

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Fourth Reprint]

ASSEMBLY, No. 3822

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3822 (4R), with committee amendments.

As amended, this bill changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a county board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

The deadline for the preparation of the official primary election ballot for printing is changed from the 50th to the 45th day before the election. The deadline for the preparation of the official ballot for a federal primary election or any general election in this State would continue to be the 50th day before the election. As amended, the bill also changes the commencement of the mailing of mail-in ballots for a primary election from the 38th to the 45th before an election, consistent with existing law. Mail-in ballots for uniformed and overseas mail-in voters or general election voters in this State would continue to commence on the 45th day before the election. The bill also clarifies that nothing in the bill is to be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal “Uniformed and Overseas Citizens Absentee Voting Act.”

As amended, this bill requires that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election. This bill also requires that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk would certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political

party of which such persons are candidates together with their slogan and designation.

As amended, this bill also removes the provisions of the bill that required each county clerk, in consultation with the county board of elections of that county, to list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted.

The bill provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State.

As amended, this bill provides that if an applicant at the MVC chooses to update an existing voter registration, the applicant would receive a confirmation notice from the county commissioner of registration noting that change.

Under current law, mail-in ballot inner envelopes are prohibited from being opened prior to election day. County boards of elections would be permitted to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day. As amended, the bill requires that the Secretary of State to promulgate regulations to prevent persons, including those involved in the canvassing of ballots, from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day and prohibit the tally or tabulation of results prior to the opening of the polls on election day. The bill would also, whenever the reporting requirements listed in the bill would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote.

As amended, this bill allows the Secretary of State to adopt regulations necessary to effectuate the purposes of this bill, which regulations would 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.).

Assembly Bill No. 3822 (5R) is identical to Assembly Bill No. 2865 (2R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The amendments:

(1) remove section 2 of the bill, which required each county clerk, in consultation with the county board of elections of that county, to list on the county clerk's Internet site in an easily accessible location the number of ballots that have been received, have been counted, and are remaining to be counted;

(2) require that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election and that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk would certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation.

(3) move back to 45 days the deadline for county clerks to forward mail-in ballots to mail-in voters, which is the existing deadline;

(4) require that county commissioner of registration, not the Secretary of State, would send a confirmation notice to an applicant who changes their party affiliation when updating an existing voter registration;

(5) clarify that the regulations for opening and canvassing mail-in ballots prior to the closing of the polls will prevent any person, including any person who is authorized to receive and canvass completed mail-in ballots, from obtaining knowledge of the unofficial results of ballots cast until after the closing of the polls on election day;

(6) remove the exception on reporting mail-in ballots to a county's internet website and clarify that the election results shall be reported in a manner that maintains the privacy of the voter and their vote; and

(7) allow the Secretary of State to adopt regulations necessary to effectuate the purposes of this bill, which regulations would 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.).

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.