CHAPTER 31

AN ACT establishing the "John R. Lewis Voter Empowerment Act of New Jersey," and supplementing Title 19 of the Revised Statutes.

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

C.19:4A-1 Short title.

1. This act shall be known and may be cited as the "John R. Lewis Voter Empowerment Act of New Jersey."

C.19:4A-2 Equal opportunity, voting rights.

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

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

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

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

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

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

(3) ensuring voters do not face unlawful discrimination in voting;

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

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

C.19:4A-3 Definitions.

3. As used in this act, P.L.2026, c.31 (C.19:4A-1 et seq.):

"Covered entity" means any political subdivision subject to the preclearance program as determined by the criteria established in subsection c. of section 13 of this act, P.L.2026, c.31 (C.19:4A-13), except that the New Jersey Redistricting Commission, established pursuant to Article II, Section II of the New Jersey Constitution, and the Apportionment Commission, established pursuant to Article IV, Section III of the New Jersey Constitution, shall not be considered covered entities.

"Covered policy" means any new or modified voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy that relates to any voting or elections-related topics as specified in subsection b. of section 13 of this act, P.L.2026, c.31 (C.19:4A-13).

"Deceptive or fraudulent device, contrivance, or communication" means a device, contrivance, or communication that contains false information pertaining to:

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

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

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

"Disparity" means any variance that is supported by validated methodologies and, where relevant, is statistically significant.

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

"Government enforcement action" means an enforcement action taken by the Attorney General in response to the implementation of a covered policy, by a covered entity, despite a denial of preclearance; litigation filed by a federal or State or local entity; a final judgment or adjudication; a consent decree; or similar formal action.

"Limited English proficient" means that a person speaks, reads, writes, or understands the English language less than "very well," in accordance with United States Census Bureau data or data of comparable quality collected by a governmental entity, including as self-reported by that person to a governmental entity.

"Local election office" means the offices of the county or municipal clerk, county board of elections, commissioner of registration, or superintendent of elections.

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

"Political subdivision" means a local unit of representation created for the provision of government services in a geographic area, including, but not limited to, a county, municipality, city, town, township, village, borough, school district, or any other district organized pursuant to State or local law.

"Preclearance" means the process of obtaining prior approval from the Attorney General for any covered policy of a covered entity, as defined under section 13 of this act, P.L.2026, c.31 (C.19:4A-13).

"Protected class" means a class of individuals who are members of a racial, color, or language-minority group, or two or more such groups and includes individuals who are members of a racial, color, or language-minority group.

"Racially polarized voting" means voting in which there is a divergence between the political preferences or electoral choice of members in a protected class and the political preferences or electoral choice of other electors.

C.19:4A-4 Responsibility of enforcement, John R. Lewis Voter Empowerment Act of New Jersey.

4. a. The Attorney General of New Jersey shall be responsible for enforcing the provisions of this act, P.L.2026, c.31 (C.19:4A-1 et seq.), and shall designate the Division on Civil Rights to have general jurisdiction and authority for such purposes. The Attorney General may undertake any action that may be necessary to carry out the responsibilities assigned by this act, including, but not limited to:

(1) conducting investigations and issuing subpoenas pursuant to sections 16 and 17 of P.L.2026, c.31 (C.19:4A-16 and C.19:4A-17);

(2) initiating studies, conducting research, issuing reports on elections and voting rights, and producing and disseminating guidance on any matters that fall within the purview of this act, P.L.2026, c.31 (C.19:4A-1 et seq.);

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

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

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

b. Nothing in this act, P.L.2026, c.31 (C.19:4A-1 et seq.), shall be construed to limit the Attorney General from providing representation, advice, or guidance to any political subdivision or local election office that requests it, provided that the Attorney General maintains a firewall and any additional safeguards as may be necessary to avoid any actual or perceived conflicts of interest and preserves the independence of voting rights enforcement functions.

C.19:4A-5 Prohibition against motions resulting in abridgement of right to vote, protected class.

