

19:59-8.1

LEGISLATIVE HISTORY CHECKLIST
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(Absentee ballots--amendments)

NJSA: 19:59-8.1

LAWS OF: 1993 **CHAPTER:** 73

BILL NO: A1769

SPONSOR(S) Franks and others

DATE INTRODUCED: September 14, 1992

COMMITTEE: **ASSEMBLY:** State Government
SENATE: State Government

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** October 15, 1992
SENATE: February 9, 1993

DATE OF APPROVAL: March 12, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

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

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

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[SECOND REPRINT]

ASSEMBLY, No. 1769

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 14, 1992

By Assemblymen FRANKS, LoBIONDO, Baer, Roma,
Catania, Sosa, Solomon, Kramer, Geist,
Assemblywoman Heck and Assemblyman Rocco

1 AN ACT concerning absentee voting, amending P.L.1953, c.211
2 and amending and supplementing P.L.1976, c.23.

3

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

6 1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read
7 as follows:

8 2. Whenever used in this act, the following terms shall, unless
9 the context indicates otherwise, be construed to have the
10 following meanings:

11 "Absentee ballot" means any military service ballot or civilian
12 absentee ballot as herein defined.

13 "Absentee voter" means any person qualified to vote a military
14 service ballot or a civilian absentee ballot under the provisions of
15 this act.

16 "Armed Forces of the United States" means any branch or
17 department of the United States Army, Navy, Air Force, Coast
18 Guard or Marine Corps.

19 "Civilian absentee ballot" means a ballot for use by a civilian
20 absentee voter as prescribed by this act.

21 "Civilian absentee voter" means any qualified and registered
22 voter of the State who expects to be absent from the State on the
23 day of any election and any qualified and registered voter who
24 will be within the State on the day of any election but because of
25 illness or physical disability, including blindness or pregnancy, or
26 because of the observance of a religious holiday pursuant to the
27 tenets of his religion, or because of resident attendance at a
28 school, college or university, or because of the nature and hours
29 of his employment, will be unable to cast his ballot at the polling
30 place in his election district on the day of the election.

31 "Election," "general election," "primary election for the
32 general election," "municipal election," and "special election"
33 shall mean, respectively, such elections as defined in the Title to
34 which this is a supplement (R.S.19:1-1 et seq.).

35 "Family member" means an adult who is a spouse, parent,
36 child, grandparent, grandchild or sibling of a voter, whether by
37 adoption or natural relationship. It shall also include any adult
38 occupant regularly living with a voter in any residential building
39 or part of a building intended for the use of no more than one
40 family.

41 "Incapacitated absentee voter" means a voter who, due to
42 incapacity, is unable to complete his ballot.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted September 21, 1992.

² Senate floor amendments adopted December 7, 1992.

1 "Military service" means active service by any person, as a
2 member of any branch or department of the United States Army,
3 Navy, Air Force, Coast Guard or Marine Corps, or as a member
4 of the maritime or merchant marine service, or as a reservist
5 absent from his place of residence and undergoing training under
6 Army, Navy, Air Force, Coast Guard or Marine Corps direction,
7 at a place other than that of such person's residence.

8 "Military service voter" means a qualified elector under the
9 Constitution and the laws of this State who comes within one of
10 the following categories:

11 (a) Persons in the military service and their spouses and
12 dependents.

13 (b) Patients in a veterans' hospital located in any place other
14 than the place of their residences who have been in the military
15 service in any war in which the United States has been engaged
16 and have been discharged or released from such service.

17 (c) Civilians attached to or serving with the Armed Forces of
18 the United States without this State and their spouses and
19 dependents when residing with or accompanying them.

20 "Military service ballot" means a ballot for use by a military
21 service voter as prescribed by this act.

