

19:52-8; 19:31-11a et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 67

NJSA: 19:52-8; 19:31-11a et al
(Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.)

BILL NO: A3817 (Substituted for S2863 (1R))

SPONSOR(S) Anthony S. Verrelli and others

DATE INTRODUCED: 3/24/2022

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

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 6/29/2022

SENATE: 6/29/2022

DATE OF APPROVAL: 7/28/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fifth Reprint enacted) Yes

A3817

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

COMMITTEE STATEMENT: ASSEMBLY: Yes State & Local Gov.
Judiciary
Appropriations

SENATE: No

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

FLOOR AMENDMENT STATEMENT: Yes 6/16/2022
6/29/2022

LEGISLATIVE FISCAL ESTIMATE: Yes 6/6/2022
6/22/2022
7/1/2022

S2863 (1R)

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

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes State Gov, Wagering, Tourism
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(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)

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

TERRENCE T. MCDONALD; newjerseymonitor.com, 'Gov. Murphy signs package of election legislation into law Governor Murphy signs group of election bills into law', Press of Atlantic City, The (online), 30 Jul 2022 4A

Matt Arco - For The Star-Ledger, 'Murphy signs voting reform laws to help speed up election results', Star-Ledger, The (online), 30 Jul 2022 006

end

§1
C.19:52-8
§14
C.19:31-11a
§15
Note

P.L. 2022, CHAPTER 67, *approved July 28, 2022*
Assembly, No. 3817 (*Fifth Reprint*)

1 AN ACT concerning certain in-person, early voting, and vote by
2 mail practices and procedures ¹, and the manner of updating the
3 name and address of a registered voter on an existing voter
4 registration record,¹ and amending various parts of the statutory
5 law and supplementing ¹chapter 31 and¹ chapter 52 of Title 19 of
6 the Revised Statutes.

7
8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*
10

11 1. (New section) ²In a manner consistent with the requirement
12 for voting machines to secure the voter's secrecy in the act of
13 voting as required under R.S.19:48-1, and for electronic voting
14 systems to provide for the secrecy of a voter's vote under sections 3
15 and 6 of P.L.1973, c.82 (C.19:53A-3 and C.19:53A-6):²

16 a. In all counties wherein voters use hand-marked paper ballots
17 to cast the voter's vote, a privacy sleeve into which the voted ballot
18 can be inserted and fully shielded from view shall be provided to
19 the voter.

20 b. In all counties wherein ballot scanning machines are used to
21 cast hand-marked paper ballots, the ²**[ballot scanning machine shall**
22 **contain a privacy screen, shield, or curtain so]** the county shall
23 ensure² that privacy is maintained as the voter inserts the voted
24 ballot into the ballot scanning machine.

25 c. In all counties wherein voters use a direct recording electronic
26 voting machine to cast the voter's vote, the direct recording
27 electronic voting machine shall contain a privacy screen, shield, or
28 curtain so that privacy is maintained as the voter casts the voter's
29 vote.

30

31 2. R.S.19:8-7 is amended to read as follows:

32 19:8-7. The booths shall be sufficiently large to enable the voter
33 to conveniently prepare **[his]** the voter's ballot as provided for and
34 shall have swinging doors or privacy screens, shields, or curtains so

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

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted May 12, 2022.

²Assembly AJU committee amendments adopted June 9, 2022.

³Assembly AAP committee amendments adopted June 13, 2022.

⁴Assembly floor amendments adopted June 16, 2022.

⁵Senate floor amendments adopted June 29, 2022.

1 that privacy is maintained as the voter prepares the voter's ballot in
2 secret and screened from the observation of others.

3 The swinging doors or privacy screens, shields, or curtains shall
4 be so arranged that some part of the person of the voters **【standing】**
5 present in the booths may be seen from the outside thereof when the
6 door or curtains are closed or when the voter is present behind the
7 screens or shields.

8 Each booth shall contain a counter or shelf suitably placed to
9 enable voters to place their ballots thereon while preparing the same
10 for voting. ²Each booth shall also contain privacy sleeves or folders
11 into which the voter may insert the voted ballot to fully shield it
12 from view while walking the ballot outside the booth to be scanned
13 or cast, as the case may be.²

14 (cf: R.S.19:8-7)

15

16 ⁵**【3.** Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
17 read as follows:

18 1. a. A county board of elections shall have posted a voter
19 information notice, which shall be referred to as a voter's bill of
20 rights, in a conspicuous location in each polling place and each
21 specially designated polling place used for early voting before
22 voting begins.

