

**19:63-4 et. al.**  
**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

**LAWS OF:** 2015                      **CHAPTER:** 84

NJSA: 19:63-4 et. al. (Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law)

**BILL NO:** S685 (Substituted for A4306)

**SPONSOR(S)** Lesniak and others

**DATE INTRODUCED:** January 14, 2014

**COMMITTEE:**                      **ASSEMBLY:** State and Local Government  
Judiciary

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

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** June 25, 2015

**SENATE:** December 18, 2014

**DATE OF APPROVAL:** August 10, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Technical Review of Prefiled Bill enacted) Yes

**S685**

**SPONSOR'S STATEMENT:** (Begins on page 9 of introduced bill) Yes

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

**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:** Yes

**A4306**

**SPONSOR'S STATEMENT:** (Begins on page 9 of introduced bill) Yes

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

**SENATE:** No

(continued)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**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:** Yes

"Christie Signs 29 Bills, Vetoes 13," Press of Atlantic City, August 11, 2015, page A1

"New Law May Tame A.C.'s messenger-ballot mania," Press of Atlantic City, August 17, 2015, page A1

"Burlico residents need to be aware of change to the" The Central Record,, September 18, 2015, page 1

LAW/RWH

P.L.2015, CHAPTER 84, *approved August 10, 2015*

Senate, No. 685

1 **AN ACT** concerning the transmission and return of vote by mail  
2 ballots, and amending P.L.2009, c.79.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read  
8 as follows:

9 4. a. A qualified voter is entitled to apply for and obtain a  
10 mail-in ballot by authorized messenger, who shall be so designated  
11 over the signature of the voter and whose printed name and address  
12 shall appear on the application in the space provided. The  
13 authorized messenger shall be a family member or a registered voter  
14 of the county in which the application is made and shall place his or  
15 her signature on the application in the space so provided in the  
16 presence of the county clerk or the designee thereof. No person  
17 shall serve as an authorized messenger or as a bearer for more than  
18 **[10]** three qualified voters in an election. No person who is a  
19 candidate in the election for which the voter requests a mail-in  
20 ballot shall be permitted to serve as an authorized messenger or  
21 bearer. The authorized messenger shall show a photo identification  
22 card to the county clerk, or the designee thereof, at the time the  
23 messenger submits the application form. The county clerk or the  
24 designee thereof shall authenticate the signature of the authorized  
25 messenger in the event such a person is other than a family member,  
26 by comparing it with the signature of the person appearing on a  
27 State of New Jersey driver's license, or other identification issued or  
28 recognized as official by the federal government, the State, or any  
29 of its political subdivisions, providing the identification carries the  
30 full address and signature of the person. After the authentication of  
31 the signature on the application, the county clerk or the designee  
32 thereof is authorized to deliver to the authorized messenger a ballot  
33 to be delivered to the qualified voter.

34 b. The Secretary of State shall cause to be prepared a standard  
35 authorized messenger application form, which may be included with  
36 the mail-in ballot application forms. The authorized messenger  
37 section of the application shall contain the following language  
38 above the signature of the authorized messenger: "I do hereby  
39 certify that I will deliver the mail-in ballot directly to the voter and  
40 no other person, under penalty of law."  
41 (cf: P.L.2009, c.79, s.4)

42  
43 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
44 as follows:

45 6. a. The county clerk, in the case of any Statewide election,  
46 countywide election, or school election in a regional or other school

**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 district comprising more than one municipality; the municipal clerk,  
2 in the case of any municipal election or school election in a school  
3 district comprising a single municipality; and the commissioners or  
4 other governing or administrative body of the district, in the case of  
5 any election to be held in any fire district or other special district,  
6 other than a municipality, created for specified public purposes  
7 within one or more municipalities, shall publish the following  
8 notice in substantially the following form:

9 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

10 If you are a qualified and registered voter of the State who wants  
11 to vote by mail in the..... (school, municipal, primary,  
12 general, or other) election to be held on..... (date of election)  
13 complete the application form below and send to the undersigned,  
14 or write or apply in person to the undersigned at once requesting  
15 that a mail-in ballot be forwarded to you. The request must state  
16 your home address and the address to which the ballot should be  
17 sent. The request must be dated and signed with your signature.

18 If any person has assisted you to complete the mail-in ballot  
19 application, the name, address and signature of the assistor must be  
20 provided on the application, and you must sign and date the  
21 application for it to be valid and processed. No person shall serve  
22 as an authorized messenger or as a bearer for more than **[10]** three  
23 qualified voters in an election. No person who is a candidate in the  
24 election for which the voter requests a mail-in ballot may provide  
25 any assistance in the completion of the ballot or may serve as an  
26 authorized messenger or bearer.

27 No mail-in ballot will be provided to any applicant who submits  
28 a request therefor by mail unless the request is received at least  
29 seven days before the election and contains the requested  
30 information. A voter may, however, request an application in person  
31 from the county clerk up to 3 p.m. of the day before the election.

32 Voters who want to vote only by mail in all future general  
33 elections in which they are eligible to vote, and who state that on  
34 their application shall, after their initial request and without further  
35 action on their part, be provided a mail-in ballot by the county clerk  
36 until the voter requests that the voter no longer be sent such a  
37 ballot. A voter's failure to vote in the fourth general election  
38 following the general election at which the voter last voted may  
39 result in the suspension of that voter's ability to receive a mail-in  
40 ballot for all future general elections unless a new application is  
41 completed and filed with the county clerk.

42 Voters also have the option of indicating on their mail-in ballot  
43 applications that they would prefer to receive mail-in ballots for  
44 each election that takes place during the remainder of this calendar  
45 year. Voters who exercise this option will be furnished with mail-in  
46 ballots for each election that takes place during the remainder of  
47 this calendar year, without further action on their part.

1 Application forms may be obtained by applying to the  
2 undersigned either in writing or by telephone, or the application  
3 form provided below may be completed and forwarded to the  
4 undersigned.

5 Dated.....  
6 .....

7 (signature and title of county clerk)

8 .....

9 (address of county clerk)

10 .....

11 (telephone no. of county clerk)

12 b. (1) The Secretary of State shall be responsible for providing  
13 all information regarding overseas ballots to each overseas voter  
14 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et  
15 seq.). The secretary shall also make available valid overseas voter  
16 registration and ballot applications to any voter who is a member of  
17 the armed forces of the United States and who is a permanent  
18 resident of this State, or who is an overseas voter who wishes to  
19 register to vote or to vote in any jurisdiction in this State. The  
20 secretary shall provide such public notice as may be deemed  
21 necessary to inform members of the armed forces of the United  
22 States and overseas voters how to obtain valid overseas voter  
23 registration and ballot applications.

24 (2) The Secretary of State shall undertake a program to inform  
25 voters in this State about their eligibility to vote by mail pursuant to  
26 this act. Dissemination of this information shall be included in the  
27 standard notices required by this section and other provisions of  
28 current law, including but not limited to the notice requirements of  
29 R.S.19:12-7, and shall be effectuated by such means as the secretary  
30 deems appropriate and to the extent that funds for such  
31 dissemination are appropriated including, but not limited to, by  
32 means of Statewide or local electronic media, public service  
33 announcements broadcast by such media, notices on the Internet site  
34 of the Department of State or any other department or agency of the  
35 Executive Branch of State government or its political subdivisions  
36 deemed appropriate by the secretary, and special mailings or notices  
37 in newspapers or other publications circulating in the counties or  
38 municipalities of this State.

39 c. The mail-in ballot materials shall contain a notice that any  
40 person voting by mail-in ballot who has registered by mail after  
41 January 1, 2003, who did not provide personal identification  
42 information when registering and is voting for the first time in his  
43 or her current county of residence following registration shall  
44 include copies of the required identification information with the  
45 mail-in ballot, and that failure to include such information shall  
46 result in the rejection of the ballot.

1 d. The notice provided for in subsection a. of this section shall  
2 be published before the 55th day immediately preceding the holding  
3 of any election.

4 Notices relating to any Statewide or countywide election shall be  
5 published in at least two newspapers published in each county. All  
6 officials charged with the duty of publishing such notices shall  
7 publish the same in at least one newspaper published in each  
8 municipality or district in which the election is to be held, or if no  
9 newspaper is published in the municipality or district, then in a  
10 newspaper published in the county and circulating in the  
11 municipality or district. All such notices shall be display  
12 advertisements.  
13 (cf: P.L.2011, c.134, s.50)  
14

15 3. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read  
16 as follows:

17 9. a. Starting on or before the 45th day before the day an  
18 election is held, each county clerk shall forward mail-in ballots by  
19 first-class postage or hand delivery to each mail-in voter whose  
20 request therefor has been approved. Mail-in ballots that have been  
21 approved before the 45th day before an election shall be forwarded  
22 or delivered at least 45 days before the day of the election. Hand  
23 delivery of a mail-in ballot shall be made by the county clerk or the  
24 clerk's designee only to the voter, or the voter's authorized  
25 messenger, who must appear in person. No person shall serve as an  
26 authorized messenger for more than **【10】** three qualified voters in  
27 an election. Ballots that have not been hand delivered shall be  
28 addressed to the voter at the forwarding address given in the  
29 application.

30 b. (1) Whenever the clerk forwards a mail-in ballot by mail to  
31 a mail-in voter between the 45th day and the 13th day before the  
32 day of an election, the ballot shall be transmitted within three  
33 business days of the receipt of the application.