22 "Member of the maritime or merchant marine service" means
23 any person employed as an officer or crew member of a vessel
24 documented under the laws of the United States, or a vessel
25 owned by the United States, or a vessel of foreign-flag registry
26 under charter to or control of the United States or enrolled with
27 the United States for employment or training for employment, or
28 maintained by the United States for emergency relief service as
29 an officer or crew member of any such vessel or any such person
30 as otherwise defined in section 107 of Pub.L. 99-410, the
31 "Uniformed and Overseas Citizens Absentee Voting Act," (42
32 U.S.C. §1973ff-6).

33 (cf: P.L.1981, c.390, s.1)

34 2. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read
35 as follows:

36 4. At any time not less than seven days prior to an election in
37 which he desires to vote by mail, a civilian absentee voter may
38 apply to the person designated in section 6 of this act, for a
39 civilian absentee ballot. Such application or request shall be
40 made in writing, shall be signed by the applicant and shall state
41 his or her place of voting residence and the address to which said
42 ballot shall be sent, and the reason for which the ballot is
43 requested.

44 Any military service voter desiring to vote in any election or
45 any relative or friend of a military service voter who believes
46 that such voter will desire to vote in any election, may apply to
47 the person designated in section 6 of this act for a military
48 service ballot to be sent to such voter. A military service voter
49 may use a federal postcard application form to apply for a
50 military service ballot. On any application made by a military
51 service voter the voter may request a military service ballot for
52 all subsequent elections held during the calendar year in which
53 the request is made; if such a request is made, a military service
54 ballot shall be sent in a timely manner to the voter for all

1 such elections.

2 Any civilian absentee voter who fails to apply within the 7-day
3 time prescribed above may apply in person to the county clerk for
4 an absentee ballot on any day up to 3 p.m. of the day before the
5 election.

6 In the event of sickness or confinement, the qualified voter
7 may apply in writing for and obtain an absentee ballot by
8 authorized messenger, who shall be so designated over the
9 signature of the voter and whose printed name and address shall
10 appear on the application in the space provided. The authorized
11 messenger shall be a family member or a registered voter of the
12 county in which the application is made and shall place his
13 signature on the application in the space so provided in the
14 presence of the county clerk or his designee. The county clerk or
15 his designee shall authenticate the signature of the authorized
16 messenger, in the event such a messenger is other than a family
17 member, by comparing it with the signature of the said person
18 appearing on a State of New Jersey driver's license, or other
19 identification issued or recognized as official by the federal
20 government, the State, or any of its political subdivisions, which
21 identification carries the full address and signature of said
22 person. After the signature of the application and, when
23 appropriate, authentication, the county clerk or his designee is
24 authorized to deliver to the authorized messenger a ballot to be
25 delivered to the qualified voter. The Secretary of State shall
26 cause to be prepared a standard authorized messenger application
27 form, which may be included with the standard civilian absentee
28 ballot application forms.

29 A voter who is permanently and totally disabled, and who
30 states the reason for such disability in a request for an absentee
31 ballot, shall be furnished an application for an absentee ballot by
32 the county clerk for all future elections in which the voter shall
33 be eligible to vote, without further request on the part of the
34 voter.

35 (cf: P.L.1981, c.390, s.2)

36 3. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read
37 as follows:

38 7. The county clerk of the county, in the case of any Statewide
39 or countywide election; the clerk of the municipality, in the case
40 of any municipal election; the secretary of the board of
41 education, in the case of any school election; and the
42 commissioners or other governing or administrative body of the
43 district, in the case of any election to be held in any fire district,
44 road district, sewerage district, street lighting district, water
45 supply district or other special district, other than a municipality,
46 created for specified public purposes within one or more
47 municipalities, shall publish or cause to be published the following
48 notices in substantially the following forms:

49 NOTICE TO MILITARY SERVICE VOTERS AND TO THEIR
50 RELATIVES AND FRIENDS

51 If you are in the military service, or the spouse or dependent of
52 a person in military service or are a patient in a veterans'
53 hospital or a civilian attached to or serving with the Armed
54 Forces of the United States without the State of New Jersey,