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

b. A political subdivision, local election office, or State agency shall not take any action, including implementing, imposing, or enforcing any qualification for eligibility to be an elector, any other prerequisite to voting, or any law, ordinance, regulation, standard, practice, procedure, or policy regarding the administration of elections, or take any other action that results in, will result in, or is intended to result in either of the following:

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

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

c. If a plaintiff establishes that an action results in, or will result in, either of the conditions set forth in paragraph (1) or (2) of subsection b. of this section, but the political subdivision, local election office, or State agency can show that the action is justified by a compelling State interest, then there shall be no violation under this section.

d. Notwithstanding subsection c. of this section, a violation shall always exist under paragraph (1) of subsection b. of this section if a political subdivision took action that was intended to result in a material disparity in access to voting opportunities, or the opportunity or ability to participate in the political process, between members of a protected class and other members of the electorate.

C.19:4A-6 Prohibition against motions resulting in election dilution.

6. a. Concerning vote dilution, no local election office or political subdivision shall employ any method of election for any office that has the effect, or is motivated in part by the intent, of impairing the equal opportunity or ability of protected class members to participate in the

political process by diluting the ability to (1) elect candidates of their choice; or (2) influence the outcome of elections.

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

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

(2) One or more alternative methods of election or modifications to the existing method of election exist and would likely mitigate the impairment of the equal opportunity or ability of protected class members to nominate or elect candidates of their choice or to influence the outcome of elections. To the extent that the new method of election or modification is a proposed district-based plan that provides members of a protected class with one or more reasonably configured districts in which they would have an equal opportunity or ability to nominate or elect candidates of their choice or influence the outcome of elections, it shall not be necessary to show that members of a protected class comprise a majority in any such district or districts.

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

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

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

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

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

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

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

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

C.19:4A-7 Factors to be considered to determine violation of voter empowerment.

7. a. In determining whether, under the totality of the circumstances, a violation of sections 5 and 6 of this act, P.L.2026, c.31 (C.19:4A-5 and C.19:4A-6), has occurred, factors that may be considered shall include, but not be limited to:

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

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

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

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

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

(6) the extent to which members of the protected class are disadvantaged in areas that may hinder their ability to participate effectively in the political process, including, but not limited to, accessibility, education, employment, health, public safety, housing, land use, involvement with the criminal justice system, access to information in their native language, or environmental protection;

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

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

(9) a significant lack of responsiveness on the part of elected officials to the particularized needs of members of the protected class.

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

c. Nothing in this section shall preclude any additional factors from being considered, nor shall any one factor, combination of factors, or specified number of factors be required, to determine that a violation of section 5 or 6 of this act, P.L.2026, c.31 (C.19:4A-5 or C.19:4A-6) has occurred.

C.19:4A-8 Violation of provisions, remedies ordered.

8. Upon a finding of a violation of any of the provisions of this act, P.L.2026, c.31 (C.19:4A-1 et seq.), a court shall order any remedy which may be appropriate under the circumstances, and, if necessary to cure a violation of this act, may order one or more remedies that may be inconsistent with other laws relating to the conduct of elections if such inconsistent laws would otherwise preclude the court from ordering an appropriate remedy. The court shall have the authority to order remedies tailored to the violation and intended to mitigate both the risk of future violations and of disruption to the electoral system.

The court shall additionally consider remedies proposed by any of the parties or amici curiae appearing before it. A remedy so proposed shall not be given priority because it is proposed by a political subdivision.

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

C.19:4A-9 Burdens on the right to vote based on disability, sex, orientation, expression prohibited, exceptions.

9. a. Voting qualifications, prerequisites to voting, laws, ordinances, standards, practices, procedures, regulations, or policies that burden the right to vote, including registering to vote, for any individual or community on the basis of disability, sex, sexual orientation, or gender identity or expression shall be prohibited, unless such voting qualifications, prerequisites to voting, laws, ordinances, standards, practices, procedures, regulations, or policies are justified by a compelling State interest.

b. Any person, including any organization on behalf of an impacted person or community, alleging a violation of this section shall have the right to bring judicial action in any court of competent jurisdiction for remedies, including, but not limited to, declaratory or injunctive relief or any such other remedies as specified in this act or as may be necessary to cure the violation.

C.19:4A-10 Steps before enacting, implementing new municipal, county apportionment, redistricting plans.

10. a. The governing body of a political subdivision with the authority under this act and all applicable State and local laws to enact and implement a new municipal or county apportionment or redistricting plan shall undertake each of the steps enumerated in this section if, at the time such plan is proposed, the political subdivision is considered a covered entity within the meaning of section 13 of this act, P.L.2026, c.31 (C.19:4A-13).