34 (2) Whenever the clerk forwards a mail-in ballot by mail to a  
35 mail-in voter between the 12th day and the seventh day before the  
36 day of an election, the ballot shall be transmitted within two  
37 business days of the receipt of the application.

38 The provisions of this subsection shall not apply to: (a) annual  
39 school elections and special school elections in those school  
40 districts holding such elections, pursuant to P.L.1995,  
41 c.278 (C.19:60-1 et seq.); (b) any municipality in which elections  
42 are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et  
43 seq.); (c) annual elections for members of the boards of fire district  
44 commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any  
45 public question submitted to the voters of a local unit to increase  
46 the amount to be raised by taxation by more than the allowable

1 adjusted tax levy, pursuant to section 11 of P.L.2007,  
2 c.62 (C.40A:4-45.46).

3 c. (Deleted by amendment, P.L.2011, c.37).  
4 (cf: P.L.2011, c.37, s.31)

5

6 4. Section 12 of P.L.2009. c.79 (C.19:63-12) is amended to  
7 read as follows:

8 12. Each county clerk shall send, with each mail-in ballot,  
9 printed directions for the preparation and transmitting of the ballots  
10 as required by this act. The directions shall be printed in such  
11 manner and form as the Secretary of State shall require, together  
12 with two envelopes of such sizes that one will contain the other.

13 The outer envelope shall be addressed to the county board of  
14 elections of the county in which is located the home address of the  
15 person to whom the mail-in ballot is sent, as certified by the county  
16 clerk. At the discretion of the county clerk, the outer envelope may  
17 be a postage paid return envelope. On the outside and front of each  
18 outer envelope, there shall be printed or stamped the following:

19 To protect your vote:

20 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
21 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
22 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
23 IS COMPLETED:

24 Ballot mailed or transported by  
25 (signature of bearer)  
26 (print name of bearer)  
27 (address of bearer)

28 The reserve side of the outer envelope shall contain the  
29 following:

30 REMINDER

31 For your vote to count, you must:

32 1) Vote your ballot and place it in the inner envelope with the  
33 attached certificate.

34 2) Seal the envelope.

35 3) Place the envelope into the larger envelope addressed to the  
36 board of elections and seal that envelope.

37 4) If another person will be mailing your ballot or bringing it to  
38 the board of elections, MAKE CERTAIN THAT PERSON  
39 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
40 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
41 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
42 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
43 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
44 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
45 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
46 AN ELECTION.

1 The Secretary of State is authorized to make such changes to the  
2 instructions for mail-in ballot materials as the Secretary of State  
3 deems necessary or as is mandated by federal or State law.

4 The inner envelope shall be so designed that it can be sealed  
5 after the mail-in ballot has been placed therein and the flap thereof  
6 shall be of such length and size as to leave sufficient margin, after  
7 sealing, for the printing thereon of the certificate hereinafter  
8 described. The flap shall be so arranged that, after the inner  
9 envelope has been sealed, the certificate can be contained, with the  
10 inner envelope, in the outer envelope, and that the margin  
11 containing the certificate can be detached without unsealing the  
12 inner envelope.

13 On the outside of each envelope in which a mail-in ballot is sent  
14 to a mail-in voter by the clerk, there shall be printed or stamped the  
15 words "Official Mail-In Ballot." In addition, there shall be printed  
16 or stamped the following:

17 To protect your vote:

18 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
19 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS  
20 BALLOT.

21 However, a family member may assist you in doing so.

22 The reverse side of each inner envelope shall contain the  
23 following statement:

24 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
25 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
26 LAW if that person attempts to vote fraudulently by mail-in ballot,  
27 prevents the voting of a legal voter, certifies falsely any  
28 information, interferes with a person's secrecy of voting, tampers  
29 with ballots or election documents or helps another person to do so.  
30 (cf: P.L.2009, c.79, s.12)

31

32 5. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
33 read as follows:

34 16. a. A mail-in voter shall be entitled to mark any mail-in  
35 ballot forwarded to the voter for voting at any election by indicating  
36 the voter's choice of candidates for the offices named, and as to  
37 public questions, if any, stated thereon, in accordance with current  
38 law. In the case of ballots to be voted for any primary election for  
39 the general election, as the case may be, the voter's choice shall be  
40 limited to the candidates of the voter's political party or to any  
41 person or persons whose names are written thereon by the voter.  
42 When so marked, such ballot shall be placed in the inner envelope,  
43 which shall then be sealed, and the voter shall then fill in the form  
44 of certificate attached to the inner envelope, at the end of which the  
45 voter shall sign and print the voter's name. The inner envelope with  
46 the certificate shall then be placed in the outer envelope, which  
47 shall then be sealed.



1       b. No mail-in voter shall permit any person in any way, except  
2 as provided by this act, to unseal, mark or inspect the voter's ballot,  
3 interfere with the secrecy of the voter's vote, complete or sign the  
4 certificate, or seal the inner or outer envelope, nor shall any person  
5 do so.

6       c. A mail-in voter shall be entitled to assistance from a family  
7 member in performing any of the actions provided for in this  
8 section. The family member or other person providing such  
9 assistance shall certify that he or she assisted the voter and will  
10 maintain the secrecy of the vote by both printing and signing his or  
11 her name in the space provided on the certificate. In no event may a  
12 candidate for election provide such assistance, nor may any person,  
13 at the time of providing such assistance, campaign or electioneer on  
14 behalf of any candidate.

15       d. (1) The sealed outer envelope with the inner envelope and  
16 the ballot enclosed therein shall then either be mailed to the county  
17 board of elections to which it is addressed or delivered personally  
18 by the voter or a bearer designated by the voter to the board. To be  
19 counted, the ballot must be received by the board or its designee  
20 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the  
21 closing of the polls, as may be appropriate, on the day of an  
22 election.

23       (2) Whenever a person delivers a ballot to the county board, that  
24 person shall provide proof of the person's identity in the form of a  
25 New Jersey driver's license, or another form of identification issued  
26 or recognized as official by the federal government, the State, or  
27 any of its subdivisions, providing the identification carries the full  
28 address and signature of the person. The person shall sign a record  
29 maintained by the county of all mail-in ballots personally delivered  
30 to it.

31       (3) No person shall serve as an authorized messenger or as a  
32 bearer for more than **[10]** three qualified voters in an election. No  
33 person who is a candidate in the election for which the voter  
34 requests a mail-in ballot shall be permitted to serve as an authorized  
35 messenger or bearer. The bearer, by signing the certification  
36 provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies  
37 that he or she received a mail-in ballot directly from the voter, and  
38 no other person, and is authorized to deliver the ballot to the  
39 appropriate board of election or designee on behalf of the voter.

40 (cf: P.L.2011, c.134, s.54)

41

42       6. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to  
43 read as follows:

44       28. a. Any person who knowingly **[and with intent to commit**  
45 **fraud]** violates any of the provisions of P.L.2009, c.79 (C.19:63-1  
46 et al.), or who, not being entitled to vote thereunder, fraudulently  
47 votes or attempts to vote thereunder, or enables or attempts to

1 enable another person not entitled to vote thereunder to vote  
2 fraudulently thereunder, or who prevents or attempts to prevent by  
3 fraud the voting of any person legally entitled to vote under this act,  
4 or who shall knowingly certify falsely in any paper required under  
5 this act, or who, at any time, tampers with any ballot or document  
6 used in an election or interferes with the secrecy of the voting of  
7 any person, is guilty of a crime of the third degree, and upon  
8 conviction thereof shall be subject, in addition to such other  
9 penalties as are authorized by law, to disenfranchisement, unless  
10 and until pardoned or restored by law to the right of suffrage.

11 b. Any person who knowingly [and with intent to commit  
12 fraud] aids and abets another in violating any of the provisions of  
13 this section is guilty of a crime of the third degree and upon  
14 conviction thereof shall be subject, in addition to such other  
15 penalties as are authorized by law, to disenfranchisement, unless  
16 and until pardoned or restored by law to the right of suffrage.

17 (cf: P.L.2009, c.79, s.28)

18

19 7. This act shall take effect immediately.

20

21

22

23

24 Reduces number of voters for whom person can serve as  
25 messenger; limits to three number of voted mail-in ballots  
26 transmittable by bearer; modifies conviction standard under vote by  
27 mail law.

# SENATE, No. 685

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**SYNOPSIS**

Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the transmission and return of vote by mail  
2 ballots, and amending P.L.2009, c.79.

3

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

6

7 1. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read  
8 as follows:

9 4. a. A qualified voter is entitled to apply for and obtain a mail-  
10 in ballot by authorized messenger, who shall be so designated over  
11 the signature of the voter and whose printed name and address shall  
12 appear on the application in the space provided. The authorized  
13 messenger shall be a family member or a registered voter of the  
14 county in which the application is made and shall place his or her  
15 signature on the application in the space so provided in the presence  
16 of the county clerk or the designee thereof. No person shall serve  
17 as an authorized messenger or as a bearer for more than **[10]** three  
18 qualified voters in an election. No person who is a candidate in the  
19 election for which the voter requests a mail-in ballot shall be  
20 permitted to serve as an authorized messenger or bearer. The  
21 authorized messenger shall show a photo identification card to the  
22 county clerk, or the designee thereof, at the time the messenger  
23 submits the application form. The county clerk or the designee  
24 thereof shall authenticate the signature of the authorized messenger  
25 in the event such a person is other than a family member, by  
26 comparing it with the signature of the person appearing on a State  
27 of New Jersey driver's license, or other identification issued or  
28 recognized as official by the federal government, the State, or any  
29 of its political subdivisions, providing the identification carries the  
30 full address and signature of the person. After the authentication of  
31 the signature on the application, the county clerk or the designee  
32 thereof is authorized to deliver to the authorized messenger a ballot  
33 to be delivered to the qualified voter.

