

CHAPTER 40

AN ACT requiring early voting to be available for certain elections, amending various parts of the statutory law, supplementing Title 19 of the Revised Statutes, and making an appropriation.

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

C.19:15A-1 Early voting.

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

(1) start on the 4th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election;

(2) start on the 6th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; or

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

The voting process during the early voting period shall be conducted using electronic poll books and optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Any municipality conducting regular municipal elections in May pursuant to the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its governing body, also conduct early voting for the regular municipal election, in accordance with the provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.). If adopted by a municipal governing body, the early voting period for a regular municipal election in May shall start on the 4th calendar day before the regular municipal election and end on the second calendar day before that regular municipal election. An early voting period shall only be permitted for a non-presidential or presidential primary election and a general election in this State and, if adopted by a municipal governing body, a regular municipal election conducted in May. Pursuant to the provisions of this act and Title 19 of the Revised Statutes and in accordance with procedures that may be established by the Secretary of State for verifying eligible voters, each county board of elections shall verify that a registered voter is qualified to vote in the election and shall prescribe the manner by which a registered voter may vote during such period.

b. (1) For the primary and the general election, each county board of elections shall designate at least three, but not more than five, public locations within each county as the sites for early voting to occur, except that the county board shall designate at least five, but not more than seven, public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and shall designate at least seven, but not more than 10, public locations for early voting if the number of registered voters in the county is 300,000 or more. This provision shall not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the five, seven, or 10 location limits respectively set forth herein; provided, however, that the State shall be required to provide reimbursement for the costs of locations up to and including the five, seven, or 10 respective limits established herein, and shall not be required to provide reimbursement for additional locations beyond those limits under section 6 of this act,

P.L.2021, c.40 (C.19:15A-6). The number of registered voters in each county shall be determined ahead of the selection of early voting sites pursuant to a uniform standard which shall be developed by the Secretary of State through the rulemaking process pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible, early voting locations shall be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. All early voting locations shall be public facilities, such as county courthouses, public libraries and the offices of the municipal clerk, county clerk, and county board of elections, or places of public accommodation as provided under Title 10 of the Revised Statutes. No public school building and no building used as a public school, as that term is defined under N.J.S.18A:1-1, shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the county clerk shall cast the deciding vote. Once early voting locations are designated in each county, county boards of election shall evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

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

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

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

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

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

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

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

g. (1) Each county board shall be responsible for forming and executing a written plan to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period, including the security of voting machines, voted ballots, and election records. The plan shall be based on guidelines established by the Secretary of State and shall be submitted thereto no later than December 15 of each year. The Secretary of State shall review and, if deemed necessary thereby, require changes to a plan no later than February 1 of each year. Each plan shall specify a chain of custody and security plan for the voting machines, and a chain of custody for the voted ballots and election records and materials, and shall require, among other specifications deemed necessary by the Secretary of State and county boards of election, that all voted ballots shall be transferred at the end of each early voting day to county boards of election for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots shall not be canvassed until the closing of the polls on election day as required pursuant to section 4 of this act, P.L.2021, c.40 (C.19:15A-4). The results of the voted ballots cast during early voting shall remain confidential and shall be disclosed only in accordance with the provisions of Title 19 of the Revised Statutes, regulations, and guidelines concerning the disclosure of election results, and a violation shall be subject to the penalties established by law.

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

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

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

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

C.19:15A-2 Appointment of challengers for early voting.

2. a. The appointment of challengers for early voting shall be in the following manner:

(1) The chairperson of the county committee of any political party that has duly nominated any candidate for public office to be voted for at an election by all the voters within the county or any political division thereof greater than a single municipality, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairperson of the municipal committee of the political party making such nomination within and for such single municipality, or subdivision thereof, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be.

(2) A candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers shall be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot.