1 or the spouse or dependent of and accompanying or residing with
2 a civilian attached to or serving with the Armed Forces of the
3 United States, and desire to vote, or if you are a relative or
4 friend of any such person who, you believe, will desire to vote in
5 the

6 (municipal, primary, general or other)
7 election to be held on kindly write to
8 (date of election)

9 the undersigned at once making application for a military service
10 ballot to be voted in said election to be forwarded to you, stating
11 your name, age, serial number if you are in military service,
12 home address and the address at which you are stationed or can
13 be found, or if you desire the military service ballot for a relative
14 or friend then make application under oath for a military service
15 ballot to be forwarded to him, stating in your application that he
16 is over the age of 18 years and stating his name, serial number if
17 he is in military service, home address and the address at which
18 he is stationed or can be found.

19 Military service voters may also apply for a military service
20 ballot by sending a federal postcard application form to the
21 undersigned.

22 On the application for a military service ballot, military
23 service voters may request that a military service ballot be sent
24 for all subsequent elections held during this calendar year.

25 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
26 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
27 NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED
28 TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS
29 LOCATED.)

30 Forms of application other than federal postcard application
31 forms can be obtained from the undersigned.

32 Dated
33

34 (signature and title of county clerk)

35
36 (address of county clerk)

37 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
38 BALLOTS

39 If you are a qualified and registered voter of the State who
40 expects to be absent outside the State on

41 (date of election)

42 or a qualified and registered voter who will be within the State on
43 but because of permanent and total

44 (date of election)

45 disability, or because of illness or temporary physical disability,
46 or because of the observance of a religious holiday pursuant to
47 the tenets of your religion, or because of resident attendance at a
48 school, college, or university, or because of the nature and hours
49 of employment, will be unable to cast your ballot at the polling
50 place in your district on said date, and you desire to vote in the .

51

52 (municipal, primary, general, (or other)

53 election to be held on kindly complete the

54 (date of election)

1 application form below and send to the undersigned, or write or
 2 apply in person to the undersigned at once requesting that a
 3 civilian absentee ballot be forwarded to you. Such request must
 4 state your home address, and the address to which said ballot
 5 should be sent, and must be signed with your signature, and state
 6 the reason why you will not be able to vote at your usual polling
 7 place. No civilian absentee ballot will be furnished or forwarded
 8 to any applicant unless request therefor is received not less than
 9 seven days prior to the election, and contains the foregoing
 10 information.

11 Voters who are permanently and totally disabled shall, after
 12 their initial request and without further action on their part, be
 13 forwarded an absentee ballot application by the county clerk for
 14 all future elections in which they are eligible to vote.
 15 Application forms may be obtained by applying to the undersigned
 16 either in writing or by telephone, or the application form
 17 provided below may be completed and forwarded to the
 18 undersigned.

19 Dated

20

21 (signature and title of county clerk)

22

23 (address of county clerk)

24

25 (Telephone No. of county clerk)

26 APPLICATION FORM FOR CIVILIAN
 27 ABSENTEE BALLOT

28 (Form to be prepared by the Secretary of State pursuant
 29 to section 17 of [this amendatory and supplementary
 30 act.] P.L.1977, c.47 (C.19:57-4.1).)

31 Such notices shall be separately published prior to the 50th day
 32 immediately preceding the holding of any election.

33 Notices relating to any Statewide or countywide election shall
 34 be published by the county clerk in at least two newspapers
 35 published in the county. All other officials charged with the duty
 36 of publishing such notices shall publish the same in at least one
 37 newspaper published in each municipality or district in which the
 38 election is to be held or if no newspaper be published in said
 39 municipality, then in a newspaper published in the county and
 40 circulating in such municipality, municipalities or district. All
 41 such notices shall be display advertisements.