34 b. The Secretary of State shall cause to be prepared a standard  
35 authorized messenger application form, which may be included with  
36 the mail-in ballot application forms. The authorized messenger  
37 section of the application shall contain the following language  
38 above the signature of the authorized messenger: "I do hereby  
39 certify that I will deliver the mail-in ballot directly to the voter and  
40 no other person, under penalty of law."

41 (cf: P.L.2009, c.79, s.4)

42

43 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
44 as follows:

**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       6. a. The county clerk, in the case of any Statewide election,  
2 countywide election, or school election in a regional or other school  
3 district comprising more than one municipality; the municipal clerk,  
4 in the case of any municipal election or school election in a school  
5 district comprising a single municipality; and the commissioners or  
6 other governing or administrative body of the district, in the case of  
7 any election to be held in any fire district or other special district,  
8 other than a municipality, created for specified public purposes  
9 within one or more municipalities, shall publish the following  
10 notice in substantially the following form:

11       NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

12       If you are a qualified and registered voter of the State who wants  
13 to vote by mail in the..... (school, municipal, primary,  
14 general, or other) election to be held on..... (date of election)  
15 complete the application form below and send to the undersigned,  
16 or write or apply in person to the undersigned at once requesting  
17 that a mail-in ballot be forwarded to you. The request must state  
18 your home address and the address to which the ballot should be  
19 sent. The request must be dated and signed with your signature.

20       If any person has assisted you to complete the mail-in ballot  
21 application, the name, address and signature of the assistor must be  
22 provided on the application, and you must sign and date the  
23 application for it to be valid and processed. No person shall serve  
24 as an authorized messenger or as a bearer for more than **[10]** three  
25 qualified voters in an election. No person who is a candidate in the  
26 election for which the voter requests a mail-in ballot may provide  
27 any assistance in the completion of the ballot or may serve as an  
28 authorized messenger or bearer.

29       No mail-in ballot will be provided to any applicant who submits  
30 a request therefor by mail unless the request is received at least  
31 seven days before the election and contains the requested  
32 information. A voter may, however, request an application in  
33 person from the county clerk up to 3 p.m. of the day before the  
34 election.

35       Voters who want to vote only by mail in all future general  
36 elections in which they are eligible to vote, and who state that on  
37 their application shall, after their initial request and without further  
38 action on their part, be provided a mail-in ballot by the county clerk  
39 until the voter requests that the voter no longer be sent such a  
40 ballot. A voter's failure to vote in the fourth general election  
41 following the general election at which the voter last voted may  
42 result in the suspension of that voter's ability to receive a mail-in  
43 ballot for all future general elections unless a new application is  
44 completed and filed with the county clerk.

45       Voters also have the option of indicating on their mail-in ballot  
46 applications that they would prefer to receive mail-in ballots for  
47 each election that takes place during the remainder of this calendar

1 year. Voters who exercise this option will be furnished with mail-in  
2 ballots for each election that takes place during the remainder of  
3 this calendar year, without further action on their part.

4 Application forms may be obtained by applying to the  
5 undersigned either in writing or by telephone, or the application  
6 form provided below may be completed and forwarded to the  
7 undersigned.

8 Dated.....  
9 .....

10 (signature and title of county clerk)

11 .....

12 (address of county clerk)

13 .....

14 (telephone no. of county clerk)

15 b. (1) The Secretary of State shall be responsible for providing  
16 all information regarding overseas ballots to each overseas voter  
17 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et  
18 seq.). The secretary shall also make available valid overseas voter  
19 registration and ballot applications to any voter who is a member of  
20 the armed forces of the United States and who is a permanent  
21 resident of this State, or who is an overseas voter who wishes to  
22 register to vote or to vote in any jurisdiction in this State. The  
23 secretary shall provide such public notice as may be deemed  
24 necessary to inform members of the armed forces of the United  
25 States and overseas voters how to obtain valid overseas voter  
26 registration and ballot applications.

27 (2) The Secretary of State shall undertake a program to inform  
28 voters in this State about their eligibility to vote by mail pursuant to  
29 this act. Dissemination of this information shall be included in the  
30 standard notices required by this section and other provisions of  
31 current law, including but not limited to the notice requirements of  
32 R.S.19:12-7, and shall be effectuated by such means as the secretary  
33 deems appropriate and to the extent that funds for such  
34 dissemination are appropriated including, but not limited to, by  
35 means of Statewide or local electronic media, public service  
36 announcements broadcast by such media, notices on the Internet site  
37 of the Department of State or any other department or agency of the  
38 Executive Branch of State government or its political subdivisions  
39 deemed appropriate by the secretary, and special mailings or notices  
40 in newspapers or other publications circulating in the counties or  
41 municipalities of this State.

42 c. The mail-in ballot materials shall contain a notice that any  
43 person voting by mail-in ballot who has registered by mail after  
44 January 1, 2003, who did not provide personal identification  
45 information when registering and is voting for the first time in his  
46 or her current county of residence following registration shall  
47 include copies of the required identification information with the

1 mail-in ballot, and that failure to include such information shall  
2 result in the rejection of the ballot.

3 d. The notice provided for in subsection a. of this section shall  
4 be published before the 55th day immediately preceding the holding  
5 of any election.

6 Notices relating to any Statewide or countywide election shall be  
7 published in at least two newspapers published in each county. All  
8 officials charged with the duty of publishing such notices shall  
9 publish the same in at least one newspaper published in each  
10 municipality or district in which the election is to be held, or if no  
11 newspaper is published in the municipality or district, then in a  
12 newspaper published in the county and circulating in the  
13 municipality or district. All such notices shall be display  
14 advertisements.

15 (cf: P.L.2011, c.134, s.50)

16

17 3. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read  
18 as follows:

19 9. a. Starting on or before the 45th day before the day an  
20 election is held, each county clerk shall forward mail-in ballots by  
21 first-class postage or hand delivery to each mail-in voter whose  
22 request therefor has been approved. Mail-in ballots that have been  
23 approved before the 45th day before an election shall be forwarded  
24 or delivered at least 45 days before the day of the election. Hand  
25 delivery of a mail-in ballot shall be made by the county clerk or the  
26 clerk's designee only to the voter, or the voter's authorized  
27 messenger, who must appear in person. No person shall serve as an  
28 authorized messenger for more than **【10】** three qualified voters in  
29 an election. Ballots that have not been hand delivered shall be  
30 addressed to the voter at the forwarding address given in the  
31 application.

32 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a  
33 mail-in voter between the 45th day and the 13th day before the day  
34 of an election, the ballot shall be transmitted within three business  
35 days of the receipt of the application.

36 (2) Whenever the clerk forwards a mail-in ballot by mail to a  
37 mail-in voter between the 12th day and the seventh day before the  
38 day of an election, the ballot shall be transmitted within two  
39 business days of the receipt of the application.

40 The provisions of this subsection shall not apply to: (a) annual  
41 school elections and special school elections in those school  
42 districts holding such elections, pursuant to P.L.1995, c.278  
43 (C.19:60-1 et seq.); (b) any municipality in which elections are  
44 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);  
45 (c) annual elections for members of the boards of fire district  
46 commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any  
47 public question submitted to the voters of a local unit to increase

1 the amount to be raised by taxation by more than the allowable  
2 adjusted tax levy, pursuant to section 11 of P.L.2007, c.62  
3 (C.40A:4-45.46).

4 c. (Deleted by amendment, P.L.2011, c.37).  
5 (cf: P.L.2011, c.37, s.31)

6

7 4. Section 12 of P.L.2009. c.79 (C.19:63-12) is amended to  
8 read as follows:

9 12. Each county clerk shall send, with each mail-in ballot,  
10 printed directions for the preparation and transmitting of the ballots  
11 as required by this act. The directions shall be printed in such  
12 manner and form as the Secretary of State shall require, together  
13 with two envelopes of such sizes that one will contain the other.

14 The outer envelope shall be addressed to the county board of  
15 elections of the county in which is located the home address of the  
16 person to whom the mail-in ballot is sent, as certified by the county  
17 clerk. At the discretion of the county clerk, the outer envelope may  
18 be a postage paid return envelope. On the outside and front of each  
19 outer envelope, there shall be printed or stamped the following:

20 To protect your vote:

21 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
22 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
23 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
24 IS COMPLETED:

25 Ballot mailed or transported by  
26 (signature of bearer)  
27 (print name of bearer)  
28 (address of bearer)

29 The reserve side of the outer envelope shall contain the  
30 following:

31 REMINDER

32 For your vote to count, you must:

33 1) Vote your ballot and place it in the inner envelope with the  
34 attached certificate.

35 2) Seal the envelope.

36 3) Place the envelope into the larger envelope addressed to the  
37 board of elections and seal that envelope.