23 The notice shall contain:

24 the date of the election and the hours during which polling places
25 will be open;

26 a statement that sample ballots are available at the polling place
27 for review by the voter;

28 instruction for the use of the voting machine in that polling place
29 and an explanation of what instructions for voting are available at
30 the polling place for the voter;

31 instruction for a voter who is voting for the first time;

32 instruction for a voter who is required to provide identification
33 pursuant to the federal "Help America Vote Act of 2002" and
34 R.S.19:15-17 prior to casting a vote;

35 instruction on how to cast a vote if the voter cannot be present at
36 a polling place on the day of the election;

37 an explanation of the right of the voter to vote in private,
38 regardless of the voter's physical abilities;

39 an explanation of the right of the voter to a provisional ballot,
40 including in the event that a mail-in ballot has been applied for and
41 not received or not transmitted to the county board of elections
42 before the day of any election, and the other circumstances under
43 which a voter has a right to a provisional ballot;

44 an explanation of the right of the voter to receive a replacement
45 ballot for a ballot that has been spoiled, destroyed, lost or never
46 received;

47 an explanation of the right of the voter to ask for and receive
48 assistance in voting;

1 an explanation of the right of the voter to take a reasonable
2 amount of time in casting a vote on a voting machine;

3 an explanation of the right of the voter to bring written material
4 into the polling place for the voter's personal use in casting a vote;

5 instruction on how to contact the appropriate officials if a voter's
6 right to vote or right to otherwise participate in the electoral process
7 has been challenged or violated;

8 general information on federal and State laws that prohibit acts
9 of fraud or misrepresentation and the penalties for those acts;

10 an explanation of the right of the voter to confidentially discover
11 the status of their ballot using the "Track My Ballot" user portal;

12 an explanation that "All ballots are counted and your vote
13 remains anonymous";

14 an explanation of the right of the voter that if their ballot was
15 rejected, a notice will be issued to the voter within 24 hours after a
16 decision is made to reject the ballot. The voter will have up to **[48**
17 **hours prior to the date for the final certification of the results of the**
18 **election]** ²**[midnight]** 5:00 PM² on the 9th day following the day
19 of the election to provide a cure for their ballot;

20 an explanation giving the options for the voter to provide the
21 cure to their rejected ballot;

22 an explanation that no voters shall be intimidated or otherwise
23 unduly influenced by political insignia while voting. No person
24 shall wear, display, sell, give or provide any political or campaign
25 slogan, badge, button or other insignia associated with any political
26 party or candidate to be worn at or within one hundred feet of the
27 polls or within the polling place or room, on any primary, general or
28 special election day or on any commission government election day,
29 except the badge furnished by the county board as provided by law.
30 This includes any political gear representing the campaign slogans,
31 logos, or depictions or representations of any political party or
32 candidate such as merchandise sold directly from a political party,
33 campaign, candidate, or by third parties and vendors representing
34 any political party or campaign or candidate. A person violating
35 any of these provisions is guilty of a disorderly persons offense and
36 will not be permitted on the premises and can only return to vote
37 after the removal of prohibited political insignia; and

38 such other statement, instruction or explanation the Secretary of
39 State may deem appropriate to ensure the full and knowledgeable
40 participation of the voter in the process.

41 The requirement to post this notice in each polling place shall
42 not replace, supersede or void any other requirement set forth in law
43 for the posting of information in each polling place apart from the
44 voter information notice. The poster promoting the use of voting by
45 mail prepared and distributed by the Secretary of State pursuant to
46 R.S.19:8-6 shall be displayed next to or as close as may be possible
47 to the voter information notice.

1 b. The Secretary of State shall prescribe the form and specific
2 content of the voter information notice, which may be comprised of
3 more than one page. If the notice is comprised of more than one
4 page, each page shall be posted separately. For an election district
5 in which the primary language of 10 percent or more of the
6 registered voters is a language other than English, the Secretary of
7 State shall prescribe an official version of the voter information
8 notice in that other language or languages for use in that election
9 district. The notice shall be posted in English and in the other
10 language or languages in the polling places in each such district.
11 The alternate language shall be determined based on information
12 from the latest federal decennial census.

13 c. A county board of elections may modify or supplement the
14 voter information notice used in a county or municipality to provide
15 additional information specific to that county or a municipality in
16 that county, provided, however, that any such modification or
17 supplementation shall be submitted to the Secretary of State for
18 prior approval.

19 d. The voter information notice shall be printed on each sample
20 ballot, to the extent practicable, or if not practicable, information on
21 how to view or obtain a copy of the voter information notice shall
22 be printed on each sample ballot.

23 e. The voter information notice, including one modified or
24 supplemented pursuant to subsection c. of this section, shall be
25 made accessible on the official Internet site of the State by the
26 Secretary of State and each county board of elections shall ensure
27 that the official Internet site of the county contains a link to that
28 notice.

29 f. (Deleted by amendment, P.L.2020, c.70)

30 g. The State shall be liable for the costs incurred by local
31 government entities for compliance with this section, and they shall
32 be reimbursed for those costs, upon application, by the State
33 Treasurer.

