking communities, to encourage public
15 participation;

16 (3) within 45 days of receipt of a NJVEA proposal, the division
17 shall grant or deny approval of the NJVEA proposal; and

18 (4) the division shall only grant approval to the NJVEA proposal
19 if it concludes that:

20 (a) the political subdivision may be in violation of this act;

21 (b) the NJVEA proposal would remedy any potential violation of
22 this act;

23 (c) the NJVEA proposal is unlikely to violate the United States
24 Constitution or the New Jersey Constitution; and

25 (d) implementation of the NJVEA proposal is feasible.

26 (5) if the division grants approval, the NJVEA proposal shall be
27 enacted and implemented immediately, notwithstanding any other
28 law, rule, or regulation to the contrary;

29 (6) if the political subdivision is a covered entity as defined under
30 subsection c. of section 13 of this act, P.L. , c. (C.)(pending
31 before the Legislature as this bill), the political subdivision shall not
32 be required to obtain preclearance for the NJVEA proposal pursuant
33 to such section upon approval of the NJVEA proposal by the division;

34 (7) if the division denies approval, the NJVEA proposal shall not
35 be enacted or implemented, and the division shall explain the basis
36 for such denial and may, in its discretion, make recommendations for
37 an alternative remedy for which it would grant approval; and

38 (8) if the division does not respond, the NJVEA proposal shall not
39 be enacted or implemented and plaintiffs may seek judicial relief as
40 permitted by this act.

41 f. If, pursuant to a process commenced by a NJVEA notification
42 letter, a political subdivision enacts or implements a remedy or the
43 division grants approval to a NJVEA proposal, a prospective plaintiff
44 who sent the NJVEA notification letter may, within 30 days of the
45 enactment or implementation of the remedy or approval of the
46 NJVEA proposal, demand reimbursement for the cost of the work
47 product generated to support the NJVEA notification letter. A
48 prospective plaintiff shall make the demand in writing and shall

1 substantiate the demand with financial documentation, such as a
2 detailed invoice for demography services or for the analysis of voting
3 patterns in the political subdivision. A political subdivision may
4 request additional documentation if the provided documentation is
5 insufficient to corroborate the claimed costs. A political subdivision
6 shall reimburse a prospective plaintiff for reasonable costs claimed,
7 not to exceed \$50,000, or in an amount to which the parties mutually
8 agree. To the extent a prospective plaintiff who sent the NJVEA
9 notification letter and a political subdivision are unable to come to a
10 mutual agreement, either party may file a declaratory judgment
11 action to obtain a clarification of rights.

12 The \$50,000 cap on prospective plaintiff reimbursements
13 provided pursuant to this subsection shall be adjusted annually by the
14 State Treasurer in direct proportion to the percent change in the
15 Consumer Price Index over a 12-month period beginning November
16 1 and ending October 31. For the purpose of this subsection,
17 "Consumer Price Index" means the Consumer Price Index for All
18 Urban Consumers, New York-Northern New Jersey-Long Island
19 Metropolitan Area, All Items (1982-84=100), as published by the
20 Bureau of Labor Statistics in the United States Department of Labor.
21 The State Treasurer shall determine the amount of the adjustment by
22 December 1 of each year and the adjustment shall become effective
23 for reimbursements ordered during the calendar year following the
24 determination, beginning with reimbursements ordered on or after
25 January 1 of each calendar year. An adjustment in the reimbursement
26 cap shall be made only if the percent change in the Consumer Price
27 Index for the period specified is greater than zero. Such an annual
28 adjustment shall in no event be greater than 2 percent. If the
29 reference base of the index is changed, the index used to determine
30 the Consumer Price Index shall be the index converted to the new
31 base by standard statistical methods.

32 g. Notwithstanding the provisions of this section requiring notice
33 before commencing a judicial action, a party may bring a cause of
34 action for a violation of section 5 or section 6 of this act,
35 P.L. , c. (C.)(pending before the Legislature as this bill),
36 under any of the following circumstances:

37 (1) the action is commenced within one year after the adoption of
38 the challenged method of election, ordinance, resolution, rule, policy,
39 standard, regulation, procedure or law;

40 (2) the prospect of obtaining relief under the NJVEA notification
41 letter and NJVEA proposal processes of this section would be futile;

42 (3) another party has already submitted a notification letter under
43 subsection (1) alleging substantially similar violations such that the
44 political subdivision has reasonably sufficient notice of the
45 violations, and the violations asserted in the original notification
46 letter have not been the subject of a final judgment;

47 (4) following the party's submission of a notification letter , the
48 local election office or political subdivision has adopted a NJVEA

1 resolution that identifies a remedy that would not remedy the
2 violation identified in the party's notification letter; or

3 (5) the party is seeking preliminary relief with respect to an
4 upcoming election.