(3) Whenever a public question shall appear on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site.

b. Not more than the challengers authorized pursuant to paragraphs (1) through (3) of subsection a. of this section shall be present at any one time in any early voting site while serving and exercising the powers of a challenger and during the hours when the polls are open for early voting.

c. The name and address of each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, together with the number or name and location of the early voting site at which the challenger is to serve, shall be filed with the county board of elections not later than the fifth day preceding the start of the early voting period.

d. Each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, shall have all of the powers of challengers serving at other elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

e. Any voter whose name does not appear on a challenge list but who is challenged as not qualified or entitled to vote by a challenger duly appointed pursuant to this section shall be entitled to the rights and protections provided by R.S.19:15-18 et seq., and every other applicable section of this Title.

C.19:15A-3 Information available to the public.

3. During each early voting period, the county board shall make available to the public a tally of the total number of voters who have cast a ballot at each early voting location during the previous day. The county boards shall prepare an electronic data file listing the names of the individual voters who cast a ballot during the early voting period. This information shall be made available to the public in an electronic format pursuant to rules adopted by the county board and subject to review each year by the Secretary of State. The information shall be updated and made available to the public no later than noon of each day during the early voting period and shall at the same time be provided to the clerk of the county in which early voting is occurring and to the Secretary of State.

C.19:15A-4 Early votes canvassed after closing of polls on day of election.

4. An early vote cast in an election, as provided for in this act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior to the closing of the polls on the day of an election.

Every provisional ballot voted in each such election and determined by a county board to be valid shall be counted and shall be part of the official tally of the results of the election.

C.19:15A-5 Published information concerning early voting procedure.

5. In addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and each county board of elections shall cause to be published information concerning the early voting procedure on the Department of State's website and on each county's website. The early voting information shall include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

C.19:15A-6 Reimbursement for local governing body.

6. In compliance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application for reimbursement by a county governing body or a municipal governing body, as may be appropriate, to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury, a county or municipality shall be reimbursed by the State for any additional costs incurred by the county or municipality as a result of the provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.).

C.19:15A-7 Adjustments to regulations, new regulations.

7. The Secretary of State is hereby authorized to make such adjustments to regulations issued pursuant to Title 19 of the Revised Statutes and to issue any new regulations as may be necessary to effectuate the purposes of this act, which regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

8. R.S.19:12-7 is amended to read as follows:

Publication of notice of election.

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week preceding the week in which the early voting period for the primary election for the general election begins, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week preceding the week in which the early voting period for the general election begins.

b. Such notice shall set forth:

(1) For the primary election for the general election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours provided for by or pursuant to this Title, and the days, hours, and places at which early voting shall be available in the county.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week preceding the week in which the early voting period for the primary election begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours provided for by or pursuant to this Title, and the days, hours and places at which early voting shall be available in the county, and, where applicable, shall include annual school elections and annual fire district elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices, and where applicable, school board offices and fire district offices to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county, municipal and fire district public questions to be voted upon at such general election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week preceding the week in which the early voting period for the general election begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact

the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day and time thereof,

(b) The offices, if any, to be filled at the election,

(c) The substance of any public question to be submitted to the voters thereat,

(d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

(e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter; and

(f) Such other information as may be required by law.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal officers or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county, shall be published in at least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. (Deleted by amendment, P.L.1999, c.232.)

f. The cost of publishing the notices required by this section shall be paid by the respective counties, unless otherwise provided for by law.

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.

9. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to read as follows:

C.19:12-7.1 Posting of voter information notice by county board of elections; content and form.

1. a. A county board of elections shall have posted a voter information notice, which shall be referred to as a voter's bill of rights, in a conspicuous location in each polling place and each specially designated polling place used for early voting before voting begins.