42 (cf: P.L.1985, c.92, s.31)

43 4. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read
 44 as follows:

45 2. As used in this act:

46 a. "United States" means each of the several states, the
 47 District of Columbia, Commonwealth of Puerto Rico, Guam,
 48 American Samoa and the Virgin Islands; the term does not mean
 49 or include [American Samoa,] the Canal Zone or any other
 50 territory or possession of the United States.

51 b. "Residing abroad" means residing outside the United States.

52 c. "Federal election" means any general, special or primary
 53 held for the purpose of nominating or electing any candidate for
 54 the office of President or Vice President of the United States,

1 Presidential elector, United States Senator or member of the
2 United States House of Representatives.

3 d. "Overseas Federal election voter" means any person in
4 military service who, by reason of active duty or service, is
5 absent on the date of an election from the place of residence in
6 New Jersey where the person is or would be qualified to vote, and
7 any citizen of the United States residing abroad who (1)
8 immediately prior to his departure from the United States was
9 domiciled in New Jersey and (a) was registered to vote, or had all
10 the qualifications to register and vote, in New Jersey; or (b) had
11 all the qualifications to register and vote in New Jersey other
12 than having attained 18 years of age [if he] but has since attained
13 that age[.]; or (c) would, but for residence, have the qualifications
14 to register and vote in New Jersey; (2) does not maintain a
15 residence in the United States and is not registered or qualified
16 to vote [in New Jersey or] elsewhere in the United States[.]; and
17 (3) holds a valid passport or card of identity and registration
18 issued under authority of the Secretary of State of the United
19 States.

20 e. "Fax" means any transmission made by an electronic
21 telefacsimile machine or device or by any other form of
22 electronic transmission device which transports an authentic copy
23 of a document from one user of the device to another.

24 (cf: P.L.1976, c.23, s.2)

25 5. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read
26 as follows:

27 3. Upon compliance with the provisions of this act any person
28 meeting the qualifications of an "Overseas Federal election
29 voter" may register to vote and may apply for and vote by
30 absentee ballot in any Federal election held in the election
31 district of this State in which he was formerly domiciled.

32 (cf: P.L.1976, c.23, s.3)

33 6. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
34 as follows:

35 4. a. Requests for an application to vote in a Federal election
36 as an overseas Federal election voter may be made by or on
37 behalf of an applicant to the county clerk of the county in which
38 the applicant was formerly domiciled or to the Secretary of State
39 of New Jersey if the applicant does not know the county of his
40 former domicile. All such applications shall be forwarded [by air
41 mail] to such voters by air mail or by fax, if so requested by the
42 voter. Any overseas Federal election voter requesting that an
43 application for a ballot be sent to that voter by fax shall supply
44 to the Secretary of State or the county clerk, as is appropriate,
45 the telephone number and location to which the application is to
46 be sent. To qualify an applicant to be sent a ballot [and] by air
47 mail in order to vote in an election [his] , the applicant's
48 completed application shall be received by the appropriate county
49 clerk on or before the thirtieth day preceding the election. To
50 qualify an applicant to be sent a ballot by fax in order to vote in
51 an election, the applicant's completed application shall be
52 received by the appropriate county clerk on or before the
53 eleventh day preceding the election.

54 b. An overseas Federal election voter may use a federal

1 postcard application form to register to vote or to apply for an
2 overseas Federal election voter ballot. The voter may send the
3 form by air mail or by fax to either the appropriate county clerk
4 or the Secretary of State and, in the case of an application for a
5 ballot, may request that the ballot be sent by air mail or by fax.
6 Any voter sending the form by fax shall also mail simultaneously
7 the federal postcard application form to the appropriate county
8 clerk or the Secretary of State. Any federal postcard application
9 for a ballot sent by an overseas Federal election voter and
10 received by a county clerk or the Secretary of State shall also be
11 considered a request for registration if that voter is not already
12 registered.