38 4) If another person will be mailing your ballot or bringing it to  
39 the board of elections, MAKE CERTAIN THAT PERSON  
40 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
41 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
42 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
43 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
44 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
45 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
46 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
47 AN ELECTION.



1 The Secretary of State is authorized to make such changes to the  
2 instructions for mail-in ballot materials as the Secretary of State  
3 deems necessary or as is mandated by federal or State law.

4 The inner envelope shall be so designed that it can be sealed  
5 after the mail-in ballot has been placed therein and the flap thereof  
6 shall be of such length and size as to leave sufficient margin, after  
7 sealing, for the printing thereon of the certificate hereinafter  
8 described. The flap shall be so arranged that, after the inner  
9 envelope has been sealed, the certificate can be contained, with the  
10 inner envelope, in the outer envelope, and that the margin  
11 containing the certificate can be detached without unsealing the  
12 inner envelope.

13 On the outside of each envelope in which a mail-in ballot is sent  
14 to a mail-in voter by the clerk, there shall be printed or stamped the  
15 words "Official Mail-In Ballot." In addition, there shall be printed  
16 or stamped the following:

17 To protect your vote:

18 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
19 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS  
20 BALLOT.

21 However, a family member may assist you in doing so.

22 The reverse side of each inner envelope shall contain the  
23 following statement:

24 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
25 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
26 LAW if that person attempts to vote fraudulently by mail-in ballot,  
27 prevents the voting of a legal voter, certifies falsely any  
28 information, interferes with a person's secrecy of voting, tampers  
29 with ballots or election documents or helps another person to do so.  
30 (cf: P.L.2009, c.79, s.12)

31

32 5. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
33 read as follows:

34 16. a. A mail-in voter shall be entitled to mark any mail-in  
35 ballot forwarded to the voter for voting at any election by indicating  
36 the voter's choice of candidates for the offices named, and as to  
37 public questions, if any, stated thereon, in accordance with current  
38 law. In the case of ballots to be voted for any primary election for  
39 the general election, as the case may be, the voter's choice shall be  
40 limited to the candidates of the voter's political party or to any  
41 person or persons whose names are written thereon by the voter.  
42 When so marked, such ballot shall be placed in the inner envelope,  
43 which shall then be sealed, and the voter shall then fill in the form  
44 of certificate attached to the inner envelope, at the end of which the  
45 voter shall sign and print the voter's name. The inner envelope with  
46 the certificate shall then be placed in the outer envelope, which  
47 shall then be sealed.

1       b. No mail-in voter shall permit any person in any way, except  
2 as provided by this act, to unseal, mark or inspect the voter's ballot,  
3 interfere with the secrecy of the voter's vote, complete or sign the  
4 certificate, or seal the inner or outer envelope, nor shall any person  
5 do so.

6       c. A mail-in voter shall be entitled to assistance from a family  
7 member in performing any of the actions provided for in this  
8 section. The family member or other person providing such  
9 assistance shall certify that he or she assisted the voter and will  
10 maintain the secrecy of the vote by both printing and signing his or  
11 her name in the space provided on the certificate. In no event may a  
12 candidate for election provide such assistance, nor may any person,  
13 at the time of providing such assistance, campaign or electioneer on  
14 behalf of any candidate.

15       d. (1) The sealed outer envelope with the inner envelope and  
16 the ballot enclosed therein shall then either be mailed to the county  
17 board of elections to which it is addressed or delivered personally  
18 by the voter or a bearer designated by the voter to the board. To be  
19 counted, the ballot must be received by the board or its designee  
20 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the  
21 closing of the polls, as may be appropriate, on the day of an  
22 election.

23       (2) Whenever a person delivers a ballot to the county board, that  
24 person shall provide proof of the person's identity in the form of a  
25 New Jersey driver's license, or another form of identification issued  
26 or recognized as official by the federal government, the State, or  
27 any of its subdivisions, providing the identification carries the full  
28 address and signature of the person. The person shall sign a record  
29 maintained by the county of all mail-in ballots personally delivered  
30 to it.

31       (3) No person shall serve as an authorized messenger or as a  
32 bearer for more than **【10】** three qualified voters in an election. No  
33 person who is a candidate in the election for which the voter  
34 requests a mail-in ballot shall be permitted to serve as an authorized  
35 messenger or bearer. The bearer, by signing the certification  
36 provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies  
37 that he or she received a mail-in ballot directly from the voter, and  
38 no other person, and is authorized to deliver the ballot to the  
39 appropriate board of election or designee on behalf of the voter.  
40 (cf: P.L.2011, c.134, s.54)

41

42       6. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to  
43 read as follows:

44       28. a. Any person who knowingly **【and with intent to commit**  
45 **fraud】** violates any of the provisions of P.L.2009, c.79 (C.19:63-1  
46 et al.), or who, not being entitled to vote thereunder, fraudulently  
47 votes or attempts to vote thereunder, or enables or attempts to

1 enable another person not entitled to vote thereunder to vote  
2 fraudulently thereunder, or who prevents or attempts to prevent by  
3 fraud the voting of any person legally entitled to vote under this act,  
4 or who shall knowingly certify falsely in any paper required under  
5 this act, or who, at any time, tampers with any ballot or document  
6 used in an election or interferes with the secrecy of the voting of  
7 any person, is guilty of a crime of the third degree, and upon  
8 conviction thereof shall be subject, in addition to such other  
9 penalties as are authorized by law, to disenfranchisement, unless  
10 and until pardoned or restored by law to the right of suffrage.

11 b. Any person who knowingly [and with intent to commit  
12 fraud] aids and abets another in violating any of the provisions of  
13 this section is guilty of a crime of the third degree and upon  
14 conviction thereof shall be subject, in addition to such other  
15 penalties as are authorized by law, to disenfranchisement, unless  
16 and until pardoned or restored by law to the right of suffrage.

17 (cf: P.L.2009, c.79, s.28)

18

19 7. This act shall take effect immediately.

20

21

22

#### STATEMENT

23

24 This bill provides that no person is permitted to serve as an  
25 authorized messenger for a mail-in ballot or as a bearer of a voted  
26 mail-in ballot for more than three qualified voters in an election.  
27 Current law permits a person to serve as an authorized messenger  
28 for no more than 10 qualified voters in an election, but sets no limit  
29 on the number of voted ballots a bearer may collect.

30 The bill requires that when the person serving as a bearer  
31 delivers a voted mail-in ballot to the county board of elections, the  
32 person must provide proof of his or her identity in the form of a  
33 New Jersey driver's license, or another form of identification issued  
34 or recognized as official by the federal government, the State, or  
35 any of its subdivisions, providing the identification carries the full  
36 address and signature of the person.

37 The bill also changes the standard of conviction under "The Vote  
38 By Mail Law" from "knowingly with intent to commit fraud" to  
39 only "knowingly" violating any of the provisions of the law.

# SENATE, No. 685

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**SYNOPSIS**

Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee with technical review.



**(Sponsorship Updated As Of: 6/26/2015)**

1 AN ACT concerning the transmission and return of vote by mail  
2 ballots, and amending P.L.2009, c.79.

3

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

6

7 1. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read  
8 as follows:

9 4. a. A qualified voter is entitled to apply for and obtain a  
10 mail-in ballot by authorized messenger, who shall be so designated  
11 over the signature of the voter and whose printed name and address  
12 shall appear on the application in the space provided. The  
13 authorized messenger shall be a family member or a registered voter  
14 of the county in which the application is made and shall place his or  
15 her signature on the application in the space so provided in the  
16 presence of the county clerk or the designee thereof. No person  
17 shall serve as an authorized messenger or as a bearer for more than  
18 **[10]** three qualified voters in an election. No person who is a  
19 candidate in the election for which the voter requests a mail-in  
20 ballot shall be permitted to serve as an authorized messenger or  
21 bearer. The authorized messenger shall show a photo identification  
22 card to the county clerk, or the designee thereof, at the time the  
23 messenger submits the application form. The county clerk or the  
24 designee thereof shall authenticate the signature of the authorized  
25 messenger in the event such a person is other than a family member,  
26 by comparing it with the signature of the person appearing on a  
27 State of New Jersey driver's license, or other identification issued or  
28 recognized as official by the federal government, the State, or any  
29 of its political subdivisions, providing the identification carries the  
30 full address and signature of the person. After the authentication of  
31 the signature on the application, the county clerk or the designee  
32 thereof is authorized to deliver to the authorized messenger a ballot  
33 to be delivered to the qualified voter.

34 b. The Secretary of State shall cause to be prepared a standard  
35 authorized messenger application form, which may be included with  
36 the mail-in ballot application forms. The authorized messenger  
37 section of the application shall contain the following language  
38 above the signature of the authorized messenger: "I do hereby  
39 certify that I will deliver the mail-in ballot directly to the voter and  
40 no other person, under penalty of law."

41 (cf: P.L.2009, c.79, s.4)

42

43 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
44 as follows:

45 6. a. The county clerk, in the case of any Statewide election,  
46 countywide election, or school election in a regional or other school

**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 district comprising more than one municipality; the municipal clerk,  
2 in the case of any municipal election or school election in a school  
3 district comprising a single municipality; and the commissioners or  
4 other governing or administrative body of the district, in the case of  
5 any election to be held in any fire district or other special district,  
6 other than a municipality, created for specified public purposes  
7 within one or more municipalities, shall publish the following  
8 notice in substantially the following form:

9 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

10 If you are a qualified and registered voter of the State who wants  
11 to vote by mail in the..... (school, municipal, primary,  
12 general, or other) election to be held on..... (date of election)  
13 complete the application form below and send to the undersigned,  
14 or write or apply in person to the undersigned at once requesting  
15 that a mail-in ballot be forwarded to you. The request must state  
16 your home address and the address to which the ballot should be  
17 sent. The request must be dated and signed with your signature.