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

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

d. After the release of any draft pursuant to subsection c. of this section, the political subdivision shall also hold at least two additional public hearings, at which the public, including limited English proficient communities, shall be invited to provide input regarding the content of the draft redistricting plan or plans and the proposed sequence of elections if applicable. The draft municipal or county redistricting plan or plans shall be published at least seven days before consideration at a public hearing. If the draft redistricting plan or plans are revised at or following a public hearing, the revised versions shall be published and made available to the public, including to limited English proficient communities, for at least seven days. Before adoption, the political subdivision shall hold at least one additional public hearing on the revised draft plan or plans. Notice shall be provided to the public, including translated to limited English proficient

communities, at least seven days prior to any additional public hearing. Each public hearing should provide interpretation services for limited English proficient communities, provided that where in-person interpretation services may be unavailable, written testimonies in languages other than English may be submitted for the public record within seven days following the public hearing. Any further changes to the revised draft plan following the additional public hearing shall not require a second additional public hearing.

e. If a political subdivision that undertakes the redistricting process set forth in this section is unable to adopt a redistricting plan as a result of deadlines imposed under Title 19 of the Revised Statutes, the political subdivision may seek and obtain appropriate relief, including relief from any applicable deadlines under Title 19, in the Superior Court.

C.19:4A-11 New Jersey Voter Empowerment Act notification letter, resolution.

11. a. Before commencing a judicial action against a political subdivision under section 5 or 6 of this act, P.L.2026, c.31 (C.19:4A-5 or C.19:4A-6), a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision or, if the political subdivision does not have a clerk, the governing body of the political subdivision, against which the action would be brought, asserting that the political subdivision may be in violation of this act. This written notice shall be referred to as a "New Jersey Voter Empowerment Act notification letter," or an "NJVEA notification letter" in this act. The prospective plaintiff shall also send by certified mail a copy of the NJVEA notification letter to the Division of Elections within the Department of State and the county clerk, the county board of elections, and, as applicable, the county superintendent of elections of the political subdivision against which the action would be brought.

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

c. Within 50 days after a prospective plaintiff has mailed an NJVEA notification letter or on its own volition, the governing body of a political subdivision may pass a resolution, after consulting with the Division of Elections within the Department of State and the county clerk, the county board of elections, and, as applicable, the county superintendent of elections of the political subdivision, affirming:

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

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

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

Such a resolution shall be referred to as an "NJVEA resolution" in this act. If a political subdivision passes an NJVEA resolution, such political subdivision shall have 140 days after receipt of the NJVEA notification letter to enact and implement such remedy, during which time a prospective plaintiff shall not commence an action to enforce section 5 or 6 of P.L.2026, c.31 (C.19:4A-5 or C.19:4A-6) against the political subdivision.

d. If the governing body of a political subdivision lacks the authority under this act or applicable State law or local laws to enact or implement a remedy identified in an NJVEA resolution, or seeks to enact or implement a remedy other than the remedy identified in an NJVEA resolution, within 140 days after receipt of the NJVEA notification letter, or if the political subdivision is a covered entity as defined under subsection c. of section 13 of this act,

the governing body of the political subdivision shall undertake the steps enumerated in the following provisions:

(1) the governing body of the political subdivision may approve a proposed remedy that complies with this act and submit such a proposed remedy to the Attorney General but only after consultation with the Division of Elections within the Department of State. Such a submission shall be referred to as an "NJVEA proposal" in this act;

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

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

(4) the Attorney General shall only grant approval to the NJVEA proposal if it concludes that:

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

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

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

(d) implementation of the NJVEA proposal is feasible, as determined by the Attorney General in consultation with the Division of Elections within the Department of State and the county clerk, the county board of elections, and, as applicable, the county superintendent of elections of the political subdivision.

