

**19:23-45 & 19:23-45.1**  
**LEGISLATIVE HISTORY CHECKLIST**

Compiled by the NJ State Law Library

**LAWS OF:** 2023                    **CHAPTER:** 281

**NJSA:** 19:23-45 & 19:23-45.1 Changes deadline for unaffiliated mail-in voters to declare their political party before primary election.

**BILL NO:** S3758                    (Substituted for A5343 (1R))

**SPONSOR(S)** Cryan, Joseph P. and others

**DATE INTRODUCED:** 5/8/2023

**COMMITTEE:**                    **ASSEMBLY:** --

**SENATE:** Sate Government, Wagering, Tourism & Historic Preservation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**    **ASSEMBLY:** 01/08/2024

**SENATE:** 12/21/2023

**DATE OF APPROVAL:** 1/16/2024

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (S3758 Sca (1R) enacted)                    Yes

**S3758**

**INTRODUCED BILL:** (Includes sponsor(s) statement)                    Yes

**COMMITTEE STATEMENT:**    **ASSEMBLY:**                    No

**SENATE:**                    Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**A5343 (1R)**

**INTRODUCED BILL:** (Includes sponsor(s) statement)                    Yes

**COMMITTEE STATEMENT:**    **ASSEMBLY:**                    Yes

**SENATE:**                    No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

CL/MM

## CHAPTER 281

**AN ACT** concerning political party declaration for unaffiliated voters before a primary election and amending R.S.19:23-45 and P.L.1976, c.16.

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

1. R.S.19:23-45 is amended to read as follows:

R.S.19:23-45 Requirements for voting in primary elections; affiliation.

19:23-45. No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register.

A voter who votes in a primary election of a political party or who signs and files with the municipal clerk or the county commissioner of registration a declaration that the voter desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to the Secretary of State, either on a paper form or an electronic form using the online voter registration system established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that the voter desires to vote in the primary election of another political party at which time the voter shall be deemed to be a member of such other political party. The Secretary of State shall cause to be prepared political party affiliation declaration forms and shall provide such forms to the commissioners of registration of the several counties and to the clerks of the municipalities within such counties.

No voter, except a newly registered voter at the first primary at which the voter is eligible to vote, or a voter who has not previously voted in a primary election, may vote in a primary election of a political party unless the voter was deemed to be a member of that party on the 55th day next preceding such primary election.

Notwithstanding the provisions of this section, or any law, rule, or regulation to the contrary, a voter who is listed to receive mail-in ballots for all future elections, pursuant to the provisions of section 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who is not affiliated with any political party, shall not receive a mail-in ballot for a primary election. Such unaffiliated mail-in voters shall receive a political party affiliation declaration form and information concerning how to affiliate with a political party, how to vote by mail in the primary election, and how to vote in person at a polling place on the day of a primary election. Any unaffiliated voter, who is not affiliated with any political party, may vote using a mail-in ballot in a primary election if the voter submits a political party affiliation declaration form to the municipal clerk or the county commissioner of registration and has requested or requests a mail-in ballot prior to the deadline in which a voter may apply to the county clerk for a mail-in ballot by mail pursuant to subsection b. of section 3 of P.L.2009, c.70 (C.19:63-3), or in person pursuant to subsection d. of section 3 of P.L.2009, c.79 (C.19:63-3). The Secretary of State shall cause to be prepared uniform language for such notifications. The commissioners of registration and the county clerks of the several counties and the clerks of the municipalities within such counties shall distribute such forms and information to such registered voters.

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which the person has been elected or appointed as a member of a political party shall be deemed a member of such political party.

A voter may declare the voter's party affiliation or change the voter's party affiliation, or declare that the voter is unaffiliated with any party regardless of any previously declared party affiliation, by so indicating on a political party declaration form filed with the municipal clerk or the county commissioner of registration. A voter may also indicate that the voter wishes to declare a political party affiliation or that the voter does not want to declare a political party affiliation on a voter registration form filed at the time of initial registration. A voter may declare the voter's party affiliation, or make changes to that affiliation, either on a paper form or an electronic form using the online voter registration system established under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

Any person voting in the primary ballot box of any political party in any primary election in contravention of the election law shall be guilty of a disorderly persons offense, and any person who aids or assists any such person in such violation by means of public proclamation or order, or by means of any public or private direction or suggestions, or by means of any help or assistance or cooperation, shall likewise be guilty of a disorderly persons offense.

2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read as follows:

C.19:23-45.1 Notice of requirements for voting in primary elections, publication.