5

6 12. a. The division shall designate one or more languages, other
7 than English, for which assistance in voting and elections shall be
8 provided by a local election office or a political subdivision that
9 administers elections if, based on the most recent set of data from the
10 United States Census Bureau, American Community Survey, or data
11 of comparable quality collected by a public office, including but not
12 limited to, any data collection required by this act, it is determined
13 that:

14 (1) more than two percent, but in no instance fewer than 100
15 individuals, of eligible voters of a political subdivision speak a
16 particular shared language other than English and are limited English
17 proficient individuals; or

18 (2) more than 4,000 voters of such political subdivision speak a
19 particular shared language other than English and are limited English
20 proficient individuals.

21 b. A local election office or political subdivision required to
22 provide language assistance to a particular language-minority group
23 pursuant to this section shall provide physical, and may make
24 available online, electoral and voting materials, in the covered
25 language, including ballots, registration or voting notices, forms,
26 instructions, assistance, other materials or information relating to the
27 electoral process, and any public-facing materials required by this
28 act, P.L. , c. (C.)(pending before the Legislature as this bill),
29 so as to most effectively inform and enable members of the
30 designated language-minority group to participate in elections and
31 related activities. All such materials shall be provided in the
32 language of the applicable language-minority group as well as in the
33 English language, provided that where the language of the applicable
34 language-minority group is historically oral or unwritten, the local
35 election office or political subdivision shall only be required to
36 furnish oral instructions, assistance, and all other information
37 relating to registration and voting, including the ballot, orally. Any
38 provided translation must translate from one language to another in
39 an effective manner to convey the intent and essential meaning of the
40 original text and communication and must not solely rely on
41 automatic electronic translation services. Language assistance shall
42 also include the presence of bilingual poll workers where available.

43 c. In cases where the designated language has more than one
44 spoken dialect, the local election office or political subdivision
45 subject to the requirements of this section shall ascertain the dialects
46 that are commonly used by members of the applicable language-
47 minority group in the jurisdiction and to provide oral assistance in
48 such dialects.

1 d. A local election office or political subdivision subject to the
2 requirements of this section which seeks to provide English-only
3 materials may file an action against the State for a declaratory
4 judgment challenging the designation which requires such election
5 office or political subdivision to provide assistance in languages
6 other than English pursuant to subsection a. of this section. A court
7 of this State shall grant the requested relief if it finds that the
8 designation by the division was arbitrary and capricious or an abuse
9 of discretion.

10 e. Where the State creates, produces, or disseminates relevant
11 physical and online electoral and voting materials for or to local
12 election offices or to political subdivisions subject to the
13 requirements of this section, the State shall also comply with the
14 requirements of this section.

15
16 13. a. To ensure that the right to vote is not denied or abridged
17 on account of membership in a protected class, the enactment or
18 implementation of a covered policy by a covered entity, as defined in
19 this section, shall be subject to preclearance by the division as set
20 forth in this section.

21 b. A “covered policy” shall include any new or modified voting
22 qualification, prerequisite to voting, law, ordinance, standard,
23 practice, procedure, regulation, or policy concerning any of the
24 following topics:

- 25 (1) method of election;
- 26 (2) form of government;
- 27 (3) annexation or de-annexation of a political subdivision;
- 28 (4) incorporation of a political subdivision;
- 29 (5) consolidation or division of political subdivisions;
- 30 (6) removal of voters from enrollment lists or other list
31 maintenance activities;
- 32 (7) number, location, or hours of any election day or early voting
33 poll site;
- 34 (8) dates of elections and the election calendar, except with
35 respect to special elections;
- 36 (9) registration of voters;
- 37 (10) assignment of election districts to election day or early voting
38 poll sites;
- 39 (11) location of ballot drop boxes;
- 40 (12) assistance offered to members of a language-minority group,
41 as listed in paragraph (1) of subsection a. of section 12 of this act,
42 P.L. , c. (C.)(pending before the Legislature as this bill);
- 43 (13) districting or redistricting; and
- 44 (14) any additional topics designated by the division which must
45 be designated pursuant to a rule promulgated under the
46 “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et
47 seq.), upon a determination by the division that a new or modified
48 voting qualification, prerequisite to voting, law, ordinance, standard,

1 practice, procedure, regulation, or policy concerning such topics may
2 have the effect of denying or abridging the right to vote on account
3 of membership in a protected class.