18 If any person has assisted you to complete the mail-in ballot  
19 application, the name, address and signature of the assistor must be  
20 provided on the application, and you must sign and date the  
21 application for it to be valid and processed. No person shall serve  
22 as an authorized messenger or as a bearer for more than **[10]** three  
23 qualified voters in an election. No person who is a candidate in the  
24 election for which the voter requests a mail-in ballot may provide  
25 any assistance in the completion of the ballot or may serve as an  
26 authorized messenger or bearer.

27 No mail-in ballot will be provided to any applicant who submits  
28 a request therefor by mail unless the request is received at least  
29 seven days before the election and contains the requested  
30 information. A voter may, however, request an application in person  
31 from the county clerk up to 3 p.m. of the day before the election.

32 Voters who want to vote only by mail in all future general  
33 elections in which they are eligible to vote, and who state that on  
34 their application shall, after their initial request and without further  
35 action on their part, be provided a mail-in ballot by the county clerk  
36 until the voter requests that the voter no longer be sent such a  
37 ballot. A voter's failure to vote in the fourth general election  
38 following the general election at which the voter last voted may  
39 result in the suspension of that voter's ability to receive a mail-in  
40 ballot for all future general elections unless a new application is  
41 completed and filed with the county clerk.

42 Voters also have the option of indicating on their mail-in ballot  
43 applications that they would prefer to receive mail-in ballots for  
44 each election that takes place during the remainder of this calendar  
45 year. Voters who exercise this option will be furnished with mail-in  
46 ballots for each election that takes place during the remainder of  
47 this calendar year, without further action on their part.

1 Application forms may be obtained by applying to the  
2 undersigned either in writing or by telephone, or the application  
3 form provided below may be completed and forwarded to the  
4 undersigned.

5 Dated.....  
6 .....

7 (signature and title of county clerk)

8 .....

9 (address of county clerk)

10 .....

11 (telephone no. of county clerk)

12 b. (1) The Secretary of State shall be responsible for providing  
13 all information regarding overseas ballots to each overseas voter  
14 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et  
15 seq.). The secretary shall also make available valid overseas voter  
16 registration and ballot applications to any voter who is a member of  
17 the armed forces of the United States and who is a permanent  
18 resident of this State, or who is an overseas voter who wishes to  
19 register to vote or to vote in any jurisdiction in this State. The  
20 secretary shall provide such public notice as may be deemed  
21 necessary to inform members of the armed forces of the United  
22 States and overseas voters how to obtain valid overseas voter  
23 registration and ballot applications.

24 (2) The Secretary of State shall undertake a program to inform  
25 voters in this State about their eligibility to vote by mail pursuant to  
26 this act. Dissemination of this information shall be included in the  
27 standard notices required by this section and other provisions of  
28 current law, including but not limited to the notice requirements of  
29 R.S.19:12-7, and shall be effectuated by such means as the secretary  
30 deems appropriate and to the extent that funds for such  
31 dissemination are appropriated including, but not limited to, by  
32 means of Statewide or local electronic media, public service  
33 announcements broadcast by such media, notices on the Internet site  
34 of the Department of State or any other department or agency of the  
35 Executive Branch of State government or its political subdivisions  
36 deemed appropriate by the secretary, and special mailings or notices  
37 in newspapers or other publications circulating in the counties or  
38 municipalities of this State.

39 c. The mail-in ballot materials shall contain a notice that any  
40 person voting by mail-in ballot who has registered by mail after  
41 January 1, 2003, who did not provide personal identification  
42 information when registering and is voting for the first time in his  
43 or her current county of residence following registration shall  
44 include copies of the required identification information with the  
45 mail-in ballot, and that failure to include such information shall  
46 result in the rejection of the ballot.

1 d. The notice provided for in subsection a. of this section shall  
2 be published before the 55th day immediately preceding the holding  
3 of any election.

4 Notices relating to any Statewide or countywide election shall be  
5 published in at least two newspapers published in each county. All  
6 officials charged with the duty of publishing such notices shall  
7 publish the same in at least one newspaper published in each  
8 municipality or district in which the election is to be held, or if no  
9 newspaper is published in the municipality or district, then in a  
10 newspaper published in the county and circulating in the  
11 municipality or district. All such notices shall be display  
12 advertisements.  
13 (cf: P.L.2011, c.134, s.50)  
14

15 3. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read  
16 as follows:

17 9. a. Starting on or before the 45th day before the day an  
18 election is held, each county clerk shall forward mail-in ballots by  
19 first-class postage or hand delivery to each mail-in voter whose  
20 request therefor has been approved. Mail-in ballots that have been  
21 approved before the 45th day before an election shall be forwarded  
22 or delivered at least 45 days before the day of the election. Hand  
23 delivery of a mail-in ballot shall be made by the county clerk or the  
24 clerk's designee only to the voter, or the voter's authorized  
25 messenger, who must appear in person. No person shall serve as an  
26 authorized messenger for more than **【10】** three qualified voters in  
27 an election. Ballots that have not been hand delivered shall be  
28 addressed to the voter at the forwarding address given in the  
29 application.

30 b. (1) Whenever the clerk forwards a mail-in ballot by mail to  
31 a mail-in voter between the 45th day and the 13th day before the  
32 day of an election, the ballot shall be transmitted within three  
33 business days of the receipt of the application.

34 (2) Whenever the clerk forwards a mail-in ballot by mail to a  
35 mail-in voter between the 12th day and the seventh day before the  
36 day of an election, the ballot shall be transmitted within two  
37 business days of the receipt of the application.

38 The provisions of this subsection shall not apply to: (a) annual  
39 school elections and special school elections in those school  
40 districts holding such elections, pursuant to P.L.1995,  
41 c.278 (C.19:60-1 et seq.); (b) any municipality in which elections  
42 are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et  
43 seq.); (c) annual elections for members of the boards of fire district  
44 commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any  
45 public question submitted to the voters of a local unit to increase  
46 the amount to be raised by taxation by more than the allowable



1 adjusted tax levy, pursuant to section 11 of P.L.2007,  
2 c.62 (C.40A:4-45.46).

3 c. (Deleted by amendment, P.L.2011, c.37).  
4 (cf: P.L.2011, c.37, s.31)

5  
6 4. Section 12 of P.L.2009. c.79 (C.19:63-12) is amended to  
7 read as follows:

8 12. Each county clerk shall send, with each mail-in ballot,  
9 printed directions for the preparation and transmitting of the ballots  
10 as required by this act. The directions shall be printed in such  
11 manner and form as the Secretary of State shall require, together  
12 with two envelopes of such sizes that one will contain the other.

13 The outer envelope shall be addressed to the county board of  
14 elections of the county in which is located the home address of the  
15 person to whom the mail-in ballot is sent, as certified by the county  
16 clerk. At the discretion of the county clerk, the outer envelope may  
17 be a postage paid return envelope. On the outside and front of each  
18 outer envelope, there shall be printed or stamped the following:

19 To protect your vote:

20 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
21 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
22 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
23 IS COMPLETED:

24 Ballot mailed or transported by  
25 (signature of bearer)  
26 (print name of bearer)  
27 (address of bearer)

28 The reserve side of the outer envelope shall contain the  
29 following:

30 REMINDER

31 For your vote to count, you must:

32 1) Vote your ballot and place it in the inner envelope with the  
33 attached certificate.

34 2) Seal the envelope.

35 3) Place the envelope into the larger envelope addressed to the  
36 board of elections and seal that envelope.

37 4) If another person will be mailing your ballot or bringing it to  
38 the board of elections, MAKE CERTAIN THAT PERSON  
39 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
40 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
41 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
42 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
43 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
44 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
45 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
46 AN ELECTION.

1 The Secretary of State is authorized to make such changes to the  
2 instructions for mail-in ballot materials as the Secretary of State  
3 deems necessary or as is mandated by federal or State law.

4 The inner envelope shall be so designed that it can be sealed  
5 after the mail-in ballot has been placed therein and the flap thereof  
6 shall be of such length and size as to leave sufficient margin, after  
7 sealing, for the printing thereon of the certificate hereinafter  
8 described. The flap shall be so arranged that, after the inner  
9 envelope has been sealed, the certificate can be contained, with the  
10 inner envelope, in the outer envelope, and that the margin  
11 containing the certificate can be detached without unsealing the  
12 inner envelope.

13 On the outside of each envelope in which a mail-in ballot is sent  
14 to a mail-in voter by the clerk, there shall be printed or stamped the  
15 words "Official Mail-In Ballot." In addition, there shall be printed  
16 or stamped the following:

17 To protect your vote:

18 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
19 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS  
20 BALLOT.