(5) if the Attorney General grants approval, the NJVEA proposal shall be enacted immediately and implemented as soon as it is feasible to do so and only after consultation with the Division of Elections within the Department of State and the county clerk, the county board of elections, and, as applicable, the county superintendent of elections of the political subdivision;

(6) if the political subdivision is a covered entity as defined under subsection c. of section 13 of this act, P.L.2026, c.31 (C.19:4A-13), the political subdivision shall not be required to obtain preclearance for the NJVEA proposal pursuant to such section upon approval of the NJVEA proposal by the Attorney General;

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

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

e. If, pursuant to a process commenced by an NJVEA notification letter, a political subdivision enacts or implements a remedy or the Attorney General grants approval to an NJVEA proposal, a prospective plaintiff who sent the NJVEA notification letter may, within 30 days of the enactment or implementation of the remedy or approval of the NJVEA proposal, demand reimbursement for the cost of the work product generated to support the NJVEA notification letter. A prospective plaintiff shall make the demand in writing and shall substantiate the demand with financial documentation, such as a detailed invoice for demography services or for the analysis of voting patterns in the political subdivision. A political subdivision may request additional documentation if the provided documentation is insufficient to corroborate the claimed costs. A political subdivision shall reimburse a prospective plaintiff for reasonable costs claimed, not to exceed $50,000, or in an amount to which the parties mutually agree. To the extent a prospective plaintiff who sent the NJVEA

notification letter and a political subdivision are unable to come to a mutual agreement, either party may file a declaratory judgment action to obtain a clarification of rights.

The $50,000 cap on prospective plaintiff reimbursements provided pursuant to this subsection shall be adjusted biennially by the State Treasurer in direct proportion to the percent change in the Consumer Price Index over a 24-month period beginning November 1 and ending October 31. For the purpose of this subsection, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, New York-Northern New Jersey-Long Island Metropolitan Area, All Items (1982-84=100), as published by the Bureau of Labor Statistics in the United States Department of Labor. The State Treasurer shall determine the amount of the adjustment by December 1 of every even year and the adjustment shall become effective for reimbursements ordered during the two calendar years following the determination, beginning with reimbursements ordered on or after January 1 of the first calendar year in the two-year cycle. An adjustment in the reimbursement cap shall be made only if the percent change in the Consumer Price Index for the period specified is greater than zero. Such biennial adjustment shall in no event be greater than 2 percent. If the reference base of the index is changed, the index used to determine the Consumer Price Index shall be the index converted to the new base by standard statistical methods.

f. Notwithstanding the provisions of this section requiring notice before commencing a judicial action, a party may bring a cause of action for a violation of section 5 or section 6 of this act, P.L.2026, c.31 (C.19:4A-5 or C.19:4A-6), under the following circumstances:

(1) another party has already submitted a notification letter and commenced a judicial action against the political subdivision, and the party bringing a cause of action pursuant to this subsection alleges substantially similar violations and seeks to join the previously filed judicial action;

(2) the party is seeking preliminary relief with respect to an election that is scheduled to be held less than 70 days from the date of receipt of the NJVEA letter; or

(3) the prospect of obtaining relief under the NJVEA notification letter and NJVEA proposal processes of this section would be futile.

g. For the purposes of this section, any consultation between the political subdivision and the county clerk, county board of elections, commissioner of registration, or county superintendent of elections shall be limited to the logistical and operational feasibility of a proposed remedy. Nothing in this section shall be construed to create liability or enforcement responsibility, or confer policy-making authority on the county clerk, county board of elections, commissioner of registration, or county superintendent of elections, for decisions made or remedies proposed or implemented by a political subdivision.

C.19:4A-12 Languages designated, assistance in voting, elections.

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

(1) more than two percent, but in no instance fewer than 300 individuals, of citizens of voting age of a political subdivision speak a particular shared language other than English and are limited English proficient individuals; or

(2) more than 4,000 citizens of voting age of such political subdivision speak a particular shared language other than English and are limited English proficient individuals.

b. A local election office or political subdivision required to provide language assistance to a particular language-minority group pursuant to this section shall provide physical, and may make available online, electoral and voting materials in the covered language, including ballots, registration or voting notices, forms, instructions, assistance, other materials or information relating to the electoral process, and any public-facing materials required by this act, P.L.2026, c.31 (C.19:4A-1 et seq.), consistent with the definition of "translation" as used in P.L.2023, c.263 (C.52:14-40 et seq.). All such materials shall be provided in the language of the applicable language-minority group as well as in the English language, provided that where the language of the applicable language-minority group is historically oral or unwritten, the local election office or political subdivision shall only be required to furnish oral instructions, assistance, and all other information relating to registration and voting, including the ballot, orally. Any provided translation must translate from one language to another in an effective manner to convey the intent and essential meaning of the original text and communication and must not solely rely on automatic electronic translation services. Language assistance shall also include the presence of bilingual members of a district board appointed, pursuant to R.S.19:6-1, where and when available and, notwithstanding any other provision of law to the contrary, such district board members need not be residents of the county in which they will serve but shall be residents of the State.