2. a. The county commissioner of registration in each of the several counties shall cause a notice to be published in each municipality of their respective counties in a newspaper or newspapers circulating therein. The notice to be so published shall be published once during each of the two calendar weeks next preceding the week in which the 55th day next preceding the primary election of a political party occurs.

b. (1) The notice required to be published by the preceding paragraph shall inform the reader thereof that:

(a) no voter, except a newly registered voter at the first primary at which the voter is eligible to vote, or a voter who has not previously voted in a primary election may vote in a primary election of a political party unless the voter was deemed to be a member of that party on the 55th day next preceding such primary election;

(b) a voter who is listed to receive mail-in ballots for all future elections, pursuant to the provisions of section 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who is not affiliated with any political party shall not receive a mail-in ballot for a primary election. Such unaffiliated mail-in voters shall receive a political party affiliation declaration form and information concerning how to affiliate with a political party, how to vote by mail in the primary election, and how to vote in person at a polling place on the day of a primary election. Any unaffiliated voter, who is not affiliated with any political party, may vote using a mail-in ballot in a primary election if the voter submits a political party affiliation declaration form to the municipal clerk or the county commissioner of registration and has requested or requests a mail-in ballot prior to the deadline in which a voter may apply to the county clerk for a mail-in ballot by mail pursuant to subsection b. of section 3 of P.L.2009, c.79 (C.19:63-3), or in person pursuant to subsection d. of section 3 of P.L.2009, c.79 (C.19:63-3); and

(c) a voter who votes in the primary election of a political party, or who signs and files with the municipal clerk or the county commissioner of registration a declaration that the voter desires to vote in the primary election of a political party, or who indicates on a voter

registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of State, either on a paper form or an electronic form using the online voter registration system established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that the voter desires to vote in the primary election of another political party, at which time the voter shall be deemed to be a member of such other political party, or that the voter chooses not to be affiliated with any political party.

(2) The notice shall also state the time and location where a person may obtain political party affiliation declaration forms or voter registration forms.

3. This act shall take effect immediately.

Approved January 16, 2024.

**SENATE, No. 3758**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED MAY 8, 2023

**Sponsored by:**  
**Senator JOSEPH P. CRYAN**  
**District 20 (Union)**

**SYNOPSIS**

Changes deadline for unaffiliated mail-in voters to declare their political party before primary election.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning political party declaration for unaffiliated  
2 voters before a primary election and amending R.S.19:23-45 and  
3 P.L.1976, c.16.

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

7  
8 1. R.S.19:23-45 is amended to read as follows:

9 19:23-45. No voter shall be allowed to vote at the primary  
10 election unless his name appears in the signature copy register.

11 A voter who votes in a primary election of a political party or  
12 who signs and files with the municipal clerk or the county  
13 commissioner of registration a declaration that the voter desires to  
14 vote in the primary election of a political party, or who indicates on  
15 a voter registration form the voter's choice of political party  
16 affiliation and submits the form to the commissioner of registration  
17 of the county wherein the voter resides, to the employees or agents  
18 of a public agency, as defined in subsection a. of section 15 of  
19 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as  
20 defined in subsection a. of section 26 of P.L.1994, c.182  
21 (C.19:31-6.11), or to the Secretary of State, either on a paper form  
22 or an electronic form using the online voter registration system  
23 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall  
24 be deemed to be a member of that party until the voter signs and  
25 files with the municipal clerk or the commissioner of registration a  
26 declaration that the voter desires to vote in the primary election of  
27 another political party at which time the voter shall be deemed to be  
28 a member of such other political party. The Secretary of State shall  
29 cause to be prepared political party affiliation declaration forms and  
30 shall provide such forms to the commissioners of registration of the  
31 several counties and to the clerks of the municipalities within such  
32 counties.

33 No voter, except a newly registered voter at the first primary at  
34 which the voter is eligible to vote, or a voter who has not previously  
35 voted in a primary election, may vote in a primary election of a  
36 political party unless the voter was deemed to be a member of that  
37 party on the 55th day next preceding such primary election.

38 Notwithstanding the provisions of this section, or any law, rule,  
39 or regulation to the contrary, a voter who is listed to receive mail-in  
40 ballots for all future elections, pursuant to the provisions of section  
41 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72  
42 (C.19:63-3.1), and who is not affiliated with any political party,  
43 shall not receive a mail-in ballot for a primary election. Such  
44 unaffiliated mail-in voters shall receive a political party affiliation  
45 declaration form and information concerning how to affiliate with a

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

Matter underlined thus is new matter.

1 political party, how to vote by mail in the primary election, and how  
2 to vote in person at a polling place on the day of a primary election.  
3 Such an unaffiliated mail-in voter, who is not affiliated with any  
4 political party, may vote using a mail-in ballot in a primary election  
5 if the voter submits a political party affiliation declaration form to  
6 the municipal clerk or the county commissioner of registration and  
7 requests a mail-in ballot prior to the deadline in which a voter may  
8 apply in person to the county clerk for a mail-in ballot, pursuant to  
9 subsection d. of section 3 of P.L.2009, c.79 (C.19:63-3). The  
10 Secretary of State shall cause to be prepared uniform language for  
11 such notifications. The commissioners of registration and the  
12 county clerks of the several counties and the clerks of the  
13 municipalities within such counties shall distribute such forms and  
14 information to such registered voters.

15 A member of the county committee of a political party and a  
16 public official or public employee holding any office or public  
17 employment to which the person has been elected or appointed as a  
18 member of a political party shall be deemed a member of such  
19 political party.