The notice shall contain:

the date of the election and the hours during which polling places will be open;
a statement that sample ballots are available at the polling place for review by the voter;
instruction for the use of the voting machine in that polling place and an explanation of what instructions for voting are available at the polling place for the voter;

instruction for a voter who is voting for the first time;

instruction for a voter who is required to provide identification pursuant to the federal "Help America Vote Act of 2002" and R.S.19:15-17 prior to casting a vote;

instruction on how to cast a vote if the voter cannot be present at a polling place on the day of the election;

an explanation of the right of the voter to vote in private, regardless of the voter's physical abilities;

an explanation of the right of the voter to a provisional ballot, including in the event that a mail-in ballot has been applied for and not received or not transmitted to the county board of elections before the day of any election, and the other circumstances under which a voter has a right to a provisional ballot;

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts;

an explanation of the right of the voter to confidentially discover the status of their ballot using the "Track My Ballot" user portal;

an explanation that "All ballots are counted and your vote remains anonymous";

an explanation of the right of the voter that if their ballot was rejected, a notice will be issued to the voter within 24 hours after a decision is made to reject the ballot. The voter will have up to 48 hours prior to the date for the final certification of the results of the election to provide a cure for their ballot;

an explanation giving the options for the voter to provide the cure to their rejected ballot;

an explanation that no voters shall be intimidated or otherwise unduly influenced by political insignia while voting. No person shall wear, display, sell, give or provide any political or campaign slogan, badge, button or other insignia associated with any political party or candidate to be worn at or within one hundred feet of the polls or within the polling place or room, on any primary, general or special election day or on any commission

government election day, except the badge furnished by the county board as provided by law. This includes any political gear representing the campaign slogans, logos, or depictions or representations of any political party or candidate such as merchandise sold directly from a political party, campaign, candidate, or by third parties and vendors representing any political party or campaign or candidate. A person violating any of these provisions is guilty of a disorderly persons offense and will not be permitted on the premises and can only return to vote after the removal of prohibited political insignia; and

such other statement, instruction or explanation the Secretary of State may deem appropriate to ensure the full and knowledgeable participation of the voter in the process.

The requirement to post this notice in each polling place shall not replace, supersede or void any other requirement set forth in law for the posting of information in each polling place apart from the voter information notice. The poster promoting the use of voting by mail prepared and distributed by the Secretary of State pursuant to R.S.19:8-6 shall be displayed next to or as close as may be possible to the voter information notice.

b. The Secretary of State shall prescribe the form and specific content of the voter information notice, which may be comprised of more than one page. If the notice is comprised of more than one page, each page shall be posted separately. For an election district in which the primary language of 10 percent or more of the registered voters is a language other than English, the Secretary of State shall prescribe an official version of the voter information notice in that other language or languages for use in that election district. The notice shall be posted in English and in the other language or languages in the polling places in each such district. The alternate language shall be determined based on information from the latest federal decennial census.

c. A county board of elections may modify or supplement the voter information notice used in a county or municipality to provide additional information specific to that county or a municipality in that county, provided, however, that any such modification or supplementation shall be submitted to the Secretary of State for prior approval.

d. The voter information notice shall be printed on each sample ballot, to the extent practicable, or if not practicable, information on how to view or obtain a copy of the voter information notice shall be printed on each sample ballot.

e. The voter information notice, including one modified or supplemented pursuant to subsection c. of this section, shall be made accessible on the official Internet site of the State by the Secretary of State and each county board of elections shall ensure that the official Internet site of the county contains a link to that notice.

f. (Deleted by amendment, P.L.2020, c.70)

g. The State shall be liable for the costs incurred by local government entities for compliance with this section, and they shall be reimbursed for those costs, upon application, by the State Treasurer.

10. R.S.19:14-21 is amended to read as follows:

Preparation; delivery of sample ballots and envelopes to municipal clerk or commissioner of registration.

19:14-21. The county clerk shall cause samples of the official general election ballot to be printed in English, but for each election district within the county in which the primary language of 10% or more of the registered voters is Spanish, shall cause samples of the official general election ballot to be printed bilingually in English and Spanish.

a. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the county clerk not later than noon of the eighth day prior to the start of the early voting period for the general election shall furnish to the municipal clerk of each municipality in his county one and one-tenth times as many such sample ballots and stamped envelopes as there are voters registered, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, to enable each municipal clerk to mail one of such sample ballots to each voter who is registered in the municipality, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from each of the municipal clerks, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery.