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

d. A local election office or political subdivision may file an action against the State for a declaratory judgment challenging the designation which requires such election office or political subdivision to provide assistance in languages other than English pursuant to subsection a. of this section or permitting the provision of materials that do not meet the standard defined in this section or English-only material. A court of this State shall grant the requested relief if it finds that the designation by the Attorney General was arbitrary and capricious or an abuse of discretion.

e. To the extent not already required by P.L.2023, c.263 (C.52:14-40 et seq.), where the State creates, produces, or disseminates relevant physical and online electoral and voting materials for or to local election offices or to political subdivisions subject to the requirements of this section, the State shall also comply with the requirements of this section.

f. The Division of Elections within the Department of State shall establish a clearinghouse for the translation of common terminology utilized on election ballots, voter registration forms, and other essential voting-related materials. Local election offices, political subdivisions, and other election officials shall consult with the clearinghouse to ensure accurate translations when providing language assistance and materials to voters pursuant to this section.

g. Nothing in this section shall be construed to limit the applicability or reduce the number of non-English languages to which vital documents are required to be translated pursuant to P.L.2023, c.263 (C.52:14-40 et seq.).

C.19:4A-13 Covered policy subject to preclearance, Attorney General.

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

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

(1) method of election;

(2) annexation or de-annexation of a political subdivision;

(3) incorporation of a political subdivision;

(4) consolidation or division of political subdivisions;

(5) the methodology for engaging in list maintenance activities or for identifying voters for removal from the Statewide voter registration system;

(6) number, location, or hours of any election day or early voting poll site;

(7) dates of elections and the election calendar, except with respect to special elections;

(8) registration of voters;

(9) assignment of election districts to election day or early voting polling sites;

(10) location of ballot drop boxes;

(11) assistance offered to members of a language-minority group, as listed in paragraph (1) of subsection a. of section 12 of this act, P.L.2026, c.31 (C.19:4A-12);

(12) districting or redistricting; and

(13) any additional topics designated by the Attorney General, which shall be designated pursuant to a rule promulgated by the Attorney General in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), upon a determination by the Attorney General that a new or modified voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy concerning such topics may have the effect of denying or abridging the right to vote on account of membership in a protected class.

c. A "covered entity" shall include:

(1) any political subdivision that, within the prior 15 years, has been subject to any court order, government enforcement action, final determination of the New Jersey Division on Civil Rights, court-approved consent decree, or any other settlement in which the political subdivision conceded liability, based upon a claim alleging discrimination against members of a protected class, in violation of the provisions of this act, the right to vote under the New Jersey Constitution, the federal Voting Rights Act, the Fifteenth Amendment to the United States Constitution, a voting-related violation of the Fourteenth Amendment to the United States Constitution, or any violation of any other state or federal election law, except that no political subdivision shall be considered a covered entity within the meaning of this paragraph on the basis of any court order, government enforcement action, final determination of the New Jersey Division on Civil Rights, court-approved consent decree, or other settlement occurring prior to the effective date of this section;

(2) any political subdivision that, within the prior 15 years, has been subject to any court order, final determination of the New Jersey Division on Civil Rights, court-approved consent decree, or any other settlement in which the political subdivision conceded liability, based upon a claim alleging a pattern, practice, or policy of discrimination against members of a protected class, in violation of any state or federal civil rights law, Article I, paragraph 1 of the New Jersey Constitution, or the Fourteenth Amendment to the United States Constitution, except that no political subdivision shall be considered a covered entity within the meaning of this paragraph on the basis of any court order, final determination of the New Jersey Division on Civil Rights, court-approved consent decree, or other settlement occurring prior to the effective date of this section;

(3) any county that (a) contains at least 20,000 eligible voters of any one protected class, or in which members of any one protected class constitute at least 10 percent of the eligible

voter population of the county; and (b) in which, in any year in the prior 10 years, the arrest rate among members of such protected class is more than five times the arrest rate among the population of the county as a whole, or exceeds the arrest rate among the population of the county as a whole by at least 20 percentage points;

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

(5) any political subdivision that, at any point during the prior three years, has failed to reasonably comply with that political subdivision's obligations to provide data or information to the Division of Elections pursuant to section 19 of this act, P.L.2026, c.31 (C.19:4A-19); or