4 c. A “covered entity” shall include:

5 (1) any political subdivision that, within the prior 25 years, has
6 been subject to any court order, government enforcement action, final
7 determination of the New Jersey Division on Civil Rights, court-
8 approved consent decree, or any other settlement in which the
9 political subdivision conceded liability, based upon a violation of the
10 provisions of this act, the right to vote under the New Jersey
11 Constitution, the federal Voting Rights Act, the Fifteenth
12 Amendment to the United States Constitution, a voting-related
13 violation of the Fourteenth Amendment to the United States
14 Constitution, or any violation of any other state or federal election
15 law based upon discrimination against members of a protected class;

16 (2) any political subdivision that, within the prior 25 years, has
17 been subject to any court order, government enforcement action, final
18 determination of the New Jersey Division on Civil Rights, court-
19 approved consent decree, or any other settlement in which the
20 political subdivision conceded liability, based upon a violation of any
21 state or federal civil rights law, Article I, paragraph 1 of the New
22 Jersey Constitution, or the Fourteenth Amendment to the United
23 States Constitution concerning discrimination against members of a
24 protected class;

25 (3) any county that contains at least 20,000 eligible voters of any
26 protected class, or in which members of any protected class constitute
27 at least 10 percent of the eligible voter population of the county, and
28 in which, in any year in the prior 10 years, the arrest rate among
29 members of such protected class is more than five times the arrest
30 rate among the population of the county as a whole, or exceeds the
31 arrest rate among the population of the county as a whole by at least
32 20 percentage points;

33 (4) any political subdivision that contains at least 50,000 eligible
34 voters of any protected class, or in which members of any protected
35 class constitute at least 25 percent of the eligible voter population of
36 the political subdivision, and in which, in any year in the prior 10
37 years, based on data made available by the United States Census, the
38 dissimilarity index of such protected class, calculated using census
39 tracts, is in excess of 50 with respect to the membership in a protected
40 class that comprises a plurality within the political subdivision;

41 (5) any political subdivision that contains at least 50,000 eligible
42 voters of any protected class, or in which members of any protected
43 class constitute at least 25 percent of the eligible voter population of
44 a political subdivision, and in which, in any year in the prior 10 years,
45 the poverty rate among members of such protected class exceeds the
46 poverty rate among the population of the political subdivision as a
47 whole by at least 10 percentage points;

1 (6) any political subdivision that contains at least 1,000 eligible
2 voters of any protected class, or in which members of any protected
3 class constitute at least 10 percent of the eligible voter population of
4 a political subdivision, and in which, in any year in the prior 10 years,
5 the percentage of voters of any protected class in the political
6 subdivision that participated in any general election for any political
7 subdivision office is at least 15 percentage points lower than the
8 percentage of all voters in the political subdivision that participated
9 in such election;

10 (7) any political subdivision that, during the prior three years, has
11 failed to comply with that political subdivision's obligations to
12 provide data or information to the New Jersey Voting and Elections
13 Institute pursuant to section 19 of this act,
14 P.L. , c. (C.)(pending before the Legislature as this bill); or

15 (8) any political subdivision that, during the prior 25 years, was
16 found to have enacted or implemented a covered policy without
17 obtaining preclearance for such covered policy pursuant to this
18 section.

19 d. If any covered entity is a political subdivision in which a local
20 election office has been established, that local election office shall
21 also be deemed a covered entity. If any political subdivision in which
22 a local election office has been established contains a covered entity
23 fully within its borders, that political subdivision and that local
24 election office shall both be deemed a covered entity.

25 e. At least biannually, the division shall determine which political
26 subdivisions are covered entities pursuant to subsection c. of this
27 section. A list of such covered entities shall be published on the
28 division's website pursuant to subsection d. of section 14 of this act,
29 P.L. , c. (C.)(pending before the Legislature as this bill). A
30 determination of coverage shall be effective upon such publication
31 and may be appealed as a final agency determination.

32 f. Following each decennial census, if a covered entity
33 maintains an at-large method of election, or a covered entity that
34 employs districting plans makes no revisions to its districting plans,
35 the at-large method of election or districting plans shall be deemed a
36 "covered policy" and shall be submitted to the division pursuant to
37 section 14 of this act. The division shall designate procedures to
38 effectuate this provision pursuant to rules promulgated under the
39 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
40 seq.).

41
42 14. a. A covered entity may obtain preclearance for a covered
43 policy from the division pursuant to the following process:

44 (1) The covered entity shall submit the covered policy in writing
45 to the division. If the covered entity is a county board of elections,
46 it shall contemporaneously provide a copy of the covered policy to
47 the Secretary of State.

1 (2) Upon submission of a covered policy for preclearance, as soon
2 as practicable but no later than within 10 days, the division shall
3 publish the submission on its website.

4 (3) After publication of a submission, there shall be an
5 opportunity for members of the public to comment on the submission
6 to the division within the time periods set forth in this section. To
7 facilitate public comment, the division shall provide an opportunity
8 for members of the public to sign up to receive notifications or alerts
9 regarding submission of a covered policy for preclearance.