b. In counties having a superintendent of elections, and in other counties where the county board of elections may have the equipment or facilities to prepare a properly stamped envelope addressed to each registered voter in the county for mailing, the county clerk, not later than the eighth day preceding the start of the early voting period for the general election, shall furnish to the commissioner of registration located in his county one and one-tenth times as many stamped envelopes as there are registered voters in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and not later than noon of the seventh day preceding the start of the early voting period for the general election shall furnish to the commissioner of registration located in the county, one and one-tenth times as many sample ballots as there are registered voters in the county to enable the commissioner of registration of the county to mail one of such sample ballots to each voter registered in the county, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from the commissioner of registration, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery. County boards of elections which elect to operate under the provisions of this paragraph shall notify their county clerk in sufficient time to enable him to make the necessary arrangements the first year.

c. The county clerk in counties having a superintendent of elections shall also deliver to the county board not later than the seventh day preceding the start of the early voting period for the general election 10 such sample ballots of each election district of each municipality in the county.

d. During the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display shall provide the sample ballot in the languages required by Title 19 of the Revised Statutes or federal law as applicable to the county.

11. R.S.19:14-22 is amended to read as follows:

Form and contents; color of paper.

19:14-22. The official general election sample ballots shall be as nearly as possible facsimiles of the official general election ballot to be voted at such election and shall have

printed thereon, after the words which indicate the number of the election district for which such sample ballots are printed, the name of the school district, when appropriate, the number or name and municipality or municipalities of the fire district, when appropriate, the street address or location of the polling place in the election district, and the hours between which the polls shall be open. Such sample ballots shall be printed on paper different in color from the official general election ballot, and have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official general election ballot used on election day." The sample ballot shall also state clearly the days, hours and places at which early voting shall be available in the county.

12. R.S.19:14-24 is amended to read as follows:

Delivery by municipal clerks to district boards.

19:14-24. The municipal clerk to whom the sample ballots and stamped envelopes have been so delivered by the county clerk shall deliver the same at his office, or in any other way he sees fit, on or before noon of the Tuesday preceding the start of the early voting period for the general election, to a member or members of each district board, and shall take a receipt for the same from the member or members of the district boards of such municipality, which receipt shall indicate the number of sample ballots and stamped envelopes delivered by the municipal clerk and the date and hour of their delivery.

13. R.S.19:14-25 is amended to read as follows:

Mailing by district board or commissioner of registration; county board of elections; duties of.

19:14-25. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the municipal clerk shall prepare and deposit in the post office, on or before 12 noon on Wednesday preceding the start of the early voting period for the general election, a properly stamped envelope containing a copy of the sample ballot printed in English, addressed to each registered voter in the district of such board at the address shown on the register, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The board shall also post the appropriate sample ballots in the polling place in its district.

The board shall return to the municipal clerk all ballots and envelopes not mailed or posted by it, with a sworn statement in writing signed by a majority of the board that all the remainder of such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, the commissioner of registration shall prepare and deposit in the post office on or before 12:00 o'clock noon, on the Wednesday preceding the start of the early voting period for the general election, a properly stamped envelope containing a copy of the sample ballot printed in English addressed to each registered voter in the county at the address shown on the registry, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of

the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The commissioner of registration shall return to the county clerk all ballots and envelopes not mailed or posted by him, with a sworn statement in writing signed by him that all the remainder of such ballots and envelopes have been mailed.

The county board of elections, in all counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, shall, not later than the start of the early voting period for the election, deliver to the members of the district board three appropriate sample ballots for their respective election district. The board shall post the appropriate sample ballots in the polling place in its district.

14. R.S.19:23-31 is amended to read as follows:

Sample ballot facsimile of official ballot.

19:23-31. The official primary sample ballot shall be, as nearly as possible, a facsimile of the official primary ballot to be voted at the primary election and shall be printed on paper different in color from the official primary ballot, so that the same may be readily distinguished from the official primary ballot. It shall state clearly the days, hours, and places at which early voting shall be available in the county. The official primary sample ballot shall have printed at the top in large type the words: "This official primary sample ballot is an exact copy of the official primary ballot to be used on primary election day. This ballot cannot be voted." The official primary sample ballot shall also have printed thereon, following the words which indicate the election district, the following words: "The polling place for this election district is

(Stating the location of said polling place)."