(6) any political subdivision that, during the prior eight years, was found to have enacted or implemented a covered policy without obtaining preclearance for such covered policy when required pursuant to this section.

d. At least biannually, the Attorney General shall determine which political subdivisions are covered entities pursuant to subsection c. of this section. A list of such covered entities shall be published on the Attorney General's website pursuant to subsection d. of section 14 of this act, P.L.2026, c.31 (C.19:4A-14). A determination of coverage shall be effective upon such publication and may be appealed as a final agency determination.

e. Following each federal decennial census, if a covered entity maintains an at-large method of election, the at-large method of election shall be deemed a "covered policy" and shall be submitted to the Attorney General pursuant to section 14 of this act, P.L.2026, c.31 (C.19:4A-14). The Attorney General shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the necessary rules and regulations to effectuate the provisions of this subsection.

C.19:4A-14 Process for obtaining preclearance, covered policy.

14. a. A local elections office for a corresponding covered entity may obtain preclearance for a covered policy from the Attorney General pursuant to the following process:

(1) The local elections office for the covered entity shall submit the covered policy in writing to the Attorney General. The local elections office for the covered entity shall also contemporaneously provide a copy of the covered policy to the Division of Elections within the Department of State.

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

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

(4) Upon submission of a covered policy for preclearance, the Attorney General shall review the covered policy, and any public comment, and shall, within the time periods set forth in this section, provide a report and determination as to whether, under this act, preclearance should be granted or denied to the covered policy. Such time period shall run concurrently with the time periods for public comment. The Attorney General shall not make such

determination until the period for public comment is closed. The Attorney General may request additional information from a covered entity or its local elections office at any time during its review to aid in developing its report and recommendation. The failure to timely comply with reasonable requests for more information may be grounds for the denial of preclearance. The Attorney General's reports and determination shall be posted on its website.

(5) In any determination as to preclearance, the Attorney General shall identify in writing whether it is approving or rejecting the covered policy, provided, however, that the Attorney General may, in its discretion, designate preclearance as "preliminary" in which case the Attorney General may deny preclearance within 60 days following the receipt of submission of the covered policy. The Attorney General shall deny preclearance upon a written determination, issued within 60 days of receipt of submission of the covered policy, that the covered policy will diminish the ability of protected class members to participate in the political process and to elect their preferred candidates to office or that the covered policy discriminates against members of a protected class in violation of this act, the federal Voting Rights Act, or other provisions of State or federal law; otherwise, it shall grant preclearance. If the Attorney General grants preclearance, the covered entity or its local elections office, as applicable, may enact or implement the covered policy immediately.

(6) If the Attorney General denies preclearance, the Attorney General shall interpose objections explaining its basis and the covered policy shall not be enacted or implemented.

(7) If the Attorney General fails to respond within the required time frame as established in this section, the covered policy shall be deemed precleared and the covered entity or its local elections office, as applicable, may enact or implement such covered policy.

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

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

(b) For good cause, the Attorney General may invoke an extension of up to 21 additional days to make a determination pursuant to this paragraph.

(c) For any other covered policy, the period for public comment shall be 10 business days, except that in the case of any such covered policy described in this subparagraph that concerns the implementation of a district-based method of election or redistricting plans, the period for public comment shall be 20 business days. At least seven days prior to any such comment period, notice shall be provided to the public and translated, consistent with P.L.2023, c.263 (C.52:14-40 et seq.). The Attorney General shall review the covered policy, including any public comment, and make a determination to deny or grant preclearance for such covered policy within 60 days following the receipt of such covered policy. The Attorney General may invoke up to two extensions of 90 additional days each.

(9) The Attorney General shall be authorized to promulgate rules for an expedited, emergency preclearance process in the event of a covered policy occurring during or imminently preceding an election during a state of emergency, public health emergency, or state of local disaster, emergency, or other exigent circumstances. Any preclearance granted under this provision shall be designated "preliminary" and the Attorney General may deny

preclearance within 60 days following receipt of the covered policy. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the rule adopted by the Attorney General pursuant to this paragraph shall become effective immediately upon filing with the Office of Administrative Law for a period not to exceed 24 months and may thereafter be adopted, amended, or repealed pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(10) Any denial of preclearance by the Attorney General may be appealed only by the affected political subdivision to the Appellate Division of the Superior Court of New Jersey and taken according to the ordinary rules of appellate procedure. No other parties may file an action to appeal a denial of preclearance or intervene in any such action brought by the affected political subdivision.