20 A voter may declare the voter's party affiliation or change the  
21 voter's party affiliation, or declare that the voter is unaffiliated with  
22 any party regardless of any previously declared party affiliation, by  
23 so indicating on a political party declaration form filed with the  
24 municipal clerk or the county commissioner of registration. A voter  
25 may also indicate that the voter wishes to declare a political party  
26 affiliation or that the voter does not want to declare a political party  
27 affiliation on a voter registration form filed at the time of initial  
28 registration. A voter may declare the voter's party affiliation, or  
29 make changes to that affiliation, either on a paper form or an  
30 electronic form using the online voter registration system  
31 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

32 Any person voting in the primary ballot box of any political  
33 party in any primary election in contravention of the election law  
34 shall be guilty of a disorderly persons offense, and any person who  
35 aids or assists any such person in such violation by means of public  
36 proclamation or order, or by means of any public or private  
37 direction or suggestions, or by means of any help or assistance or  
38 cooperation, shall likewise be guilty of a disorderly persons offense.  
39 (cf: P.L.2022, c.69, s.1)

40

41 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to  
42 read as follows:

43 2. a. The county commissioner of registration in each of the  
44 several counties shall cause a notice to be published in each  
45 municipality of their respective counties in a newspaper or  
46 newspapers circulating therein. The notice to be so published shall  
47 be published once during each of the two calendar weeks next

1 preceding the week in which the 55th day next preceding the  
2 primary election of a political party occurs.

3 b. (1) The notice required to be published by the preceding  
4 paragraph shall inform the reader thereof that:

5 (a) no voter, except a newly registered voter at the first primary  
6 at which the voter is eligible to vote, or a voter who has not  
7 previously voted in a primary election may vote in a primary  
8 election of a political party unless the voter was deemed to be a  
9 member of that party on the 55th day next preceding such primary  
10 election;

11 (b) a voter who is listed to receive mail-in ballots for all future  
12 elections, pursuant to the provisions of section 3 of P.L.2009, c.79  
13 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who  
14 is not affiliated with any political party shall not receive a mail-in  
15 ballot for a primary election. Such unaffiliated mail-in voters shall  
16 receive a political party affiliation declaration form and information  
17 concerning how to affiliate with a political party, how to vote by  
18 mail in the primary election, and how to vote in person at a polling  
19 place on the day of a primary election. Such an unaffiliated mail-in  
20 voter, who is not affiliated with any political party, may vote using  
21 a mail-in ballot in a primary election if the voter submits a political  
22 party affiliation declaration form to the municipal clerk or the  
23 county commissioner of registration and requests a mail-in ballot  
24 prior to the deadline in which a voter may apply in person to the  
25 county clerk for a mail-in ballot, pursuant to subsection d. of  
26 section 3 of P.L.2009, c.79 (C.19:63-3); and

27 (c) a voter who votes in the primary election of a political party,  
28 or who signs and files with the municipal clerk or the county  
29 commissioner of registration a declaration that the voter desires to  
30 vote in the primary election of a political party, or who indicates on  
31 a voter registration form the voter's choice of political party  
32 affiliation and submits the form to the commissioner of registration  
33 of the county wherein the voter resides, to the employees or agents  
34 of a public agency, as defined in subsection a. of section 15 of  
35 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as  
36 defined in subsection a. of section 26 of P.L.1994, c.182  
37 (C.19:31-6.11) or to the Secretary of State, either on a paper form  
38 or an electronic form using the online voter registration system  
39 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall  
40 be deemed to be a member of that party until the voter signs and  
41 files with the municipal clerk or the commissioner of registration a  
42 declaration that the voter desires to vote in the primary election of  
43 another political party, at which time the voter shall be deemed to  
44 be a member of such other political party, or that the voter chooses  
45 not to be affiliated with any political party.

1 (2) The notice shall also state the time and location where a  
2 person may obtain political party affiliation declaration forms or  
3 voter registration forms.

4 (cf: P.L.2022, c.69, s.2)

5

6 3. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill allows an unaffiliated mail-in voter to vote using the  
12 mail-in ballot in a primary election if the voter submits a political  
13 party affiliation declaration form to the municipal clerk or the  
14 county commissioner of registration by 3 p.m. the day before the  
15 primary election, and requests the mail-in ballot by that deadline  
16 from the county clerk.

17 Under current law, a voter is required to be deemed a member of  
18 a political party by the 55th day prior to a primary election in order  
19 to vote in a primary election of that political party. However,  
20 unaffiliated voters, meaning voters who are not affiliated with any  
21 political party, are permitted to vote in person on primary election  
22 day and thereby affiliate with a political party by voting that day,  
23 while unaffiliated mail-in voters receive a political party affiliation  
24 declaration form and information concerning how to affiliate with a  
25 political party and how to vote in person at a polling place on the  
26 day of a primary election.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 3758**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2023

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 3758.

As amended by the committee, this bill allows an unaffiliated voter to vote using a mail-in ballot in a primary election if the voter submits a political party affiliation declaration form to the municipal clerk or the county commissioner of registration, and has requested or requests a mail-in ballot from the county clerk by the current law deadlines. Under the bill, as amended, the voter may request a mail-in ballot from the county clerk by mail, in addition to in-person.