21 However, a family member may assist you in doing so.

22 The reverse side of each inner envelope shall contain the  
23 following statement:

24 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
25 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
26 LAW if that person attempts to vote fraudulently by mail-in ballot,  
27 prevents the voting of a legal voter, certifies falsely any  
28 information, interferes with a person's secrecy of voting, tampers  
29 with ballots or election documents or helps another person to do so.  
30 (cf: P.L.2009, c.79, s.12)

31

32 5. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
33 read as follows:

34 16. a. A mail-in voter shall be entitled to mark any mail-in  
35 ballot forwarded to the voter for voting at any election by indicating  
36 the voter's choice of candidates for the offices named, and as to  
37 public questions, if any, stated thereon, in accordance with current  
38 law. In the case of ballots to be voted for any primary election for  
39 the general election, as the case may be, the voter's choice shall be  
40 limited to the candidates of the voter's political party or to any  
41 person or persons whose names are written thereon by the voter.  
42 When so marked, such ballot shall be placed in the inner envelope,  
43 which shall then be sealed, and the voter shall then fill in the form  
44 of certificate attached to the inner envelope, at the end of which the  
45 voter shall sign and print the voter's name. The inner envelope with  
46 the certificate shall then be placed in the outer envelope, which  
47 shall then be sealed.

1       b. No mail-in voter shall permit any person in any way, except  
2 as provided by this act, to unseal, mark or inspect the voter's ballot,  
3 interfere with the secrecy of the voter's vote, complete or sign the  
4 certificate, or seal the inner or outer envelope, nor shall any person  
5 do so.

6       c. A mail-in voter shall be entitled to assistance from a family  
7 member in performing any of the actions provided for in this  
8 section. The family member or other person providing such  
9 assistance shall certify that he or she assisted the voter and will  
10 maintain the secrecy of the vote by both printing and signing his or  
11 her name in the space provided on the certificate. In no event may a  
12 candidate for election provide such assistance, nor may any person,  
13 at the time of providing such assistance, campaign or electioneer on  
14 behalf of any candidate.

15       d. (1) The sealed outer envelope with the inner envelope and  
16 the ballot enclosed therein shall then either be mailed to the county  
17 board of elections to which it is addressed or delivered personally  
18 by the voter or a bearer designated by the voter to the board. To be  
19 counted, the ballot must be received by the board or its designee  
20 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the  
21 closing of the polls, as may be appropriate, on the day of an  
22 election.

23       (2) Whenever a person delivers a ballot to the county board, that  
24 person shall provide proof of the person's identity in the form of a  
25 New Jersey driver's license, or another form of identification issued  
26 or recognized as official by the federal government, the State, or  
27 any of its subdivisions, providing the identification carries the full  
28 address and signature of the person. The person shall sign a record  
29 maintained by the county of all mail-in ballots personally delivered  
30 to it.

31       (3) No person shall serve as an authorized messenger or as a  
32 bearer for more than **【10】** three qualified voters in an election. No  
33 person who is a candidate in the election for which the voter  
34 requests a mail-in ballot shall be permitted to serve as an authorized  
35 messenger or bearer. The bearer, by signing the certification  
36 provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies  
37 that he or she received a mail-in ballot directly from the voter, and  
38 no other person, and is authorized to deliver the ballot to the  
39 appropriate board of election or designee on behalf of the voter.  
40 (cf: P.L.2011, c.134, s.54)

41

42       6. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to  
43 read as follows:

44       28. a. Any person who knowingly **【and with intent to commit**  
45 **fraud】** violates any of the provisions of P.L.2009, c.79 (C.19:63-1  
46 et al.), or who, not being entitled to vote thereunder, fraudulently  
47 votes or attempts to vote thereunder, or enables or attempts to

1 enable another person not entitled to vote thereunder to vote  
2 fraudulently thereunder, or who prevents or attempts to prevent by  
3 fraud the voting of any person legally entitled to vote under this act,  
4 or who shall knowingly certify falsely in any paper required under  
5 this act, or who, at any time, tampers with any ballot or document  
6 used in an election or interferes with the secrecy of the voting of  
7 any person, is guilty of a crime of the third degree, and upon  
8 conviction thereof shall be subject, in addition to such other  
9 penalties as are authorized by law, to disenfranchisement, unless  
10 and until pardoned or restored by law to the right of suffrage.

11 b. Any person who knowingly **【**and with intent to commit  
12 fraud**】** aids and abets another in violating any of the provisions of  
13 this section is guilty of a crime of the third degree and upon  
14 conviction thereof shall be subject, in addition to such other  
15 penalties as are authorized by law, to disenfranchisement, unless  
16 and until pardoned or restored by law to the right of suffrage.

17 (cf: P.L.2009, c.79, s.28)

18

19 7. This act shall take effect immediately.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 685**

**STATE OF NEW JERSEY**

DATED: DECEMBER 11, 2014

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 685.

This bill provides that no person is permitted to serve as an authorized messenger for a mail-in ballot or as a bearer of a voted mail-in ballot for more than three qualified voters in an election. Current law permits a person to serve as an authorized messenger for no more than 10 qualified voters in an election, but sets no limit on the number of voted ballots a bearer may collect.

The bill also requires that when the person serving as a bearer delivers a voted mail-in ballot to the county board of elections, the person must provide proof of his or her identity in the form of a New Jersey driver's license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person.

The bill also changes the standard of conviction under "The Vote By Mail Law" from "knowingly with intent to commit fraud" to only "knowingly" violating any of the provisions of the law.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 685**  
**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

DATED: DECEMBER 22, 2014

**SUMMARY**

**Synopsis:** Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law.

**Type of Impact:** Indeterminate expenditure increase to local government funds.

**Agencies Affected:** County Clerk Offices.

**Office of Legislative Services Estimate**

| <b>Fiscal Impact</b> | <u><b>FY 2015</b></u>              | <u><b>FY2016</b></u> | <u><b>FY2017</b></u> |
|----------------------|------------------------------------|----------------------|----------------------|
| <b>Local Cost</b>    | Indeterminate - See comments below |                      |                      |

- Provides that no person is permitted to serve as an authorized messenger for a mail-in ballot or as a bearer of a voted mail-in ballot for more than three qualified voters in an election.
- Requires that when the person serving as a bearer delivers a voted mail-in ballot to the county board of elections, the person must provide proof of his or her identity in the form of a New Jersey driver’s license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions.
- Requires notice on ballot to say that no person is permitted to serve as a bearer for more than three qualified voters in an election.
- The Office of Legislative Services estimates that, if the bill is enacted, it would probably result in a indeterminate cost for local governments, specifically the county clerks, to replace any previously printed outer envelopes for mail-in ballots used in any election, depending on whether such ballots had been printed and stockpiled by clerks.

## **BILL DESCRIPTION**

Senate Bill No. 685 of 2014 provides that no person is permitted to serve as an authorized messenger for a mail-in ballot or as a bearer of a voted mail-in ballot for more than three qualified voters in an election. Current law permits a person to serve as an authorized messenger for no more than 10 qualified voters in an election, but sets no limit on the number of voted ballots a bearer may collect.

The bill also requires that when the person serving as a bearer delivers a voted mail-in ballot to the county board of elections, the person must provide proof of his or her identity in the form of a New Jersey driver's license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person.

Finally, the bill changes the standard of conviction under "The Vote By Mail Law" from "knowingly with intent to commit fraud" to only "knowingly" violating any of the provisions of the law.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services notes that current law requires the county clerk to provide with each mail-in ballot printed instructions for the preparation and transmission of the ballot, and printed inner and outer envelopes for the voted ballot. This bill requires that language be added to the instructions printed on the outer envelope stating that no person is permitted to serve as a bearer for more than three qualified voters in an election. The enactment of this bill may result in an increased cost to units of local government, especially the county clerks, because outer envelopes printed before the enactment of the bill must be replaced. The cost of doing so is indeterminate and dependent on whether a clerk has already printed outer envelopes, and the number of such envelopes that must be replaced.

*Section: State Government*  
*Analyst: Frank J. Parisi*  
*Principal Research Analyst*  
*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

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 (C.52:13B-6 et seq.).

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 685**

**STATE OF NEW JERSEY**

DATED: MARCH 19, 2015

The Assembly Judiciary Committee reports favorably Senate Bill No. 685.

A person who obtains a mail-in ballot for a voter in accordance with the requirements of “The Vote By Mail Law,” P.L.2009, c.79 (C.19:63-1 et al.) is known as an “authorized messenger.” Currently, a person can serve as an authorized messenger for no more than 10 qualified voters in an election. After a voter completes a mail-in ballot, a person known as the “bearer” can mail or deliver the completed ballot to the county Board of Elections for the voter. Current law does not set a limit on the number of completed ballots that a bearer may collect.

The bill would set a limit of three on the number of completed mail-in ballots that a *bearer* could mail or deliver. The bill would also decrease the number of mail-in ballots that an *authorized messenger* could obtain, from 10 to three. In addition, the bill requires that when the person serving as a bearer delivers a voted mail-in ballot to the county board of elections, the person must provide proof of his identity in the form of a New Jersey driver’s license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person.

The bill would also change the culpability required for conviction of a crime under “The Vote By Mail Law.” Currently, it is a crime of the third degree to “knowingly and with intent to commit fraud” violate any of the provisions of the statute, commit other fraud relating to voting, or aid and abet another in doing so. Under the bill, it would be a crime of the third degree to “knowingly” commit any of these acts.

This bill is identical to A-4306 also released by the committee today.