13 (cf: P.L.1978, c.130, s.1)

14 7. Section 5 of P.L.1976, c.23 (C.19:25-5) is amended to read as
15 follows:

16 5. a. An application for an overseas Federal election voter
17 ballot shall be in substantially the following form:

18 APPLICATION FOR AN OVERSEAS FEDERAL ELECTION
19 VOTER BALLOT

20 I, the undersigned, certify the following as a basis for an
21 application as citizen of the United States residing outside the
22 United States to receive a Federal election ballot to be voted at
23 the election to be held on that is to say: (Date of election)

24 1. I am a citizen of the United States;

25 2. I presently reside at (if mail should be addressed other
26 than to my residence, also provide address for mail) ;

27 3. I was born on (month, day, year)

28 4. a. I hold a valid U.S. Passport # , dated , or

29 b. I hold a United States Citizens Identity and Registration
30 Card (Form FS 225) dated issued by (name and location of
31 U.S. Embassy or Consulate).

32 5. Immediately prior to taking up residence abroad I was
33 domiciled in New Jersey and resided at , (street address) , ,
34 (municipality) (county) (If formerly registered to vote from that
35 address check here []).

36 6. I do not maintain a domicile in the United States and am not
37 registered, entitled or applying to vote in any state other than
38 New Jersey.

39 7. I understand that any false statement knowingly made in
40 this application subjects me to the penalties provided by law for
41 fraudulent voting.

42 Applicant (Signature)

43 Dated: Applicant (Print or type name)

44 b. There shall also be sent to the applicant by air mail or by
45 fax such instructions and portions of the law or regulations as the
46 Secretary of State shall direct.

47 c. Any overseas Federal election voter requesting that a ballot
48 be sent to that voter by fax shall indicate on the application for
49 the ballot the telephone number and location to which the ballot
50 is to be sent.

51 (cf: P.L.1978, c.130, s.2)

52 8. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read
53 as follows:

54 8. a. Each county clerk shall send by air mail, with each

1 overseas Federal election voter ballot transmitted by such means,
2 appropriate printed instructions for its completion and return,
3 together with an inner and outer envelope similar to that required
4 as to civilian absentee ballots with a legend on the inner envelope
5 stating "Overseas Federal Election Voter Ballot."

6 b. Each county clerk shall send to each overseas Federal
7 election voter requesting that an overseas Federal election voter
8 ballot be sent to that voter by fax all appropriate printed
9 instructions for its completion and return. The printed
10 instructions sent to each such voter shall include a certificate
11 substantially the same as provided for in section 9 of P.L.1976,
12 c.23 (C.19:59-9).

13 c. The printed instructions sent with each overseas Federal
14 election voter ballot shall include a copy of the following notice:

15 PENALTY FOR FRAUDULENT VOTING

16 Any person who[,] knowingly violates any of the provisions of
17 the Overseas Residents Federal Election Absentee Voting Law, or
18 who, not being entitled to vote thereunder, fraudulently votes or
19 attempts to vote thereunder or enables or attempts to enable
20 another person, not entitled to vote thereunder, to vote
21 fraudulently thereunder or who prevents or attempts to prevent
22 by fraud the voting of any person legally entitled to vote under
23 this act, shall be guilty of an indictable offense, and upon
24 conviction thereof shall be subject, in addition to such other
25 penalties as are authorized by law, to disenfranchisement unless
26 and until pardoned or restored by law to the right of suffrage.

27 (cf: P.L.1978, c.130, s.3)

28 9. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to
29 read as follows:

30 10. a. For overseas Federal election voter ballots other than
31 such ballots sent to the voter by fax, the procedure for
32 completing the ballot shall be as follows:

33 Upon completion of the ballot by indicating his choice of
34 candidates for the offices named, the ballot shall be placed in the
35 inner envelope and sealed. Upon completion and signing in his
36 handwriting the certificate attached to the inner envelope, the
37 inner envelope shall be placed in the outer envelope which when
38 sealed shall be mailed postage prepaid to the county board of
39 elections whose address is printed thereon.