Under current law, a voter is required to be deemed a member of a political party by the 55th day prior to a primary election in order to vote in a primary election of that political party. However, unaffiliated voters, meaning voters who are not affiliated with any political party, are permitted to vote in person on primary election day and thereby affiliate with a political party by voting that day, while unaffiliated mail-in voters receive a political party affiliation declaration form and information concerning how to affiliate with a political party and how to vote in person at a polling place on the day of a primary election.

COMMITTEE AMENDMENTS:

The amendments clarify that any unaffiliated voter who submits a political party affiliation form to the municipal clerk or commissioner of registration may request a mail-in ballot from the county clerk by mail, in addition to in-person.

# ASSEMBLY, No. 5343

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 23, 2023

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**SYNOPSIS**

Changes deadline for unaffiliated mail-in voters to declare their political party before primary election.

**CURRENT VERSION OF TEXT**

As introduced.



A5343 KARABINCHAK

2

1 AN ACT concerning political party declaration for unaffiliated  
2 voters before a primary election and amending R.S.19:23-45 and  
3 P.L.1976, c.16.

4

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

7

8 1. R.S.19:23-45 is amended to read as follows:

9 19:23-45. No voter shall be allowed to vote at the primary  
10 election unless his name appears in the signature copy register.

11 A voter who votes in a primary election of a political party or  
12 who signs and files with the municipal clerk or the county  
13 commissioner of registration a declaration that the voter desires to  
14 vote in the primary election of a political party, or who indicates on  
15 a voter registration form the voter's choice of political party  
16 affiliation and submits the form to the commissioner of registration  
17 of the county wherein the voter resides, to the employees or agents  
18 of a public agency, as defined in subsection a. of section 15 of  
19 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as  
20 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-  
21 6.11), or to the Secretary of State, either on a paper form or an  
22 electronic form using the online voter registration system  
23 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall  
24 be deemed to be a member of that party until the voter signs and  
25 files with the municipal clerk or the commissioner of registration a  
26 declaration that the voter desires to vote in the primary election of  
27 another political party at which time the voter shall be deemed to be  
28 a member of such other political party. The Secretary of State shall  
29 cause to be prepared political party affiliation declaration forms and  
30 shall provide such forms to the commissioners of registration of the  
31 several counties and to the clerks of the municipalities within such  
32 counties.

33 No voter, except a newly registered voter at the first primary at  
34 which the voter is eligible to vote, or a voter who has not previously  
35 voted in a primary election, may vote in a primary election of a  
36 political party unless the voter was deemed to be a member of that  
37 party on the 55th day next preceding such primary election.

38 Notwithstanding the provisions of this section, or any law, rule,  
39 or regulation to the contrary, a voter who is listed to receive mail-in  
40 ballots for all future elections, pursuant to the provisions of section  
41 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72  
42 (C.19:63-3.1), and who is not affiliated with any political party,  
43 shall not receive a mail-in ballot for a primary election. Such  
44 unaffiliated mail-in voters shall receive a political party affiliation  
45 declaration form and information concerning how to affiliate with a

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

**Matter underlined thus is new matter.**

1 political party, how to vote by mail in the primary election, and how  
2 to vote in person at a polling place on the day of a primary election.  
3 Such an unaffiliated mail-in voter, who is not affiliated with any  
4 political party, may vote using a mail-in ballot in a primary election  
5 if the voter submits a political party affiliation declaration form to  
6 the municipal clerk or the county commissioner of registration and  
7 requests a mail-in ballot prior to the deadline in which a voter may  
8 apply in person to the county clerk for a mail-in ballot, pursuant to  
9 subsection d. of section 3 of P.L.2009, c.79 (C.19:63-3). The  
10 Secretary of State shall cause to be prepared uniform language for  
11 such notifications. The commissioners of registration and the  
12 county clerks of the several counties and the clerks of the  
13 municipalities within such counties shall distribute such forms and  
14 information to such registered voters.

15 A member of the county committee of a political party and a  
16 public official or public employee holding any office or public  
17 employment to which the person has been elected or appointed as a  
18 member of a political party shall be deemed a member of such  
19 political party.

20 A voter may declare the voter's party affiliation or change the  
21 voter's party affiliation, or declare that the voter is unaffiliated with  
22 any party regardless of any previously declared party affiliation, by  
23 so indicating on a political party declaration form filed with the  
24 municipal clerk or the county commissioner of registration. A voter  
25 may also indicate that the voter wishes to declare a political party  
26 affiliation or that the voter does not want to declare a political party  
27 affiliation on a voter registration form filed at the time of initial  
28 registration. A voter may declare the voter's party affiliation, or  
29 make changes to that affiliation, either on a paper form or an  
30 electronic form using the online voter registration system  
31 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

32 Any person voting in the primary ballot box of any political  
33 party in any primary election in contravention of the election law  
34 shall be guilty of a disorderly persons offense, and any person who  
35 aids or assists any such person in such violation by means of public  
36 proclamation or order, or by means of any public or private  
37 direction or suggestions, or by means of any help or assistance or  
38 cooperation, shall likewise be guilty of a disorderly persons offense.  
39 (cf: P.L.2022, c.69, s.1)

40

41 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to  
42 read as follows:

43 2. a. The county commissioner of registration in each of the  
44 several counties shall cause a notice to be published in each  
45 municipality of their respective counties in a newspaper or  
46 newspapers circulating therein. The notice to be so published shall  
47 be published once during each of the two calendar weeks next  
48 preceding the week in which the 55th day next preceding the  
49 primary election of a political party occurs.

