

ASSEMBLY, No. 5651

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Assemblyman LARRY WAINSTEIN

District 33 (Hudson)

SYNOPSIS

Requires certain municipalities to offer early voting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring certain municipalities to offer early voting and
2 amending P.L.2021, c.40 and P.L.1981, c.379.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.2021, c.40 (C.19:15A-1) is amended to read
8 as follows:

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

14 (1) start on the 7th calendar day before a non-presidential
15 primary election for a non-presidential general election and end on
16 the second calendar day before that non-presidential primary
17 election;

18 (2) start on the 7th calendar day before a presidential primary
19 election for a presidential general election and end on the second
20 calendar day before that presidential primary election; **【or】**

21 (3) start on the 10th calendar day before a general election and
22 end on the second calendar day before that general election; or

23 (4) start on the 4th calendar day before a regular municipal
24 election held in May pursuant to the provisions of the "Uniform
25 Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.)
26 and end on the second calendar day before that regular municipal
27 election, unless the municipal governing body adopts an ordinance
28 to allow the early voting period to start on the eighth calendar day
29 before the regular municipal election and end on the second
30 calendar day before that regular municipal election.

31 The voting process during the early voting period shall be
32 conducted using electronic poll books and optical-scan voting
33 machines that read hand-marked paper ballots or other voting
34 machines that produce a voter-verifiable paper ballot. **【Any**
35 **municipality conducting regular municipal elections in May**
36 **pursuant to the provisions of the "Uniform Nonpartisan Elections**
37 **Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance**
38 **adopted by its governing body, also conduct early voting for the**
39 **regular municipal election, in accordance with the provisions of this**
40 **act, P.L.2021, c.40 (C.19:15A-1 et al.). If adopted by a municipal**
41 **governing body, the early voting period for a regular municipal**
42 **election in May shall start on the 4th calendar day before the regular**
43 **municipal election and end on the second calendar day before that**
44 **regular municipal election, except that the municipal governing**
45 **body may adopt an ordinance to allow the early voting period to**

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

Matter underlined thus is new matter.

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

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

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

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

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

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

- 1 c. Each early voting site in a county or municipality shall be
2 open for early voting on Monday through Saturday from at least 10
3 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. Any
4 voter who is on line at the time scheduled for the closing of an early
5 voting site 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
8 a general election, as appropriate, pursuant to this Title. The
9 number of such officers and their hours of service shall be as
10 determined by each county board of elections. The compensation
11 for such officers shall be the same as provided to district board of
12 election members serving at a school election pursuant to
13 R.S.19:45-6, or that required pursuant to Article I, paragraph 23 of
14 the New Jersey Constitution, whichever is 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
19 during an election, or within 200 feet of a polling place during an
20 election if the electioneering prohibition is extended at the
21 discretion of a county board of elections, shall be as provided in
22 chapters 15, 34, 50 and 52 of Title 19 of the Revised Statutes and
23 every other applicable section of this Title.
- 24 f. In real time using the electronic poll books each day during
25 the early voting period, and prior to the start of each regularly
26 scheduled primary and general election, and regular municipal
27 election in each non-partisan municipality [choosing to participate
28 in early voting], each county board shall make such changes as may
29 be necessary to the voter's record in the Statewide voter registration
30 system to indicate that a voter has voted in that election using the
31 early voting procedure.
- 32 g. (1) Each county board shall be responsible for forming and
33 executing a written plan to ensure, to the greatest extent possible,
34 the integrity of the voting process and the security of ballots used
35 during the early voting period, including the security of voting
36 machines, voted ballots, and election records. The plan shall be
37 based on guidelines established by the Secretary of State and shall
38 be submitted thereto no later than December 15 of each year. The
39 Secretary of State shall review and, if deemed necessary thereby,
40 require changes to a plan no later than February 1 of each year.
41 Each plan shall specify a chain of custody and security plan for the
42 voting machines, and a chain of custody for the voted ballots and
43 election records and materials, and shall require, among other
44 specifications deemed necessary by the Secretary of State and
45 county boards of election, that all voted ballots shall be transferred
46 at the end of each early voting day to county boards of election for
47 safekeeping. After the voted ballots are transferred to the county
48 board of elections at the end of each early voting day, a county
49 board may elect to impound those voted ballots on a secure server,

1 or by any other means deemed appropriate by the Secretary of State.
2 The voted ballots shall not be canvassed until the closing of the
3 polls on election day as required pursuant to section 4 of this act,
4 P.L.2021, c.40 (C.19:15A-4). The results of the voted ballots cast
5 during early voting shall remain confidential and shall be disclosed
6 only in accordance with the provisions of Title 19 of the Revised
7 Statutes, regulations, and guidelines concerning the disclosure of
8 election results, and a violation shall be subject to the penalties
9 established by law.

10 (2) Notwithstanding the provisions of this subsection, in the
11 year in which P.L.2021, c.40 (C.19:15A-1 et al.) becomes law, each
12 county board shall submit its plan to the Secretary of State within
13 30 days following the effective date of this act and the Secretary of
14 State shall review it and, if deemed necessary thereby, require
15 changes in the plan within 45 days following the effective date of
16 this act.

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

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

46 j. Each polling place used for early voting shall also have such
47 appropriate supplies, ballots and other materials deemed necessary
48 by the Secretary of State or as is required currently for a polling

1 place on the day of any election by Title 19 of the Revised Statutes.
2 (cf: P.L.2026, c.8, s.1)

3
4 2. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
5 as follows

6 3. Except as may otherwise be provided by law for initial
7 elections conducted in a municipality following its adoption of a
8 plan or form of government, or a charter or an amendment thereto,
9 regular municipal elections shall be held in each municipality
10 governed by this act on the second Tuesday in May, or the day of
11 the general election in November if chosen by the municipality
12 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
13 7.1), in the years in which municipal officers are to be elected. The
14 municipal election shall be held at the same place or places and
15 conducted in the same manner, so far as possible, as the general
16 election. The election officers shall be those provided for
17 conducting the general election.

18 A municipality holding municipal elections on the second
19 Tuesday in May, in addition to those elections ~~and by an ordinance~~
20 ~~adopted by its governing body, may~~, shall also conduct early
21 voting for those municipal elections, in accordance with the
22 provisions of P.L.2021, c.40 (C.19:15A-1 et al.). A municipality
23 holding municipal elections on the day of the general election in
24 November shall conduct early voting in accordance with the
25 provisions of P.L.2021, c.40 (C.19:15A-1 et al.).

26 Notwithstanding the provisions of this section, the Secretary of
27 State may change in any year the date provided for a regular
28 municipal election if the date coincides with a period of religious
29 observance that limits significantly the usual activities of the
30 followers of a particular religion or that would result in significant
31 religious consequences for such followers. The secretary shall
32 inform the municipal clerks, county clerks and boards of election of
33 the adjustment no later than the first working day in January of the
34 year in which the adjustments are to occur.

35 As used in this section "a period of religious observance" means
36 any day or portion thereof on which a religious observance imposes
37 a substantial burden on an individual's ability to vote.
38 (cf: P.L.2021, c.40, s.21)

39
40 3. This act shall take effect January 1 next following the date of
41 enactment.

42 43 44 STATEMENT

45
46 This bill requires municipalities that hold nonpartisan elections
47 in May to conduct early voting. Under current law, a municipality

1 that holds an election on the second Tuesday in May is permitted,
2 but not required, to conduct early voting for that election.
3 Municipalities are required under current law to conduct early
4 voting for municipal elections held on the day of a general election
5 in November.