# ASSEMBLY, No. 4306

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 16, 2015

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**  
**Assemblyman DECLAN J. O'SCANLON, JR.**  
**District 13 (Monmouth)**

**SYNOPSIS**

Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/26/2015)

A4306 BURZICHELLI, O'SCANLON

2

1 AN ACT concerning the transmission and return of vote by mail  
2 ballots, and amending P.L.2009, c.79.

3

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

6

7 1. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read  
8 as follows:

9 4. a. A qualified voter is entitled to apply for and obtain a  
10 mail-in ballot by authorized messenger, who shall be so designated  
11 over the signature of the voter and whose printed name and address  
12 shall appear on the application in the space provided. The  
13 authorized messenger shall be a family member or a registered voter  
14 of the county in which the application is made and shall place his or  
15 her signature on the application in the space so provided in the  
16 presence of the county clerk or the designee thereof. No person  
17 shall serve as an authorized messenger or as a bearer for more than  
18 **[10]** three qualified voters in an election. No person who is a  
19 candidate in the election for which the voter requests a mail-in  
20 ballot shall be permitted to serve as an authorized messenger or  
21 bearer. The authorized messenger shall show a photo identification  
22 card to the county clerk, or the designee thereof, at the time the  
23 messenger submits the application form. The county clerk or the  
24 designee thereof shall authenticate the signature of the authorized  
25 messenger in the event such a person is other than a family member,  
26 by comparing it with the signature of the person appearing on a  
27 State of New Jersey driver's license, or other identification issued or  
28 recognized as official by the federal government, the State, or any  
29 of its political subdivisions, providing the identification carries the  
30 full address and signature of the person. After the authentication of  
31 the signature on the application, the county clerk or the designee  
32 thereof is authorized to deliver to the authorized messenger a ballot  
33 to be delivered to the qualified voter.

34 b. The Secretary of State shall cause to be prepared a standard  
35 authorized messenger application form, which may be included with  
36 the mail-in ballot application forms. The authorized messenger  
37 section of the application shall contain the following language  
38 above the signature of the authorized messenger: "I do hereby  
39 certify that I will deliver the mail-in ballot directly to the voter and  
40 no other person, under penalty of law."  
41 (cf: P.L.2009, c.79, s.4)

42

43 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
44 as follows:

**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       6. a. The county clerk, in the case of any Statewide election,  
2 countywide election, or school election in a regional or other school  
3 district comprising more than one municipality; the municipal clerk,  
4 in the case of any municipal election or school election in a school  
5 district comprising a single municipality; and the commissioners or  
6 other governing or administrative body of the district, in the case of  
7 any election to be held in any fire district or other special district,  
8 other than a municipality, created for specified public purposes  
9 within one or more municipalities, shall publish the following  
10 notice in substantially the following form:

11       NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

12       If you are a qualified and registered voter of the State who wants  
13 to vote by mail in the..... (school, municipal, primary,  
14 general, or other) election to be held on..... (date of election)  
15 complete the application form below and send to the undersigned,  
16 or write or apply in person to the undersigned at once requesting  
17 that a mail-in ballot be forwarded to you. The request must state  
18 your home address and the address to which the ballot should be  
19 sent. The request must be dated and signed with your signature.

20       If any person has assisted you to complete the mail-in ballot  
21 application, the name, address and signature of the assistor must be  
22 provided on the application, and you must sign and date the  
23 application for it to be valid and processed. No person shall serve  
24 as an authorized messenger or as a bearer for more than **[10]** three  
25 qualified voters in an election. No person who is a candidate in the  
26 election for which the voter requests a mail-in ballot may provide  
27 any assistance in the completion of the ballot or may serve as an  
28 authorized messenger or bearer.

29       No mail-in ballot will be provided to any applicant who submits  
30 a request therefor by mail unless the request is received at least  
31 seven days before the election and contains the requested  
32 information. A voter may, however, request an application in person  
33 from the county clerk up to 3 p.m. of the day before the election.

34       Voters who want to vote only by mail in all future general  
35 elections in which they are eligible to vote, and who state that on  
36 their application shall, after their initial request and without further  
37 action on their part, be provided a mail-in ballot by the county clerk  
38 until the voter requests that the voter no longer be sent such a  
39 ballot. A voter's failure to vote in the fourth general election  
40 following the general election at which the voter last voted may  
41 result in the suspension of that voter's ability to receive a mail-in  
42 ballot for all future general elections unless a new application is  
43 completed and filed with the county clerk.

44       Voters also have the option of indicating on their mail-in ballot  
45 applications that they would prefer to receive mail-in ballots for  
46 each election that takes place during the remainder of this calendar  
47 year. Voters who exercise this option will be furnished with mail-in

1 ballots for each election that takes place during the remainder of  
2 this calendar year, without further action on their part.

3 Application forms may be obtained by applying to the  
4 undersigned either in writing or by telephone, or the application  
5 form provided below may be completed and forwarded to the  
6 undersigned.

7 Dated.....  
8 .....

9 (signature and title of county clerk)

10 .....

11 (address of county clerk)

12 .....

13 (telephone no. of county clerk)

14 b. (1) The Secretary of State shall be responsible for providing  
15 all information regarding overseas ballots to each overseas voter  
16 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et  
17 seq.). The secretary shall also make available valid overseas voter  
18 registration and ballot applications to any voter who is a member of  
19 the armed forces of the United States and who is a permanent  
20 resident of this State, or who is an overseas voter who wishes to  
21 register to vote or to vote in any jurisdiction in this State. The  
22 secretary shall provide such public notice as may be deemed  
23 necessary to inform members of the armed forces of the United  
24 States and overseas voters how to obtain valid overseas voter  
25 registration and ballot applications.

26 (2) The Secretary of State shall undertake a program to inform  
27 voters in this State about their eligibility to vote by mail pursuant to  
28 this act. Dissemination of this information shall be included in the  
29 standard notices required by this section and other provisions of  
30 current law, including but not limited to the notice requirements of  
31 R.S.19:12-7, and shall be effectuated by such means as the secretary  
32 deems appropriate and to the extent that funds for such  
33 dissemination are appropriated including, but not limited to, by  
34 means of Statewide or local electronic media, public service  
35 announcements broadcast by such media, notices on the Internet site  
36 of the Department of State or any other department or agency of the  
37 Executive Branch of State government or its political subdivisions  
38 deemed appropriate by the secretary, and special mailings or notices  
39 in newspapers or other publications circulating in the counties or  
40 municipalities of this State.

41 c. The mail-in ballot materials shall contain a notice that any  
42 person voting by mail-in ballot who has registered by mail after  
43 January 1, 2003, who did not provide personal identification  
44 information when registering and is voting for the first time in his  
45 or her current county of residence following registration shall  
46 include copies of the required identification information with the  
47 mail-in ballot, and that failure to include such information shall  
48 result in the rejection of the ballot.

1 d. The notice provided for in subsection a. of this section shall  
2 be published before the 55th day immediately preceding the holding  
3 of any election.

4 Notices relating to any Statewide or countywide election shall be  
5 published in at least two newspapers published in each county. All  
6 officials charged with the duty of publishing such notices shall  
7 publish the same in at least one newspaper published in each  
8 municipality or district in which the election is to be held, or if no  
9 newspaper is published in the municipality or district, then in a  
10 newspaper published in the county and circulating in the  
11 municipality or district. All such notices shall be display  
12 advertisements.

13 (cf: P.L.2011, c.134, s.50)

14

15 3. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read  
16 as follows:

17 9. a. Starting on or before the 45th day before the day an  
18 election is held, each county clerk shall forward mail-in ballots by  
19 first-class postage or hand delivery to each mail-in voter whose  
20 request therefor has been approved. Mail-in ballots that have been  
21 approved before the 45th day before an election shall be forwarded  
22 or delivered at least 45 days before the day of the election. Hand  
23 delivery of a mail-in ballot shall be made by the county clerk or the  
24 clerk's designee only to the voter, or the voter's authorized  
25 messenger, who must appear in person. No person shall serve as an  
26 authorized messenger for more than **[10]** three qualified voters in  
27 an election. Ballots that have not been hand delivered shall be  
28 addressed to the voter at the forwarding address given in the  
29 application.

30 b. (1) Whenever the clerk forwards a mail-in ballot by mail to  
31 a mail-in voter between the 45th day and the 13th day before the  
32 day of an election, the ballot shall be transmitted within three  
33 business days of the receipt of the application.

34 (2) Whenever the clerk forwards a mail-in ballot by mail to a  
35 mail-in voter between the 12th day and the seventh day before the  
36 day of an election, the ballot shall be transmitted within two  
37 business days of the receipt of the application.

38 The provisions of this subsection shall not apply to: (a) annual  
39 school elections and special school elections in those school  
40 districts holding such elections, pursuant to P.L.1995,  
41 c.278 (C.19:60-1 et seq.); (b) any municipality in which elections  
42 are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et  
43 seq.); (c) annual elections for members of the boards of fire district  
44 commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any  
45 public question submitted to the voters of a local unit to increase  
46 the amount to be raised by taxation by more than the allowable  
47 adjusted tax levy, pursuant to section 11 of P.L.2007,  
48 c.62 (C.40A:4-45.46).

1 c. (Deleted by amendment, P.L.2011, c.37).  
2 (cf: P.L.2011, c.37, s.31)

3

4 4. Section 12 of P.L.2009. c.79 (C.19:63-12) is amended to  
5 read as follows:

6 12. Each county clerk shall send, with each mail-in ballot,  
7 printed directions for the preparation and transmitting of the ballots  
8 as required by this act. The directions shall be printed in such  
9 manner and form as the Secretary of State shall require, together  
10 with two envelopes of such sizes that one will contain the other.