A5343 KARABINCHAK

1 b. (1) The notice required to be published by the preceding  
2 paragraph shall inform the reader thereof that:

3 (a) no voter, except a newly registered voter at the first primary  
4 at which the voter is eligible to vote, or a voter who has not  
5 previously voted in a primary election may vote in a primary  
6 election of a political party unless the voter was deemed to be a  
7 member of that party on the 55th day next preceding such primary  
8 election;

9 (b) a voter who is listed to receive mail-in ballots for all future  
10 elections, pursuant to the provisions of section 3 of P.L.2009, c.79  
11 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who  
12 is not affiliated with any political party shall not receive a mail-in  
13 ballot for a primary election. Such unaffiliated mail-in voters shall  
14 receive a political party affiliation declaration form and information  
15 concerning how to affiliate with a political party, how to vote by  
16 mail in the primary election, and how to vote in person at a polling  
17 place on the day of a primary election. Such an unaffiliated mail-in  
18 voter, who is not affiliated with any political party, may vote using  
19 a mail-in ballot in a primary election if the voter submits a political  
20 party affiliation declaration form to the municipal clerk or the  
21 county commissioner of registration and requests a mail-in ballot  
22 prior to the deadline in which a voter may apply in person to the  
23 county clerk for a mail-in ballot, pursuant to subsection d. of  
24 section 3 of P.L.2009, c.79 (C.19:63-3); and

25 (c) a voter who votes in the primary election of a political party,  
26 or who signs and files with the municipal clerk or the county  
27 commissioner of registration a declaration that the voter desires to  
28 vote in the primary election of a political party, or who indicates on  
29 a voter registration form the voter's choice of political party  
30 affiliation and submits the form to the commissioner of registration  
31 of the county wherein the voter resides, to the employees or agents  
32 of a public agency, as defined in subsection a. of section 15 of  
33 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as  
34 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-  
35 6.11) or to the Secretary of State, either on a paper form or an  
36 electronic form using the online voter registration system  
37 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall  
38 be deemed to be a member of that party until the voter signs and  
39 files with the municipal clerk or the commissioner of registration a  
40 declaration that the voter desires to vote in the primary election of  
41 another political party, at which time the voter shall be deemed to  
42 be a member of such other political party, or that the voter chooses  
43 not to be affiliated with any political party.

44 (2) The notice shall also state the time and location where a  
45 person may obtain political party affiliation declaration forms or  
46 voter registration forms.

47 (cf: P.L.2022, c.69, s.2)

48

49 3. This act shall take effect immediately.

STATEMENT

1

2

3

This bill allows an unaffiliated mail-in voter to vote using the mail-in ballot in a primary election if the voter submits a political party affiliation declaration form to the municipal clerk or the county commissioner of registration by 3 p.m. the day before the primary election, and requests the mail-in ballot by that deadline from the county clerk.

9

10

11

12

13

14

15

16

17

18

Under current law, a voter is required to be deemed a member of a political party by the 55th day prior to a primary election in order to vote in a primary election of that political party. However, unaffiliated voters, meaning voters who are not affiliated with any political party, are permitted to vote in person on primary election day and thereby affiliate with a political party by voting that day, while unaffiliated mail-in voters receive a political party affiliation declaration form and information concerning how to affiliate with a political party and how to vote in person at a polling place on the day of a primary election.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5343**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 18, 2023

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 5343.

As amended by the committee, this bill allows an unaffiliated voter to vote using a mail-in ballot in a primary election if the voter submits a political party affiliation declaration form to the municipal clerk or the county commissioner of registration, and has requested or requests a mail-in ballot from the county clerk by the current law deadlines. Under the bill, as amended, the voter may request a mail-in ballot from the county clerk by mail, in addition to in-person.

Under current law, a voter is required to be deemed a member of a political party by the 55th day prior to a primary election in order to vote in a primary election of that political party. However, unaffiliated voters, meaning voters who are not affiliated with any political party, are permitted to vote in person on primary election day and thereby affiliate with a political party by voting that day, while unaffiliated mail-in voters receive a political party affiliation declaration form and information concerning how to affiliate with a political party and how to vote in person at a polling place on the day of a primary election.

COMMITTEE AMENDMENTS:

The committee amendments clarify that any unaffiliated voter who submits a political party affiliation form to the municipal clerk or commissioner of registration may request a mail-in ballot from the county clerk by mail, in addition to in-person.