40 b. For overseas Federal election voter ballots sent to the voter
41 by fax, the procedure for completing the ballot shall be as follows:

42 After the ballot is received and completed by the voter by
43 indicating that person's choice of candidates for the offices
44 named, the ballot shall be placed in a secure envelope. Upon
45 completion and signing in the voter's handwriting of the
46 certificate sent to the voter pursuant to section 8 of P.L.1973,
47 c.23 (C.19:59-8), it shall be placed in the same envelope as the
48 voted ballot. The envelope shall then be sealed securely and sent
49 immediately by air mail to the appropriate county clerk in this
50 State.

51 (cf: P.L.1976, c.23, s.10)

52 10. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to
53 read as follows:

54 11. On receipt of each overseas Federal election voter ballot,

1 other than a ballot which had been sent by fax to an overseas
2 Federal election voter, the signature on the certificate on the
3 inner envelope shall be compared to that on the person's
4 application. [Ballots] All ballots, whether originally sent to an
5 overseas Federal election voter by air mail or by fax, shall be
6 approved, disapproved, processed, counted and disputes in
7 connection therewith shall be handled in the same manner as is
8 applicable to other absentee ballots. No ballot received after the
9 time designated for the closing of the polls shall be counted.

10 (cf: P.L.1976, c.23, s.11)

11 11. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to
12 read as follows:

13 12. [A separate application shall be made for each federal
14 election in which an overseas citizen desires to vote.] An
15 overseas Federal election voter may request, on any application
16 form used, an overseas Federal election voter ballot for all
17 federal elections held during the calendar year in which the
18 request is made. Any instructions sent to an applicant pursuant
19 to section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the
20 applicant that such a request may be made. If such a request is
21 made, an overseas Federal election voter ballot shall be sent in a
22 timely manner to the voter for all such elections.

23 (cf: P.L.1976, c.23, s.12)

24 12. (New section) Whenever ¹[the Secretary of State or]¹ a
25 county clerk receives a request by fax from an overseas Federal
26 election voter that ¹[a] an¹ overseas Federal election voter ballot
27 be sent to that person by fax, ¹[the Secretary of State or]¹ the
28 county clerk ¹[, as the case may be,]¹ shall verify the voter's
29 eligibility to vote as an overseas Federal election voter in the
30 State and the county desired. If the overseas Federal voter is
31 eligible to vote therein, ¹[the Secretary of State or]¹ the county
32 clerk ¹[, as the case may be,]¹ shall send the ballot to the voter
33 as soon as practicable by fax using the telephone number supplied
34 by the voter for that purpose. If the overseas Federal election
35 voter is not eligible to vote in the State or the county desired,
36 notice of non-eligibility shall be provided to the voter by fax as
37 soon as practicable after the receipt of the request.

38 13. This act shall take effect ²[on January 1st following] 30
39 days after² enactment.

40
41
42
43
44 Expands ability of certain voters to vote by absentee ballot.

1 other than a ballot which had been sent by fax to an overseas
2 Federal election voter, the signature on the certificate on the
3 inner envelope shall be compared to that on the person's
4 application. [Ballots] All ballots, whether originally sent to an
5 overseas Federal election voter by air mail or by fax, shall be
6 approved, disapproved, processed, counted and disputes in
7 connection therewith shall be handled in the same manner as is
8 applicable to other absentee ballots. No ballot received after the
9 time designated for the closing of the polls shall be counted.
10 (cf: P.L.1976, c.23, s.11)

11 11. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to
12 read as follows:

13 12. [A separate application shall be made for each federal
14 election in which an overseas citizen desires to vote.] An
15 overseas Federal election voter may request, on any application
16 form used, an overseas Federal election voter ballot for all
17 federal elections held during the calendar year in which the
18 request is made. Any instructions sent to an applicant pursuant
19 to section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the
20 applicant that such a request may be made. If such a request is
21 made, an overseas Federal election voter ballot shall be sent in a
22 timely manner to the voter for all such elections.