(11) Notwithstanding the provisions of this section, the local elections office of a covered entity may temporarily implement a covered policy without receiving prior preclearance if the Governor has declared a state of emergency pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) and expressly waives this requirement, the political subdivision of the covered entity declares a state of local disaster or emergency, or if the Secretary of State determines that a state of emergency exists that would otherwise interfere with the efficient administration of an election. The policy may remain in effect until the state of emergency is no longer in effect.

b. If any covered entity enacts or implements a covered policy without seeking preclearance consistent with this section, when so required, or enacts or implements a covered policy notwithstanding the denial of preclearance, either the Attorney General or any other party with standing to bring an action under this act may bring an action to enjoin the covered policy and to seek sanctions against the political subdivision and officials in violation.

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

d. The Attorney General shall additionally maintain a publicly accessible website containing the following information:

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

(2) all preclearance submissions each covered entity has made since the effective date of this provision, including any written submission filed by the covered entity, and subject to the applicable timelines for retention set forth pursuant to the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.);and

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

However, the Attorney General shall withhold or redact any information that is exempt from disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.) or that is privileged, confidential, or protected from disclosure pursuant to any other applicable law or regulation.

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

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

(b) The Attorney General has identified an entity whose inclusion or exclusion from the list of covered entities is inconsistent with the requirements of this section.

(2) In any such action, the court shall evaluate any claims with deference to any determination of the Attorney General. The court shall have broad authority to order adequate remedies consistent with section 8 of this act, P.L.2026, c.31 (C.19:4A-8), including imposition of any injunctive relief on any party as the court considers necessary to effectuate this section.

C.19:4A-15 Certain acts interfering with voters, election workers prohibited.

15. a. No person, whether acting under color of law or otherwise, shall engage in acts of intimidation, deception, violence or restraint, or obstruction that affects the right of voters to vote or the performance of official duties by election workers.

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

(1) a person uses or threatens to use any force, violence, restraint, abduction, or duress; inflicts or threatens to inflict any injury, damage, harm, or loss; or in any other manner practices intimidation that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any public question submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; to request or refrain from requesting a mail-in ballot; or to be impeded in the performance of their official duties if they are an election worker;

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

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

C.19:4A-16 Aggrieved parties, action filed in Superior Court of county where alleged violation occurred; liability of violators.

16. a. Any aggrieved persons or organization whose membership includes aggrieved persons or members of a protected class or who have otherwise been given the right to bring judicial action within this act, or any organization whose mission, in whole or in part, is to ensure voting access and such mission would be hindered by a violation of this act, P.L.2026, c.31 (C.19:4A-1 et seq.), or the Attorney General may file an action pursuant to this act in the Superior Court of the county in which the alleged violation of this act occurred or in the Superior Court in Mercer County.

b. Any party who shall violate any of the provisions of this act or who shall aid the violation of any of said provisions, excepting the Attorney General's preclearance of a change subsequently determined to violate this act, P.L.2026, c.31 (C.19:4A-1 et seq.), shall be liable to any prevailing plaintiff party for damages, including nominal damages for any violation, and compensatory or punitive damages for any intentional violation.

c. No compensatory or punitive damages shall be awarded against a political subdivision or local election office where the challenged action was taken in good faith.

C.19:4A-17 Authority of Attorney General, enforcement of voter empowerment act.

17. a. In any action or investigation to enforce any provision of this act, P.L.2026, c.31 (C.19:4A-1 et seq.), the Attorney General shall have the authority to take proof and determine relevant facts and to issue subpoenas in accordance with the civil and criminal laws of this State.

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

C.19:4A-18 Public education, voting rights.

18. a. The Attorney General may, subject to available funding, engage in public education efforts as necessary to inform the voting eligible population about their voting rights under this act, P.L.2026, c.31 (C.19:4A-1 et seq.), including which populations are considered protected classes, which rights are available under language access provisions, and any causes of action and avenues of redress available for violations of this act.

b. As part of its public education efforts, the Attorney General may, subject to available funding, create and distribute posters, flyers, online materials, and other written materials containing information on rights under this act to be available and displayed prominently at all polling locations. Such public education efforts and any related materials must be made available in any languages in which the political subdivision is required to provide language assistance pursuant to subsection a. of section 12 of this act, P.L.2026, c.31 (C.19:4A-12).