# Governor Murphy Takes Action on Legislation

01/16/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

**SCS for S-281/ACS for A-3791 (Greenstein, Turner/Sumter, Reynolds-Jackson) – w/STATEMENT** - Concerns automatic fire sprinkler systems within newly constructed townhouses  
[Copy of Statement](#)

**S-539wGR/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera)** - Permits online purchase of eligible foods using WIC funds and use of WIC funds for grocery delivery ch

**S-659/A-2014 (Oroho, Greenstein/Conaway, Wirths, Umba)** - "Manufacturing in Higher Education Act"; requires various State entities to promote manufacturing career pathways students and provides assistance to manufacturing industry

**S-1110/A-3936 (Polistina, Singleton/Guardian, Swift, McClellan)** - Authorizes CRDA to finance transportation projects between Atlantic City Airport and Atlantic City Tourism Dis

**S-1662/A-3526 (Ruiz, Codey/Lampitt, Benson, Sauickie)** - Requires NJ Youth Suicide Prevention Advisory Council to prepare report regarding suicide prevention instruction in pu schools

**S-1680wGR/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly)** - Designates each community college in State as provider of allowable services under SNAP employment and training program

**S-2076/ACS for A-3319 (Zwicker, Greenstein/McKnight, Lampitt)** - Establishes "Twelfth Grade Postsecondary Transition Year Pilot Program" in Department of Education

**S-2535wGR/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter)** - Requires health benefits coverage of hearing aids and cochlear implants

**S-2841/A-4292 (Scutari, Bramnick/Carter)** - Raises minimum amount of liability coverage for commercial motor vehicles and autocabs

**SCS for S-3080/ACS for-398 (Ruiz, Burgess/Caputo, Giblin, Tucker)** - Establishes position of Youth Disconnection Prevention and Recovery Ombudsperson; establishes "School Disconnection Prevention Task Force"; appropriates \$200,000

**S-3102/A-4715 (Smith, Singleton/Stanley, Benson)** - Establishes uptime requirement for electric vehicle charging station incentive programs

**S-3176/A-4760 (Greenstein, Smith/Swain, Haider, Tully)** - Requires DEP and Drinking Water Quality Institute to perform study concerning regulation and treatment of perfluoroalkyl and polyfluoroalkyl substances

**SCS for S-3632 and 3649w/GR/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano)** - Requires labeling of non-flushable disposable wipes

**S-3758/A-5343 (Cryan/Karabinchak)** - Changes deadline for unaffiliated mail-in voters to declare their political party before primary election

**S-3837/A-5438 (Pou, Cruz-Perez/Pintor Marin, Wimberly)** - Clarifies process for administrative appropriations to UEZs

**S-3897/A-5578 (Ruiz, Sarlo/Jasey, Carter, Reynolds-Jackson)** - Authorizes Higher Education Student Assistance Authority to award annual summer tuition aid grants

**S-4040/A-5881 (Polistina, Lagana/Tully, Guardian, Swift)** - Concerns jurisdiction and operations of regional municipal courts

**S-4084/A-5851 (Ruiz, Cruz-Perez/Moriarty, Calabrese, Moen)** - Concerns temporary registration certificates and license plates

**S-4130/A-5849 (Codey/Jasey, Tucker)** - Special legislation to change name of "Township of South Orange Village" to "South Orange Village"; changes titles of certain municipal officials; permits nonpartisan municipal elections to be moved to November; permits stipend for governing body members

**S-4206/A-5856 (Sarlo/Calabrese)** - Changes number of signatures required on primary election petition to nominate certain municipal candidates in certain municipalities

**S-4209/A-5879 (Sarlo/Pintor Marin)** - Eliminates vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap

**S-4268/A-5911 (Scutari/Danielsen)** - Permits certain special State officers to represent cannabis businesses

**A-203/S-2884 (Rooney, Benson, Caputo/A.M. Bucco)** - Authorizes creation of special license plates commemorating horse as State animal

**A-1100/S-995 (Calabrese, Mukherji, McKnight/Ruiz, Stack)** - Requires entities to remove abandoned lines and mark information on certain lines

**A-1107/S-770 (Chaparro, Murphy, Mukherji/Pou, Beach)** - Directs Chief Technology Officer to conduct study on impacts of redacting handwritten signatures published on State websites; allows for protocols for such redactions to be established by rules and regulations

**ACS for A-1255/SS for S-1794 (Stanley, Conaway, Benson/Gopal, Singer)** - Updates requirements and standards for authorization and prior authorization of health care services

**A-1727/S-3300 (Speight, Reynolds-Jackson, Verrelli/Stanfield, Ruiz)** - Requires Attorney General to perform outreach and provide services to victims of human trafficking under certain circumstances

**A-1729/S-3550 (Speight, Reynolds-Jackson, McKnight/Greenstein, Ruiz)** - Requires AG to address human trafficking in underserved communities

**A-1755/S-2505 (McKeon, Calabrese, Conaway/Smith, Greenstein)** - Requires installation of operational automatic rain sensor or smart sprinkler as condition of sale of certain properties, and on certain commercial, retail, and industrial properties and common interest communities within specified timeframes

**A-2146wGR/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach)** - Creates State business assistance program to establish contracting agency procurement goals for socially and economically disadvantaged business enterprises

**A-2581/S-2503 (Lampitt, Park/Beach)** - Provides that certain cosmetology and hairstyling courses may be taught using distance learning technology

**A-3142/S-1564 (Moen, Moriarty, Benson/Singleton, Corrado)** - Authorizes grants to purchase and rehabilitate abandoned homes for homeless veterans