15. R.S.19:23-33 is amended to read as follows:

Sample ballots and envelopes furnished to district boards or commissioner of registration.

19:23-33. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the municipal clerk in each municipality shall furnish to a member of each district board in his municipality, at his office, or in any other way that he sees fit, on or before Tuesday preceding the start of the early voting period for the primary election in each year, sufficient sample ballots and sufficient stamped envelopes to enable the board to mail sample ballots to the voters as hereinbefore provided. Each of the boards shall give the municipal clerk a receipt for such sample ballots and envelopes signed by one of its members.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:23-30 of this Title, the municipal clerk in each municipality shall furnish to the commissioner of registration of his county not later than the eighth day preceding the start of the early voting period for the primary election of each year, sufficient stamped envelopes to enable the commissioner of registration to mail sample ballots to each voter who is registered in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and shall, not later than noon of the seventh day preceding the start of the early voting period for the primary election furnish

sufficient sample ballots to the commissioner of registration of his county for that purpose. The commissioner of registration shall give the municipal clerk a receipt for such sample ballots and envelopes.

16. R.S.19:23-34 is amended to read as follows:

Mailing sample ballots.

19:23-34. Each of such district boards, in counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, and the commissioner of registration in all other counties, shall prepare and deposit in the post office, on or before twelve o'clock noon on Wednesday preceding the start of the early voting period for the primary, the stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each voter whose name appears in the primary election registry book.

17. R.S.19:23-35 is amended to read as follows:

Posting sample ballots.

19:23-35. In counties not having a superintendent of elections, where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, such district board shall also post three sample ballots in the polling place in its district.

The county board of elections in all counties of the first class, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b of section 19:23-30 of this Title, shall, not later than the start of the early voting period for the primary election, deliver to the members of the district board three sample ballots for their respective election district. The board shall post the sample ballots in the polling place in its district.

18. R.S.19:49-3 is amended to read as follows:

Number of official ballots to be furnished.

19:49-3. At least one week prior to the start of the early voting period for any primary, local, or general election two sets of official ballots shall be provided for each voting machine, for each polling place, for each election district, for use in and upon the voting machine. One set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the county board of elections or the superintendent of elections or the municipal clerk, as the case may be, having custody of voting machines, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine. At the close of the election all official ballots, except those actually in or upon the voting machine at the close of the election, whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner by this Title provided.

19. Section 1 of P.L.2019, c.80 (C.19:31-35) is amended to read as follows:

C.19:31-35 Use of electronic poll books.

1. Each county commissioner of registration and county board of elections shall require the use of electronic poll books, as further provided by this act, P.L.2019, c.80 (C.19:31-35 et seq.), at each polling place during the early voting period and on the day of any election, in place of the paper polling record or signature copy register, to access the registration record, eligibility, signature, and other information of each registered voter in the election district. The electronic poll books shall enable at least the same functionality currently provided by the paper polling records or signature copy register to be accomplished in the conduct of an election. An electronic poll book shall not be used unless it has been certified by the Secretary of State. The Secretary of State shall adopt and publish electronic poll books standards and regulations governing the certification and use of electronic poll books. The Secretary of State shall not certify an electronic poll book unless it is in compliance with at least the capabilities and standards specified under section 2 of P.L.2019, c.80 (C.19:31-36) and the Secretary of State's standards and regulations. The Secretary of State shall provide the rules, regulations, and instructions regarding the examination, testing, and use of electronic poll books, including rules regarding the security and protection of the information stored in such electronic poll books, to each county commissioner of registration and board of elections.

20. Section 3 of P.L.2019, c.80 (C.19:31-37) is amended to read as follows:

C.19:31-37 Request for approval for use of electronic poll books.