11 The outer envelope shall be addressed to the county board of  
12 elections of the county in which is located the home address of the  
13 person to whom the mail-in ballot is sent, as certified by the county  
14 clerk. At the discretion of the county clerk, the outer envelope may  
15 be a postage paid return envelope. On the outside and front of each  
16 outer envelope, there shall be printed or stamped the following:

17 To protect your vote:

18 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
19 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
20 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
21 IS COMPLETED:

22 Ballot mailed or transported by  
23 (signature of bearer)  
24 (print name of bearer)  
25 (address of bearer)

26 The reserve side of the outer envelope shall contain the  
27 following:

28 REMINDER

29 For your vote to count, you must:

30 1) Vote your ballot and place it in the inner envelope with the  
31 attached certificate.

32 2) Seal the envelope.

33 3) Place the envelope into the larger envelope addressed to the  
34 board of elections and seal that envelope.

35 4) If another person will be mailing your ballot or bringing it to  
36 the board of elections, MAKE CERTAIN THAT PERSON  
37 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE  
38 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE  
39 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A  
40 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER  
41 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A  
42 BEARER. NO PERSON IS PERMITTED TO SERVE AS A  
43 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN  
44 AN ELECTION.

45 The Secretary of State is authorized to make such changes to the  
46 instructions for mail-in ballot materials as the Secretary of State  
47 deems necessary or as is mandated by federal or State law.

1 The inner envelope shall be so designed that it can be sealed  
2 after the mail-in ballot has been placed therein and the flap thereof  
3 shall be of such length and size as to leave sufficient margin, after  
4 sealing, for the printing thereon of the certificate hereinafter  
5 described. The flap shall be so arranged that, after the inner  
6 envelope has been sealed, the certificate can be contained, with the  
7 inner envelope, in the outer envelope, and that the margin  
8 containing the certificate can be detached without unsealing the  
9 inner envelope.

10 On the outside of each envelope in which a mail-in ballot is sent  
11 to a mail-in voter by the clerk, there shall be printed or stamped the  
12 words "Official Mail-In Ballot." In addition, there shall be printed  
13 or stamped the following:

14 To protect your vote:

15 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
16 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS  
17 BALLOT.

18 However, a family member may assist you in doing so.

19 The reverse side of each inner envelope shall contain the  
20 following statement:

21 A PERSON MAY BE FINED AND IMPRISONED AND MAY  
22 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
23 LAW if that person attempts to vote fraudulently by mail-in ballot,  
24 prevents the voting of a legal voter, certifies falsely any  
25 information, interferes with a person's secrecy of voting, tampers  
26 with ballots or election documents or helps another person to do so.

27 (cf: P.L.2009, c.79, s.12)

28

29 5. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
30 read as follows:

31 16. a. A mail-in voter shall be entitled to mark any mail-in  
32 ballot forwarded to the voter for voting at any election by indicating  
33 the voter's choice of candidates for the offices named, and as to  
34 public questions, if any, stated thereon, in accordance with current  
35 law. In the case of ballots to be voted for any primary election for  
36 the general election, as the case may be, the voter's choice shall be  
37 limited to the candidates of the voter's political party or to any  
38 person or persons whose names are written thereon by the voter.  
39 When so marked, such ballot shall be placed in the inner envelope,  
40 which shall then be sealed, and the voter shall then fill in the form  
41 of certificate attached to the inner envelope, at the end of which the  
42 voter shall sign and print the voter's name. The inner envelope with  
43 the certificate shall then be placed in the outer envelope, which  
44 shall then be sealed.

45 b. No mail-in voter shall permit any person in any way, except  
46 as provided by this act, to unseal, mark or inspect the voter's ballot,  
47 interfere with the secrecy of the voter's vote, complete or sign the

1 certificate, or seal the inner or outer envelope, nor shall any person  
2 do so.

3 c. A mail-in voter shall be entitled to assistance from a family  
4 member in performing any of the actions provided for in this  
5 section. The family member or other person providing such  
6 assistance shall certify that he or she assisted the voter and will  
7 maintain the secrecy of the vote by both printing and signing his or  
8 her name in the space provided on the certificate. In no event may a  
9 candidate for election provide such assistance, nor may any person,  
10 at the time of providing such assistance, campaign or electioneer on  
11 behalf of any candidate.

12 d. (1) The sealed outer envelope with the inner envelope and  
13 the ballot enclosed therein shall then either be mailed to the county  
14 board of elections to which it is addressed or delivered personally  
15 by the voter or a bearer designated by the voter to the board. To be  
16 counted, the ballot must be received by the board or its designee  
17 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the  
18 closing of the polls, as may be appropriate, on the day of an  
19 election.

20 (2) Whenever a person delivers a ballot to the county board, that  
21 person shall provide proof of the person's identity in the form of a  
22 New Jersey driver's license, or another form of identification issued  
23 or recognized as official by the federal government, the State, or  
24 any of its subdivisions, providing the identification carries the full  
25 address and signature of the person. The person shall sign a record  
26 maintained by the county of all mail-in ballots personally delivered  
27 to it.

28 (3) No person shall serve as an authorized messenger or as a  
29 bearer for more than **【10】** three qualified voters in an election. No  
30 person who is a candidate in the election for which the voter  
31 requests a mail-in ballot shall be permitted to serve as an authorized  
32 messenger or bearer. The bearer, by signing the certification  
33 provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies  
34 that he or she received a mail-in ballot directly from the voter, and  
35 no other person, and is authorized to deliver the ballot to the  
36 appropriate board of election or designee on behalf of the voter.

37 (cf: P.L.2011, c.134, s.54)

38

39 6. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to  
40 read as follows:

41 28. a. Any person who knowingly **【and with intent to commit**  
42 **fraud】** violates any of the provisions of P.L.2009, c.79 (C.19:63-1  
43 et al.), or who, not being entitled to vote thereunder, fraudulently  
44 votes or attempts to vote thereunder, or enables or attempts to  
45 enable another person not entitled to vote thereunder to vote  
46 fraudulently thereunder, or who prevents or attempts to prevent by  
47 fraud the voting of any person legally entitled to vote under this act,  
48 or who shall knowingly certify falsely in any paper required under



1 this act, or who, at any time, tampers with any ballot or document  
2 used in an election or interferes with the secrecy of the voting of  
3 any person, is guilty of a crime of the third degree, and upon  
4 conviction thereof shall be subject, in addition to such other  
5 penalties as are authorized by law, to disenfranchisement, unless  
6 and until pardoned or restored by law to the right of suffrage.

7 b. Any person who knowingly [and with intent to commit  
8 fraud] aids and abets another in violating any of the provisions of  
9 this section is guilty of a crime of the third degree and upon  
10 conviction thereof shall be subject, in addition to such other  
11 penalties as are authorized by law, to disenfranchisement, unless  
12 and until pardoned or restored by law to the right of suffrage.

13 (cf: P.L.2009, c.79, s.28)

14

15 7. This act shall take effect immediately.

16

17

18

#### STATEMENT

19

20 This bill provides that no person is permitted to serve as an  
21 authorized messenger for a mail-in ballot or as a bearer of a voted  
22 mail-in ballot for more than three qualified voters in an election.  
23 Current law permits a person to serve as an authorized messenger  
24 for no more than 10 qualified voters in an election, but sets no limit  
25 on the number of voted ballots a bearer may collect.

26 The bill also requires that when the person serving as a bearer  
27 delivers a voted mail-in ballot to the county board of elections, the  
28 person must provide proof of his or her identity in the form of a  
29 New Jersey driver's license, or another form of identification issued  
30 or recognized as official by the federal government, the State, or  
31 any of its subdivisions, providing the identification carries the full  
32 address and signature of the person.

33 The bill also changes the standard of conviction under "The Vote  
34 By Mail Law" from "knowingly with intent to commit fraud" to  
35 only "knowingly" violating any of the provisions of the law.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4306

# STATE OF NEW JERSEY

DATED: MARCH 19, 2015

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4306.

A person who obtains a mail-in ballot for a voter in accordance with the requirements of “The Vote By Mail Law,” P.L.2009, c.79 (C.19:63-1 et al.) is known as an “authorized messenger.” Currently, a person can serve as an authorized messenger for no more than 10 qualified voters in an election. After a voter completes a mail-in ballot, a person known as the “bearer” can mail or deliver the completed ballot to the county Board of Elections for the voter. Current law does not set a limit on the number of completed ballots that a bearer may collect.

The bill would set a limit of three on the number of completed mail-in ballots that a *bearer* could mail or deliver. The bill would also decrease the number of mail-in ballots that an *authorized messenger* could obtain, from 10 to three. In addition, the bill requires that when the person serving as a bearer delivers a voted mail-in ballot to the county board of elections, the person must provide proof of his identity in the form of a New Jersey driver’s license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person.

The bill would also change the culpability required for conviction of a crime under “The Vote By Mail Law.” Currently, it is a crime of the third degree to “knowingly and with intent to commit fraud” violate any of the provisions of the statute, commit other fraud relating to voting, or aid and abet another in doing so. Under the bill, it would be a crime of the third degree to “knowingly” commit any of these acts.

This bill is identical to S685, also released by the committee today.