10 (4) Upon submission of a covered policy for preclearance, the
11 division shall review the covered policy, and any public comment,
12 and shall, within the time periods set forth in this section, provide a
13 report and determination as to whether, under this act, preclearance
14 should be granted or denied to the covered policy. Such time period
15 shall run concurrent with the time periods for public comment. The
16 division shall not make such determination until the period for public
17 comment is closed. The division may request additional information
18 from a covered entity at any time during its review to aid in
19 developing its report and recommendation. The failure to timely
20 comply with reasonable requests for more information may be
21 grounds for the denial of preclearance. The division's reports and
22 determination shall be posted on its website.

23 (5) In any determination as to preclearance, the division shall
24 identify in writing whether it is approving or rejecting the covered
25 policy; provided, however, that the division may, in its discretion,
26 designate preclearance as "preliminary" in which case the division
27 may deny preclearance within 60 days following the receipt of
28 submission of the covered policy. The division shall deny
29 preclearance if it determines that the covered policy will diminish the
30 ability of protected class members to participate in the political
31 process and to elect their preferred candidates to office or that the
32 covered policy is more likely than not to violate this Act, the federal
33 Voting Rights Act, or other provisions of State or federal law;
34 otherwise, it shall grant preclearance. If the division grants
35 preclearance, the covered entity may enact or implement the covered
36 policy immediately. A determination by the division to grant
37 preclearance to a covered policy shall not be admissible or otherwise
38 considered by any court in any subsequent action challenging such
39 covered policy.

40 (6) If the division denies preclearance, the division shall interpose
41 objections explaining its basis and the covered policy shall not be
42 enacted or implemented.

43 (7) If the division fails to respond within the required time frame
44 as established in this section, the covered policy shall be deemed
45 precleared and the covered entity may enact or implement such
46 covered policy.

1 (8) The time periods for public comment, the division's review,
2 and the determination of the division to grant or deny preclearance
3 on submission shall be as follows:

4 (a) For any covered policy concerning the designation or selection
5 of polling locations, the assignment of election districts to a polling
6 location, or the location of ballot drop boxes, whether for election
7 day or the early voting period, the period for public comment shall
8 be five business days. At least seven days prior to any such comment
9 period, notice shall be provided to the public, including translated to
10 limited English proficient communities. The division shall review the
11 covered policy, including any public comment, and make a
12 determination to deny or grant preclearance for such covered policy
13 within 15 days following the receipt of such covered policy.

14 (b) Upon a showing of good cause, the division may invoke an
15 extension of up to 21 days to make a determination pursuant to this
16 paragraph.

17 (c) For any other covered policy, the period for public comment
18 shall be 10 business days, except that in the case of any such covered
19 policy described in this subparagraph that concerns the
20 implementation of a district-based method of election or redistricting
21 plans or a change to a municipality's form of government, the period
22 for public comment shall be 20 business days. The division shall
23 review the covered policy, including any public comment, within 60
24 days following the receipt of such covered policy and make a
25 determination to deny or grant preclearance for such covered policy.
26 The division may invoke up to two extensions of 90 days each.

27 (9) The division shall be authorized to promulgate rules for an
28 expedited, emergency preclearance process in the event of a covered
29 policy occurring during or imminently preceding an election during
30 a state of emergency, public health emergency, or state of local
31 disaster, or other exigent circumstances. Any preclearance granted
32 under this provision shall be designated "preliminary" and the
33 division may deny preclearance within 60 days following receipt of
34 the covered policy.

35 (10) Any denial of preclearance by the division may be appealed
36 only by the affected political subdivision to the Appellate Division
37 of the Superior Court of New Jersey and taken according to the
38 ordinary rules of appellate procedure. No other parties may file an
39 action to appeal a denial of preclearance nor intervene in any such
40 action brought by the affected political subdivision. Due to the
41 frequency and urgency of elections, actions brought pursuant to this
42 section shall be subject to expedited pretrial and trial proceedings and
43 receive an automatic calendar preference on appeal.

44 b. If any covered entity enacts or implements a covered policy
45 without seeking preclearance pursuant to this section, or enacts or
46 implements a covered policy notwithstanding the denial of
47 preclearance, either the division or any other party with standing to
48 bring an action under this act may bring an action to enjoin the

1 covered policy and to seek sanctions against the political subdivision
2 and officials in violation.

3 c. The division, in accordance with the “Administrative
4 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
5 such rules and regulations as the division deems necessary to
6 effectuate the provisions of this act.