3. A county commissioner of registration and county board of elections shall submit to the Secretary of State a request for approval in the form, content, and timeframe specified by the Secretary of State. Within 10 days of receiving the request, the Secretary of State shall review the request for compliance with the Secretary of State's standards and regulations and all of the capabilities and standards required under this act, P.L.2019, c.80 (C.19:31-35 et seq.). A county commissioner of registration and county board of elections approved to use electronic poll books shall furnish at least two electronic poll books for each polling place. Each voter shall be required to sign the electronic poll book. Notwithstanding any provision of Title 19 of the Revised Statutes, or any other law, rule, or regulation to the contrary, a voter shall be permitted to vote by provisional ballot if the electronic poll book ceases to operate. Electronic poll books for each election shall be prepared by the commissioner of registration no later than the 10th day preceding the start of the early voting period for the election. At each election, the delivery of the electronic poll books to the municipal clerk and to the district boards or other officials charged with the same duties as the district boards in connection with the conduct of an election, and the return of those electronic poll books by the district boards or such other election officials to the commissioner of registration, shall be made in the manner prescribed by the commissioner of registration and shall comply with Title 19 of the Revised Statutes. The commissioner of registration shall retain the electronic poll books records for any election for a period of not less than six years following that election.

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

C.40:45-7 Regular municipal elections; early voting; date; place; conduct; change; election officers.

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

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

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

As used in this section “a period of religious observance” means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

22. a. For the purpose of facilitating early voting as quickly and efficiently as possible, the State may procure qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems ahead of the 2021 general election.

b. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a contract to effectuate any provision of subsection a. of this section may be procured in an expedited process and in the manner provided by this section.

c. The Division of Purchase and Property in the Department of the Treasury, the Secretary of State, or other appropriate State entity may procure, without the need for formal advertisement, but through the solicitation of proposals from professional services vendors, a qualified vendor with relevant experience.

d. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, for the purpose of expediting the procurement of any capable and experienced vendor, the following provisions shall apply as modifications to any law or regulation that may interfere with the expedited procurement:

(1) the timeframes for challenging the specifications shall be modified as determined by the Division of Purchase and Property, the Secretary of State, or other applicable entity;

(2) in lieu of advertising in accordance with section 7 of P.L.1954, c.48 (C.52:34-12), the division shall advertise the request for proposals for the procurement under this section and any addenda thereto on the applicable agency's website;

(3) the period of time that the State Comptroller, if applicable, has to review the request for proposals for the procurement under this section for compliance with applicable public contracting laws, rules, and regulations, pursuant to section 10 of P.L.2007, c.52 (C.52:15C-10), shall be 10 business days or less, if practicable, as determined by the State Comptroller;

(4) the timeframes for submission under section 4 of P.L.2012, c.25 (C.52:32-58) and section 1 of P.L.1977, c.33 (C.52:25-24.2) shall be extended to prior to the issuance of a Notice of Intent to Award;

(5) the provisions of section 1 of P.L.2005, c.92 (C.52:34-13.2) shall not apply to technical and support services under this section provided by a vendor using a "24/7 follow-the-sun model" as long as the contractor is able to provide such services in the United States during the business day; and

(6) the term "bids" in subparagraph (f) of subsection a. of section 7 of P.L.1954, c.48 (C.52:34-12) shall not include pricing which will be revealed to all responsive bidders during the negotiation process.

e. The applicable entity may, to the extent necessary, waive or modify any requirement under any other law or regulation that may interfere with the expeditious procurement required under this section.

23. For the purpose of facilitating early voting as quickly and efficiently as possible, a contracting unit may procure qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems or services ahead of the 2021 general election pursuant to paragraph (l) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5).

C.19:15A-8 Application of provisions of act.

24. The provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.), shall only apply to the 2021 general election and general elections thereafter; the 2022 primary election and primary elections thereafter; and, if adopted by a municipal governing body, a municipal election conducted in May 2022 and municipal elections conducted in May thereafter.

25. a. There is appropriated from the General Fund to the Department of State the sum of \$2,000,000 for the purposes described in subsection i. of section 1 of this act.

b. There is appropriated from the General Fund as State aid to each county governing body and to each municipal governing body that approves conducting early voting such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to effectuate the purpose of section 6 of this act.

26. This act shall take effect immediately.

Approved March 30, 2021.