

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 2865

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2865.

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 count 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).

As amended, 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 45th to the 38th before an election, except that 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.”

The bill also requires that at the close of the polls on election day and until all eligible ballots are counted thereafter, each county clerk, in consultation with the county board of elections of that county, must 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. Each county

clerk must provide the ballot tabulations by the following categories:

the number of early in-person ballots that have been received, have been counted, and are remaining to be counted;

the number of vote-by-mail ballots that have been received, have been counted, and are remaining to be counted;

the number of provisional ballots that have been received, have counted, and are remaining to be counted; and

the number of election day ballots that have been received, have been counted, and are remaining to be counted.

Under the bill, the county clerk must provide reporting of the ballot tabulations by the listed categories until all eligible ballots are counted.

The bill requires that ballot tabulations provided by a county clerk and the Secretary of State must include a date and time stamp designating the date and time in which the county clerk or county board of elections, as appropriate, stopped tabulating the number of ballots represented in the totals on that particular list.

The bill provides that each county clerk must send the ballot tabulation by the same categories to the Secretary of State by 11:59 P.M. and each day after the election by 8:00 P.M. until all eligible ballots are counted. Upon receipt of the number of ballots that have been received, have been counted, and are remaining to be counted by each category from each county board of elections, the Secretary of State is required to provide in an easily accessible location on the Internet site of the Division of Elections the total number of ballots for the State and for each county that have been received, have been counted, and are remaining to be counted by the same categories. Under the bill, the Secretary of State must provide the ballot tabulations each day after the election by 9:00 P.M. until all eligible ballots are counted.

The bill also provides that each county clerk and the Division of Elections must note on their respective Internet site that the number of ballots that have been received, have been counted, and are remaining to be counted are unofficial ballot tabulations and are subject to change as each county clerk receive and process ballots that have been cast in the election.

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.

The 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 Secretary of State 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. The bill requires that the Secretary of State to promulgate regulations to prevent certain persons 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.

Senate Bill No. 2865 (1R) is identical to Assembly Bill No. 3822 (4R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The amendments:

(1) require that the county clerk have ballots for all general elections in this State ready for the printer 50 days prior to the election day; and

(2) changes the postmarked ballot acceptance deadline to within 144 hours after election day (6 days), which is the current law deadline.