7 d. The division shall additionally maintain a publicly accessible
8 website containing the following information:

9 (1) a list of all covered entities, to be updated biannually;

10 (2) all preclearance submissions each covered entity has made
11 since the effective date of this provision, including any written
12 submission filed by the covered entity; and

13 (3) the status and disposition of each preclearance submission by
14 each covered entity.

15 e. (1) An action may be filed by any aggrieved party in the
16 Superior Court in Mercer County in any of the following
17 circumstances:

18 (a) The division has approved preclearance to a covered policy in
19 violation of the provisions of this section. In any claim under this
20 subsection, the court has discretion to stay the implementation of the
21 covered policy until it can make a determination with respect to
22 whether preclearance should have been approved. A claim under this
23 subsection does not preclude, bar, or limit any other claims that may
24 be brought regarding the covered policy in any way, including claims
25 brought under other sections of this act.

26 (b) The division has identified a list of covered entities that is
27 inconsistent with the requirements of this section.

28 (c) The division has failed to properly implement any of the
29 provisions of this section.

30 (2) In any such action, the court shall evaluate any claims on a de
31 novo basis and shall not give deference to the division. The court has
32 broad authority to order adequate remedies consistent with section 8
33 of this act, including imposition of any injunctive relief on any party
34 as the court considers necessary to effectuate this section.

35

36 15. a. No person, whether acting under color of law or otherwise,
37 may engage in acts of intimidation, deception, violence or restraint,
38 or obstruction that affects the right of voters to access the elective
39 franchise or the performance of official duties by election workers.

40 b. A violation of subsection a. of this section shall be established
41 if:

42 (1) a person uses or threatens to use any force, violence, restraint,
43 abduction or duress, or inflicts or threatens to inflict any injury,
44 damage, harm or loss, or in any other manner practices intimidation
45 that causes or will reasonably have the effect of causing any person
46 to vote or refrain from voting in general or for or against any
47 particular person or for or against any public question submitted to
48 voters at such election; to place or refrain from placing their name

1 upon a registry of voters; to request or refrain from requesting a mail-
2 in ballot; or to be impeded in the performance of their official duties
3 if they are an election worker;

4 (2) a person knowingly uses any deceptive or fraudulent device,
5 contrivance or communication, that impedes, prevents or otherwise
6 interferes with the free exercise of the elective franchise by any
7 person, or that causes or will reasonably have the effect of causing
8 any person to vote or refrain from voting in general or for or against
9 any particular person or for or against any public question submitted
10 to voters at such election; to place or refrain from placing their name
11 upon a registry of voters; to request or refrain from requesting a mail-
12 in ballot; or to be impeded in the performance of their official duties
13 if they are an election worker; or

14 (3) a person obstructs, impedes, or otherwise interferes with
15 access to any polling place, ballot drop box, or elections office, or
16 obstructs, impedes, or otherwise interferes with any voter in any
17 manner that causes or will reasonably have the effect of causing any
18 delay in voting or the voting process, including the canvassing,
19 certification, and tabulation of ballots.

20 c. Notwithstanding R.S.19:15-8, any nonpartisan civic
21 organization having an interest in an election's administration may
22 request the local election office or political subdivision that
23 administers the election to allow poll monitors inside any poll site or
24 any place of ballot deposit. The local election office or political
25 subdivision that administers the election shall grant such requests
26 unless granting such request would result in an unreasonable burden
27 on the voting process. Poll monitors may observe voters go through
28 the process of voting, speak with elections officials and interpreters,
29 and monitor for compliance with federal, State, and local election
30 laws. Poll monitors may not interfere with election administration,
31 election workers, voters, or the voting process. While inside the poll
32 site, poll monitors shall not speak with voters, but may speak with
33 voters once they exit the poll site. Poll monitors shall not film or
34 photograph voters without their explicit consent.

35
36 16. a. Any aggrieved persons or organization whose membership
37 includes aggrieved persons or members of a protected class or who
38 have otherwise been given the right to bring judicial action within
39 this act, or any organization whose mission, in whole or in part, is to
40 ensure voting access and such mission would be hindered by a
41 violation of this act, or the division may file an action pursuant to this
42 act in the a Superior Court of the county in which the alleged
43 violation of this act occurred or in the Superior Court in Mercer
44 County.

45 b. Any party who shall violate any of the provisions of this act or
46 who shall aid the violation of any of said provisions shall be liable to
47 any prevailing plaintiff party for damages, including nominal

1 damages for any violation, and compensatory or punitive damages
2 for any intentional violation.

3

4 17. a. In any action or investigation to enforce any provision of
5 this act, the division shall have the authority to take proof and
6 determine relevant facts and to issue subpoenas in accordance with
7 the civil and criminal laws of this State.