**A-3211/S-2302 (Speight, Haider, Swain/Gopal, Ruiz)** - Establishes "New Jersey Feminine Hygiene Products for the Homeless Act"

**A-3980/S-2706 (Speight, McKnight, Atkins/Zwicker, Turner)** - Grants child placed in resource family care and resource family parents the right to be notified when case manager

supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits

**A-4033wGR/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz)** - Extends deadline for completion of school district's annual audit

**A-4049/S-3495 (McKnight, Reynolds-Jackson, Benson/Vitale, Johnson)** - Provides for presumptive eligibility for home and community-based services and services provided thru program of all-inclusive care for the elderly under Medicaid

**A-4105/S-4202 (Lopez, Jimenez, Quijano/Vitale, Turner)** - Establishes Interagency Council on Homelessness

**A-4183/S-4264 (Haider/Singleton)** - Concerns local unit filing requirement for certain shared services agreements

**A-4212/S-2762 (Pintor Marin, Reynolds-Jackson, Verrelli/Ruiz, Cunningham)** - Establishes Center for Career Relevant Education and Talent Evaluation of New Jersey at Thomas Edison State University

**A-4337/S-4156 (Conaway, Atkins, Rooney/Singleton, Pou)** - Requires Department of Health to provide information to Statewide 2-1-1 telephone system regarding the location of disposal sites for hypodermic syringes and needles and prescription drugs

**ACS for A-4496/SCS for S-3247 (Coughlin, Lampitt, Karabinchak, Wimberly/Zwicker, Greenstein)** - Revises various provisions of law governing construction of school facilities projects and operations of New Jersey Schools Development Authority; establishes "Charter School and Renaissance School Project Facilities Loan Program" in EDA

**A-4522/S-3234 (Moen, McKnight, Quijano/Singer, Singleton)** - Requires certain disclosures by sellers of single-family homes with solar panels installed

**A-4691/S-1530 (Swain, DeAngelo, Speight/Greenstein, Zwicker)** - Requires hazard mitigation plans to include climate change-related threat assessments and hazard prevention mitigation strategies

**A-4723/S-2740 (McKeon, Moriarty, Rooney/Codey, Scutari)** - Requires motor vehicle dealer to offer to delete personal information in motor vehicles in certain situations

**A-4791/S-3184 (Kennedy, Haider, McKeon/Diegnan, Sarlo)** - Establishes "Resiliency and Environmental System Investment Charge Program"

**ACS for A-4794/S-3224 (Benson, Mukherji/Singleton, Turner)** - Requires request for proposal to establish demonstration projects to develop electric vehicle charging depots served by distributed energy resource charging centers for certain electric vehicle use

**A-4814/S-1023 (Moen, Wimberly/Singleton, Gopal)** - Removes expected family contribution from calculation of financial need under circumstances in which public institutions or higher education may reduce student's institutional financial aid

**ACS for A-4821 and 4823wGR/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker)** - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

**A-4955/S-3531 (S. Kean, Thomson/Singer, Gopal)** - Designates portion of State Highway Route 71 as "John Tarantino Highway"

**A-5094/S-3476 (Spearman/Beach, Greenstein)** - Concerns licensing of security officer companies

**A-5227/S-3662 (Danielsen, Space/Smith, Oroho)** - Expands eligibility for "fishing buddy license" fee

**A-5285/SCS for S-3708 (Greenwald, Haider, Lopez/Greenstein, A.M. Bucco)** - Requires copies of certain law enforcement records to be provided to victims of domestic violence upon request

**A-5293/S-3746 (Greenwald, McKnight, Rooney/Gopal, Ruiz)** - Concerns New Jersey Civic Information Consortium

**A-5311/S-3061 (Verrelli, McKnight, Matsikoudis/Stanfield, Turner)** - Enters New Jersey into Counseling Compact

**A-5391/S-3765 (DeAngelo/Diegnan, Corrado)** - Imposes conditions on drivers approaching disabled vehicles

**A-5412/S-3850 (Greenwald, Swain, Jasey/Gopal, Singer)** - Establishes nonpublic school transportation program to provide funding to consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing

**A-5416wGR/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner)** - Requires State Board of Education to authorize alternate route to expedite teacher certification of persons employed as paraprofessionals in school districts

**A-5442/S-3793 (Karabinchak, Conaway, McKeon/Smith, Greenstein)** - Directs BPU to conduct study to determine feasibility, marketability, and costs of implementing large-scale geothermal heat pump systems in State

**A-5462/S-3867 (Coughlin, McKnight, Speight/Vitale, Turner)** - Revises law establishing Office of Food Security Advocate, and establishes certain conditions for use of monies appropriated to emergency food organizations

**ACS for A-5495/SCS for S-3846 (Danielsen/Scutari, A.M. Bucco)** - Clarifies types of firearms allowed to be carried or transported while hunting

**A-5516/S-4047 (Reynolds-Jackson, Verrelli, Conaway/Burgess, Turner)** - Requires certain health care professionals to undergo bias training

**A-5565/S-3971 (S. Kean, Thomson/Gopal)** - Provides that 10-year term does not apply to lease of certain municipal properties unless they are waterfront properties or related to waterfront concessions