23 (cf: P.L.1976, c.23, s.12)

24 12. (New section) Whenever the Secretary of State or a county
25 clerk receives a request by fax from an overseas Federal election
26 voter that a overseas Federal election voter ballot be sent to that
27 person by fax, the Secretary of State or the county clerk, as the
28 case may be, shall verify the voter's eligibility to vote as an
29 overseas Federal election voter in the State and the county
30 desired. If the overseas Federal voter is eligible to vote therein,
31 the Secretary of State or the county clerk, as the case may be,
32 shall send the ballot to the voter as soon as practicable by fax
33 using the telephone number supplied by the voter for that
34 purpose. If the overseas Federal election voter is not eligible to
35 vote in the State or the county desired, notice of non-eligibility
36 shall be provided to the voter by fax as soon as practicable after
37 the receipt of the request.

38 13. This act shall take effect on January 1st following
39 enactment.

40

41

42 STATEMENT

43

44 This bill makes various changes in current State law to expand
45 the ability of military service voters and overseas voters to vote
46 by absentee ballot.

47 Specifically, the bill:

48 (1) includes active service as a member of the maritime or
49 merchant marine service of the United States as military service,
50 thus allowing those members to qualify as military service voters.

51 (2) permits military service voters to apply for the appropriate
52 ballot for all elections held during the calendar year in which the
53 request is made by using a federal postcard application form or a
54 regular application form;

1 (3) amends the "Overseas Residents Federal Election Absentee
2 Voting Law" (P.L.1976, c.23; C.19:59-1 et seq.) to expand the
3 definition of overseas voter so that anyone whose last domicile
4 prior to residence overseas was in New Jersey and who was
5 registered to vote or had the qualifications to vote in New Jersey
6 or who would, but for residence, be qualified to vote in New
7 Jersey may register to vote and may vote in federal elections;

8 (4) establishes a procedure for overseas voters to register to
9 vote and to request and receive an overseas federal election
10 ballots by fax for all federal elections and to return those ballots
11 to the appropriate elections officials in the State; and

12 (5) permits overseas voters to apply for a ballot for all federal
13 elections held during the calendar year in which the request is
14 made by using a federal postcard application.

15 These changes implement recommendations to expand the
16 ability of certain voters to vote that have been made by the
17 Federal Voting Assistance Program and changes in federal law
18 resulting from amendments to the "Uniformed and Overseas
19 Citizens Absentee Voting Act," Pub.L. 99-410 (42 U.S.C.
20 §1973ff-1 et seq.), which were enacted on August 28, 1986.

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25 Expands ability of certain voters to vote by absentee ballot.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1769

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 1992

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 1769.

This bill revises current State law to expand the ability of military service voters and overseas voters to vote by absentee ballot.

Specifically, the bill:

(1) includes active service as a member of the maritime or merchant marine service of the United States as military service, thus allowing those members to qualify as military service voters;

(2) permits military service voters to apply for the appropriate ballot for all elections held during the calendar year in which the request is made by using a federal postcard application form or a regular application form;

(3) amends the "Overseas Residents Federal Election Absentee Voting Law" (P.L.1976, c.23; C.19:59-1 et seq.) to expand the definition of overseas voter so that anyone whose last domicile prior to residence overseas was in New Jersey and who was registered to vote or had the qualifications to vote in New Jersey or who would, but for residence, be qualified to vote in New Jersey may register to vote and may vote in federal elections;

(4) establishes a procedure for overseas voters to register to vote and to request and receive overseas federal election ballots by fax for all federal elections and to return those ballots to the appropriate elections officials in the State. The deadline for receipt of faxed applications would be the 11th day preceding the election, rather than the 30th day as with air mail applications; and

(5) permits overseas voters to apply for a ballot for all federal elections held during the calendar year in which the request is made by using a federal postcard application.