8 b. Given the frequency of elections, the severe consequences and
9 irreparable harm of holding elections under unlawful conditions, and
10 the expenditure to defend potentially unlawful conditions that benefit
11 incumbent officials, actions brought pursuant to this act shall be
12 subject to expedited pretrial and trial proceedings and receive an
13 automatic calendar preference. In any action alleging a violation of
14 this section in which a plaintiff party seeks preliminary relief with
15 respect to an upcoming election, the court shall grant relief if it
16 determines that:

17 (1) plaintiffs are more likely than not to succeed on the merits;
18 and

19 (2) it is possible to implement an appropriate remedy that would
20 resolve the alleged violation in the upcoming election.

21 c. In any action to enforce any provision of this act, the court shall
22 allow the prevailing plaintiff party, other than the State or political
23 subdivision thereof, a reasonable attorneys' fee, litigation expenses
24 including, but not limited to, expert witness fees and expenses as part
25 of the costs. A plaintiff will be deemed to have prevailed when, as a
26 result of litigation, the defendant party yields much or all of the relief
27 sought in the suit. Prevailing defendant parties shall not recover any
28 costs, unless the court finds the action to be frivolous, unreasonable,
29 or without foundation.

30

31 18. a. The division, in conjunction with the Secretary of State,
32 shall engage in public education efforts as necessary to inform the
33 voting eligible population about their voting rights under this act,
34 P.L. , c. (C.)(pending before the Legislature as this bill),
35 including which populations are considered protected classes, which
36 rights are available under language access provisions, and any causes
37 of action and avenues of redress available for violations of this act.

38 b. As part of its public education efforts, the division, in
39 consultation with the Secretary of State, shall create and distribute
40 posters, flyers, online materials, and other written materials
41 containing information on rights under this act, to be available and
42 displayed prominently at all polling locations. Such public education
43 efforts and any related materials must be made available in any
44 languages in which the political subdivision is required to provide
45 language assistance pursuant to subsection a. of section 12 of this act,
46 P.L. , c. (C.)(pending before the Legislature as this bill).

1 19. a. There is hereby established the “New Jersey Voting and
2 Elections Institute,” at a public university in New Jersey designated
3 by the State Legislature, to maintain and administer a database and
4 central repository of elections and voting data available to the public
5 from all local election offices and political subdivisions in the State
6 of New Jersey and to foster, pursue, and sponsor research on existing
7 laws and best practices in voting and elections.

8 b. There shall be two co-directors of the Institute, one to be
9 selected by the Speaker of the General Assembly and one to be
10 selected by the President of the Senate. The directors shall jointly
11 manage the Institute and database and fulfill the responsibilities and
12 obligations as required by this section. The directors shall each serve
13 for a term of three years and may be selected for an additional term
14 thereafter in the same manner as the original selection.

15 c. The Institute shall provide a center for research, training and
16 information on voting systems and election administration, and house
17 a centralized and public database for elections and voting data. The
18 Institute shall be empowered:

19 (1) to conduct classes both for credit and non-credit;

20 (2) to organize interdisciplinary groups of scholars to research
21 voting and elections in the State;

22 (3) to conduct seminars involving voting and elections;

23 (4) to establish a nonpartisan centralized database in order to
24 collect, archive, and make publicly available at no cost an accessible
25 database pertaining to elections, registered voters, and ballot access
26 in the State;

27 (5) to assist in the dissemination of such data to the public;

28 (6) to publish such books and periodicals as it shall deem
29 appropriate on voting and elections in the State; and

30 (7) to provide nonpartisan technical assistance to political
31 subdivisions, scholars, and the general public seeking to use the
32 resources of the statewide database.

33 d. The Institute shall maintain in electronic format and make
34 available to the public online at no cost at minimum the following
35 data and records for at least the previous 12 year period in a
36 centralized database:

37 (1) estimates of protected class membership, including the total
38 population, voting age population, citizen voting age population, and
39 limited English proficiency by language spoken, broken down to the
40 election district level on a year-by-year basis for every political
41 subdivision in the State, based on data from the United States Census
42 Bureau, American Community Survey, or data of comparable quality
43 collected by a public office;

44 (2) election results at the election district level by method of
45 voting for every Statewide election and every election in every
46 political subdivision;