**A-5567/S-3807 (Torrissi, Calabrese/A.M. Bucco, Sarlo)** - Extends period of usefulness of fire engines for bonding purposes from 10 to 20 years; eliminates exclusion of passenger cars and station wagons

**A-5582/S-3781 (Swain, Simonsen/Lagana, Cryan)** - Establishes grant program for NJ YouthBuild programs through DOLWD; makes appropriation

**A-5610wGR/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco)** - Revises penalties for possession or consumption of alcoholic beverages by underage persons

**A-5748/S-4166 (Spearman, Moen, Moriarty/Cruz-Perez, Madden)** - Amends definition of "participating county" under County Option Hospital Fee Program

**A-5755/S-4183 (Carter, Sumter, Wimberly, Quijano/Scutari, Singleton)** - Enhances notice requirements and occupancy restrictions for hotels and multiple dwellings following determination of potentially hazardous condition

**A-5799/S-1472 (Moen, Moriarty/Beach, Stack)** - Authorizes DOT to establish and administer toll collection and enforcement system on behalf of NJ toll authorities and to enter into reciprocal agreements for enforcement of toll violations with toll authorities from other states

**A-5806/S-4165 (Moriarty, Sauickie/Greenstein, Oroho)** - Appropriates \$48 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreational and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-5807/S-4138 (Freiman/Johnson, Schepisi)** - Appropriates \$58 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-5808/S-4135 (Park, Freiman, Lopez/Beach, Turner)** - Appropriates \$15,564,293 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

**A-5809/S-4097 (Swain, Lopez, Sauickie/Zwicker, Gopal)** - Amends lists of projects eligible to receive loans for environmental infrastructure projects from NJ Infrastructure Bank FY 2024

**A-5810/S-4098 (Sampson, Sauickie, Lopez/Greenstein, Stanfield)** - Amends lists of environmental infrastructure projects approved for long-term funding by DEP under FY 2024 environmental infrastructure funding program

**A-5828/S-4201 (Lopez/Vitale)** - Authorizes State Treasurer to sell as surplus certain real property and improvements in Township of Woodbridge in Middlesex County

**A-5835/S-4134 (Greenwald, Lampitt/Beach, Turner)** - Authorizes regional authority to develop and operate regional rehabilitation and reentry center

**A-5836/S-4212 (DeAngelo, Sumter, Wimberly/Gopal, Greenstein)** - Makes supplemental appropriation of \$650,000 to New Jersey Division of State Police for trooper recruitment retention

**A-5910/S-4266 (Egan/Codey)** - Increases annual salary of certain public employees and officers

**AJR-200/SJR-138 (Park, Freiman, Calabrese/Lagana)** - Designates November 22 of each year as Kimchi Day

Governor Murphy pocket vetoed the following bills:

**S-2989/A-1739 (Pou, Singer/McKeon, Quijano, Flynn)** - Makes certain for-profit debt adjusters eligible for licensing to conduct business in State

**S-3172/A-4689 (Gopal, Turner/Lampitt, Matsikoudis, McKnight)** - Establishes teacher certification route for candidates with Montessori teaching credentials

**S-3287/ACS for A-4852 and 1170 (Turner/Reynolds-Jackson, Jasey, Dunn, Wimberly, Calabrese, Spearman, Verrilli)** - Requires institutions of higher education to maintain support policy governing use of naloxone hydrochloride nasal spray for opioid overdose emergencies

**A-1476/S-930 (Benson, Dancer/Holzapfel, Diegnan)** - Exempts certain motor vehicles that are owned by certain nutrition programs and certain nonprofit organizations that offer social services from motor vehicle registration fees

**A-3642/S-665 (Wirthis, Murphy, Benson, Oroho/Greenstein)** - Requires MVC to place designation on motor vehicle's registration information indicating registrant is deaf

**A-3945/S-1660 (Quijano, Reynolds-Jackson, Carter/Ruiz, Singleton)** - Establishes "Male Teachers of Color Mentorship Pilot Program"; appropriates \$95,000

**A-4177/S-2478 (Mosquera, Swain, McKnight, Tucker, Dunn/Ruiz, Vitale)** - Extends duration of law requiring certain provider subsidy payments for child care services be based on enrollment

**A-4396/S-2927 (Lampitt, Jasey, Caputo/Codey)** - Establishes timelines for review and approval by Commissioner of Education of annual certified audits submitted by approved private schools for students with disabilities

**A-4621/S-3156 (Mosquera, Greenwald, Swain/Madden)** - Requires issuance of report on certain information and data on processing of applications for professional and occupational licenses and mandates review of training and call intake in Division of Consumer Affairs.

**A-4740/S-2970 (Mukherji, DeAngelo, McKnight/Cruz-Perez, Turner)** - Provides employee access to employee's employment records on file with DOLWD

**A-5294/S-1825 (Greenwald, Swain, Rooney/Steinhardt, Sarlo, Doherty)** - Exempts sales of investment metal bullion and investment coins from sales and use tax

**A-5893/S-4228 (Karabinchak, Calabrese, Sauickie/Gopal, Sarlo)** - Extends annual horse racing purse subsidies through State fiscal year 2029