C.19:4A-19 Internet database, centralized source of election information, data available to the public.

19. a. The Division of Elections within the Department of State shall establish and maintain a publicly accessible Internet database that serves as a centralized source of election information and data for the public.

The database shall provide access to election information and data maintained by the division and shall include links to election information and data maintained by county election offices and other governmental entities, as provided in this section.

The purpose of the database shall be to improve public access to election information and data by providing a centralized point of access to existing election information and data maintained by State and county election officials.

b. The database shall provide access to:

(1) Statewide and county election results;

(2) voter registration statistics;

(3) election timelines and important election deadlines;

(4) polling place and ballot drop box information;

(5) vote-by-mail information;

(6) early voting information;

(7) district maps and other election-related maps maintained by the State or county election offices; and

(8) any additional information the Secretary of State determines will improve public access to election information.

c. Information and data required pursuant to subsection b. of this section may be provided by:

(1) publication by the division;

(2) hyperlinks to official Internet websites of county election offices or other governmental entities responsible for maintaining the information; or

(3) another electronic method determined appropriate by the division.

d. Information and data made available will be pursuant to the applicable retention schedule of such information and data.

The division shall publish information and data maintained by a governmental entity when that information or data is publicly available through the official website of that governmental entity.

e. Nothing in this section shall be construed to require the division to:

(1) create records or datasets not otherwise required by law;

(2) perform demographic, statistical, geographic, or historical analyses;

(3) recreate or digitize historical records that do not exist in electronic format;

(4) independently verify information maintained by another governmental entity;

(5) maintain duplicate copies of records for which another governmental entity serves as the official custodian; or

(6) disclose information made confidential pursuant to State or federal law.

f. County election offices and other governmental entities shall remain responsible for maintaining records assigned to them by law. Nothing in this section shall be construed to transfer statutory custodial responsibilities to the division.

g. The division shall update information and data maintained pursuant to this section in accordance with the normal course of election administration and as information and data become available from the governmental entity responsible for maintaining that information and data.

h. Information and data made available through the database shall be provided for informational purposes only and shall not constitute the official record of any election. Official election records shall remain those maintained by the governmental entity having statutory custody of those records.

i. The division may consult with county election offices, other State agencies, institutions of higher education, and other entities to establish a nonpartisan centralized database in order to collect, archive, and make available election information and data for the public.

j. The implementation of this section shall be subject to the appropriation of available funds.

C.19:4A-20 Racial, ethnic identity, information delivered to Secretary of State.

20. In reporting information to the Secretary of State pursuant to paragraph (4) of subsection a. of section 2 of P.L.2019, c.385 (C.52:4-1.2), the Department of Corrections shall give each individual's race, as identified using all racial and ethnic categories included by the United States Census, as well as whether the individual identifies with more than one race, whether the individual is of Hispanic or Latino origin, and whether the individual is over the age of 18, provided that such information is available.

C.19:4A-21 Applicability, elections within State, political subdivision.

21. The provisions of this act, P.L.2026, c.31 (C.19:4A-1 et seq.), shall apply to all elections for any elected public office or electoral choice within the State or any political subdivision. To ensure voters of protected classes, including race, color, and language-minority groups have equitable access to fully participate in the electoral process, the provisions of this act shall apply

notwithstanding any other provision of law, rule, or regulation to the contrary. However, no such law passed by the State Legislature in accordance with Article IV, Section IV, paragraph 6 of the State Constitution shall be facially invalidated pursuant to any provision of this act.

C.19:4A-22 Severability.

22. The provisions of this act, P.L.2026, c.31 (C.19:4A-1 et seq.), shall be severable and if any section, subsection, paragraph, subparagraph, sentence, or other portion of this act is for any reason held or declared by any court of competent jurisdiction to be unconstitutional or preempted by federal law, or the applicability of that portion to any person or facility is held invalid, the remainder of this act shall not thereby be deemed to be unconstitutional, preempted, or invalid.

23. This act shall take effect August 15, 2026, except that sections 12, 13, 14, and 19 shall take effect October 1, 2027.

Approved July 2, 2026.