- 1 (3) contemporaneous voter registration lists, voter history files,
2 election day poll site locations, ballot dropbox locations, and early
3 voting site locations, for every election in every political subdivision;
- 4 (4) contemporaneous maps or other documentation of the
5 configuration of districts in any format or formats specified by the
6 director for election districts;
- 7 (5) election day or early voting poll sites including, but not limited
8 to, lists of election districts assigned to each polling place, if
9 applicable;
- 10 (6) districting or redistricting plans for every election in every
11 political subdivision; and
- 12 (7) any other data that the director deems advisable to maintain in
13 furtherance of the purposes of Title 19 of the Revised Statutes.
14 the voter history file after each election, each political subdivision
15 that holds elections pursuant to Title 19 of the Revised
- 16 e. Upon the certification of election results and the completion of
17 the voter history file after each election, each political subdivision
18 that holds elections pursuant to Title 19 of the Revised Statutes shall
19 transmit copies of the following to the New Jersey voting and
20 elections database and the Institute within 90 days after such election:
 - 21 (1) election results at the election district level;
 - 22 (2) contemporaneous voter registration lists;
 - 23 (3) voter history files;
 - 24 (4) maps or other documentation of the configuration of districts
25 in any format or formats specified by the director;
 - 26 (5) lists of election day poll sites, maps or other documentation
27 of the configuration of districts in any format or formats specified by
28 the director assigned to each election day poll site; and
 - 29 (6) any other publicly available data as requested by such
30 database and the Institute.
- 31 f. Except for any data, information, or estimates that identify
32 individual voters, the data, information, and estimates maintained by
33 the Statewide database shall be posted online and made available to
34 the public at no cost.
- 35 g. The Institute shall prepare any estimates made pursuant to this
36 section by applying the most advanced, peer-reviewed, and validated
37 methodologies.
- 38 h. The data, information, and estimates maintained by the New
39 Jersey Voting and Elections Institute shall be granted a rebuttable
40 presumption of validity by any court concerning any claim brought.
41
- 42 20. In reporting information to the Secretary of State pursuant to
43 paragraph (4) of subsection a. of section 2 of P.L.2019, c.385
44 (C.52:4-1.2), the Department of Corrections shall give each
45 individual's race, as identified using all racial and ethnic categories
46 included by the United States Census, as well as whether the
47 individual identifies with more than one race, whether the individual

1 is of Hispanic or Latino origin, and whether the individual is over the
2 age of 18.

3
4 21. The provisions of this act, P.L. , c. (C.)(pending
5 before the Legislature as this bill), shall apply to all elections for any
6 elected public office or electoral choice within the State or any
7 political subdivision. To ensure voters of protected classes, including
8 race, color, and language-minority groups have equitable access to
9 fully participate in the electoral process, the provisions of this act
10 shall apply notwithstanding any other provision of law, rule, or
11 regulation to the contrary. However, no such law passed by the State
12 Legislature in accordance with Article IV, Section IV, paragraph 6
13 of the State Constitution shall be facially invalidated pursuant to any
14 provision of this act.

15
16 22. The provisions of this act, P.L. , c. (C.)(pending
17 before the Legislature as this bill), shall be severable and if any
18 section, subsection, paragraph, subparagraph, sentence, or other
19 portion of this act is for any reason held or declared by any court of
20 competent jurisdiction to be unconstitutional or preempted by federal
21 law, or the applicability of that portion to any person or facility is
22 held invalid, the remainder of this act shall not thereby be deemed to
23 be unconstitutional, preempted, or invalid.

24
25 23. There is appropriated the sum of \$2.5 million from the
26 General Fund to the Division of Voting Rights for purposes of
27 implementing the provisions of this act.

28
29 24. R.S.19:45-3 is repealed.

30
31 25. This act shall take effect immediately.

32
33

34 STATEMENT

35
36 This bill establishes the “John R. Lewis Voter Empowerment Act
37 of New Jersey.”

38 Under the bill, all statutes, rules, and regulations, in this State
39 including all local laws or ordinances related to the elective franchise
40 must be construed liberally in favor of:

41 (1) protecting the right of voters to have their ballot cast and
42 counted;

43 (2) ensuring that eligible voters are not impaired in registering to
44 vote; and

45 (3) ensuring voters of race, color, and language-minority groups
46 have equitable access to fully participate in the electoral process in
47 registering to vote and voting.

1 The bill establishes an independent Division of Voting Rights to
2 oversee the implementation and enforcement of the bill's provisions
3 and all State election laws.

4 The bill prohibits elections officials from prescribing or
5 maintaining voting or elections policies and practices that
6 unnecessarily deny or abridge the right to vote. The bill also
7 prohibits a local election office or political subdivision from using a
8 method of election that has the effect of impairing the ability of
9 members of a protected class to elect candidates of their choice or
10 influence the outcome of elections, as a result of vote dilution. The
11 bill requires that any policy or practice that burdens the right to vote
12 must be narrowly tailored to promote a compelling interest and
13 supported by substantial evidence. The bill provides criteria for
14 determining if a violation of the bill has occurred, including if a
15 voter's right to vote has been violated or if the voter has experienced
16 vote dilution.