According to the sponsor's statement, these changes implement recommendations to expand the ability of certain voters to vote that have been made by the Federal Voting Assistance Program and changes in federal law resulting from amendments to the "Uniformed and Overseas Citizens Absentee Voting Act," Pub.L. 99-410 (42 U.S.C. §1973ff-1 et seq.), which were enacted on August 28, 1986.

COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to delete references to the Secretary of State from a new provision concerning the processing of a faxed application for an overseas Federal election voter ballot. The processing of such applications is performed by the several county clerks.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1769

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Senate State Government Committee reports favorably Assembly, No. 1769 (1R).

This bill makes various changes in current State law to expand the ability of military service voters and overseas voters to vote by absentee ballot. The bill:

(1) includes active service as a member of the maritime or merchant marine service of the United States as military service, thus allowing those members to qualify as military service voters;

(2) permits military service voters to apply for the appropriate ballot for all elections held during the calendar year in which the request is made by using a federal postcard application form or a regular application form;

(3) amends the "Overseas Residents Federal Election Absentee Voting Law" (P.L.1976, c.23; C.19:59-1 et seq.) to expand the definition of overseas voter so that anyone whose last domicile prior to residence overseas was in New Jersey and who was registered to vote or had the qualifications to vote in New Jersey or who would, but for residence, be qualified to vote in New Jersey may register to vote and may vote in federal elections;

(4) establishes a procedure for overseas voters to register to vote and to request and receive overseas federal election ballots by fax for all federal elections and to return those ballots to the appropriate elections officials in the State; and

(5) permits overseas voters to apply for a ballot for all federal elections held during the calendar year in which the request is made by using a federal postcard application.

These changes implement recommendations made by the Federal Voting Assistance Program and reflect changes in federal law resulting from amendments to the "Uniformed and Overseas Citizens Absentee Voting Act," Pub.L. 99-410 (42 U.S.C. §1973ff-1 et seq.), which were enacted on August 28, 1986.

LEGISLATIVE FISCAL ESTIMATE TO

[SECOND REPRINT]

ASSEMBLY, No. 1769

STATE OF NEW JERSEY

DATED: February 23, 1993

Assembly Bill No. 1769 (2R) of 1992 expands the ability of military service voters and overseas voters to vote by absentee ballot by including active service as a member of the maritime or merchant marine service of the United States as Military Service; permitting military service voters to apply for the appropriate ballot for all elections held during the calendar year in which the request is made by using a federal postcard application form or a regular application form; expanding the definition of overseas voter so that anyone whose last domicile prior to residence overseas was in New Jersey and who was registered to vote or had the qualifications to vote in New Jersey or who would, but for residence, be qualified to vote in New Jersey may register to vote and may vote in federal elections; establishing a procedure for overseas voters to register to vote and to request and receive overseas federal election ballots by fax for all elections and to return those ballots to the appropriate elections officials in the State; and permitting overseas voters to apply for a ballot for all federal elections held during the calendar year in which the request is made by using a federal postcard application.

The Office of Legislative Services (OLS) notes that it is not possible to determine the number of active members of the merchant marines who are New Jersey residents, nor is it possible to determine the number of registered voters living overseas whose last known address was New Jersey. As a result, the OLS notes that it cannot determine the cost to the counties of faxing or mailing and processing the absentee ballot requests and ballots. However, since the postage for the federal postcard application is paid for by the federal government, it is expected that the county postage cost for the application would be minimal. Assuming a maximum weight of three ounces per absentee ballot mailed out to a voter and two ounces per ballot returned, the total postage cost for every absentee ballot mailed to and returned by an overseas voter would be \$4.24 (\$2.51 initial mailing plus \$1.73 return mail). The cost of faxing ballot requests and ballots would be determined by the location to which these items are faxed.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.