17 If a violation of the provisions of the bill occurs, the bill provides
18 a remedy process, including for apportionment and redistricting
19 maps. The bill provides that after a New Jersey Voter Empowerment
20 Act (NJVEA) notification letter is mailed from a prospective plaintiff
21 to a political subdivision, the political subdivision may pass an
22 NJVEA resolution reaffirming: (1) the political subdivision's
23 intention to enact and implement a remedy for a potential violation;
24 (2) specific steps the political subdivision will undertake to facilitate
25 approval and implementation of such a remedy; and (3) a schedule
26 for enacting and implementing such a remedy.

27 The bill provides that if the governing body of a political
28 subdivision lacks the authority under this act or applicable State law
29 or local laws to enact or implement a remedy identified in the
30 resolution, or fails to enact or implement a remedy identified in the
31 resolution, within 90 days after the passage of the resolution, or if the
32 political subdivision is a covered entity as defined by the bill, the
33 governing body of the political subdivision must coordinate with the
34 Division of Voting Rights to resolve the violation, including
35 reaffirming that any proposal is unlikely to violate the United States
36 Constitution, New Jersey Constitution, or any federal or State law;
37 and is feasible to implement.

38 Under the bill, the Division of Voting Rights is provided with
39 certain preclearance powers. The bill provides that if certain political
40 subdivisions that have been the subject of a court order or
41 government enforcement action based on violations of the bill; the
42 federal Voting Rights Act of 1965, as amended; the 15th amendment
43 to the United States Constitution, or a voting-related violation of the
44 14th amendment to the United States Constitution, may be subject to
45 preclearance, which is the process of obtaining prior approval from
46 the Division of Voting Rights or a court of this State for any changes
47 related to election procedures in that political subdivision. The bill
48 also provides that any final determination of the NJ Division of Civil

1 Rights, a court approved consent decree, or any violation of State or
2 federal election law against members of a protected class may be
3 cause for subjecting a political subdivision to the bill's preclearance
4 procedures. Counties and political subdivisions that meet certain
5 criteria regarding the number of voters belonging to a protected class,
6 voter participation, or poverty levels may additionally be subject to
7 preclearance procedures.

8 The bill provides definitions for a "covered entity" and a "covered
9 policy" and requires that covered entities submit their at-large
10 method of election and districting plans to the Division of Voting
11 Rights for review and approval following a decennial census.

12 The bill provides assistance to language-minority groups. Under
13 the bill, a local election office or a political subdivision that
14 administers elections must provide language-related assistance in
15 voting and elections to a language-minority group in a political
16 subdivision if, based on data from the United States Census Bureau
17 American Community Survey, or data of comparable quality
18 collected by a public office, that: (1) more than two percent, but in
19 no instance fewer than 100 individuals, eligible voters of a political
20 subdivision are members of a single language-minority group and are
21 limited English proficient; or (2) more than 4,000 of eligible voters
22 of such political subdivision are members of a single language-
23 minority group and are limited English proficient.

24 The bill further provides that a local election office or political
25 subdivision required to provide language assistance to a particular
26 language-minority group pursuant to this section must provide voting
27 materials in the covered language of an equal quality of the
28 corresponding English language materials, including registration or
29 voting notices, forms, instructions, assistance, or other physical or
30 online materials or information relating to the electoral process,
31 including ballots. When a designated language has more than one
32 spoken dialect, the local election office or political subdivision must
33 ascertain the dialects that are commonly used by members of the
34 applicable language minority group in the jurisdiction and to provide
35 oral assistance in such dialects.

36 Under the bill, any aggrieved persons or organization whose
37 membership includes aggrieved persons or members of a protected
38 class, organization whose mission, in whole or in part, is to ensure
39 voting access and such mission would be hindered by a violation of
40 this bill, or the Division of Voting Rights may file an action pursuant
41 to the bill in court. The bill provides that for any action or
42 investigation to enforce any provision of this bill, the division would
43 have the authority to take proof and determine relevant facts and to
44 issue subpoenas in accordance with the civil and criminal laws of this
45 State.

46 The bill also establishes the "New Jersey Voting and Elections
47 Institute," at a public university in New Jersey, to maintain and
48 administer a database and central repository of elections and voting

1 data available to the public from all local election offices and
2 political subdivisions in the State of New Jersey and to foster, pursue,
3 and sponsor research on existing laws and best practices in voting
4 and elections.

5 The purpose of this bill is to:

6 (1) encourage participation in the elective franchise by all eligible
7 voters to the maximum extent;

8 (2) ensure that eligible voters who are members of racial, ethnic,
9 and language minority groups have an equal opportunity to
10 participate in the political processes of this State and exercise the
11 elective franchise;

12 (3) improve the quality and availability of demographic and
13 election data; and

14 (4) protect eligible voters against intimidation and deceptive
15 practices.