34 (cf: P.L.2021, c.40, s.9)】⁵

35

36 ⁵【4.】3.⁵ R.S.19:15-26 is amended to read as follows:

37 19:15-26. Every voter to whom a ballot is given shall thereupon
38 retire into the polling booth. Each booth in a polling place shall be
39 arranged in accordance with the provisions of R.S.19:8-7. Not
40 more than one voter, except as hereinafter provided, shall be
41 permitted to enter or be in the same booth, at one time. The voter
42 shall prepare **【his】** the voter's ballot in the booth secretly and
43 screened from the observation of others.

44 Any person or voter who shall violate the provisions of this
45 section shall be deemed guilty of a disorderly persons offense.

46 (cf: P.L.2005, c.154, s.3)

1 ⁵**[5.] 4.**⁵ Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended
2 to read as follows:

3 4. a. An early vote cast in an election, as provided for in this
4 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior
5 to the closing of the polls on the day of an election.

6 Every provisional ballot voted in each such election and
7 determined by a county board to be valid shall be counted and shall
8 be part of the official tally of the results of the election.

9 b. Each early vote cast, canvassed, and tallied in an election
10 under subsection a. of this section shall be reported in the results for
11 the election district in which the voter resides. The provisions of
12 this subsection shall not be interpreted to change the manner in
13 which each provisional ballot cast, canvassed, and tallied in each
14 election is reported as part of the official tally of the results of the
15 election in a manner that preserves the privacy of the voter's vote.

16 ²[¹Notwithstanding any provision of this subsection to the contrary,
17 if the reporting of the early voting results in the election district in
18 which the voter resides would violate the privacy of the voter's
19 vote, those results shall instead be reported as part of the general
20 tally.¹] Whenever the reporting requirement of this subsection
21 would cause a voter's privacy to be violated, the election results
22 shall be reported in a manner that maintains the privacy of the vote,
23 provided that the election results posted on the respective websites
24 shall contain a disclosure stating that the results reported for some
25 individual districts reflect measures to protect the privacy of the
26 vote while the general tally accurately reflects the results ⁴, and
27 provided further that the reports for those individual districts shall
28 not be subject to disclosure under the provisions of P.L.1963, c.73
29 (C.47:1A-1 et seq.), commonly known as the open public records
30 act⁴ .²

31 (cf: P.L.2021, c.40, s.4)

32

33 ⁵**[6.] 5.**⁵ R.S.19:23-45 is amended to read as follows:

34 19:23-45. No voter shall be allowed to vote at the primary
35 election unless his name appears in the signature copy register.

36 A voter who votes in a primary election of a political party or
37 who signs and files with the municipal clerk or the county
38 commissioner of registration a declaration that he desires to vote in
39 the primary election of a political party, or who indicates on a voter
40 registration form the voter's choice of political party affiliation and
41 submits the form to the commissioner of registration of the county
42 wherein the voter resides, to the employees or agents of a public
43 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
44 (C.19:31-6.3), or a voter registration agency, as defined in
45 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
46 the Secretary of State, either on a paper form or an electronic form
47 using the online voter registration system established under section
48 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a

1 member of that party until the voter signs and files with the
2 municipal clerk or the commissioner of registration a declaration
3 that he desires to vote in the primary election of another political
4 party at which time he shall be deemed to be a member of such
5 other political party. The Secretary of State shall cause to be
6 prepared political party affiliation declaration forms and shall
7 provide such forms to the commissioners of registration of the
8 several counties and to the clerks of the municipalities within such
9 counties.

10 No voter, except a newly registered voter at the first primary at
11 which he is eligible to vote, or a voter who has not previously voted
12 in a primary election, may vote in a primary election of a political
13 party unless he was deemed to be a member of that party on the
14 55th day next preceding such primary election.

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

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

32 Any person voting in the primary ballot box of any political
33 party in any primary election in contravention of the election law
34 shall be guilty of a disorderly persons offense, and any person who
35 aids or assists any such person in such violation by means of public
36 proclamation or order, or by means of any public or private
37 direction or suggestions, or by means of any help or assistance or
38 cooperation, shall likewise be guilty of a disorderly persons offense.
39 (cf: P.L.2011, c.134, s.27)

40

41 ⁵[7.] 6.⁵ Section 2 of P.L.1976, c.16 (C.19:23-45.1) is
42 amended to read as follows:

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

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

3 b. The notice required to be published by the preceding
4 paragraph shall inform the reader thereof that no voter, except a
5 newly registered voter at the first primary at which he is eligible to
6 vote, or a voter who has not previously voted in a primary election
7 may vote in a primary election of a political party unless he was
8 deemed to be a member of that party on the 55th day next preceding
9 such primary election. It shall further inform the reader thereof that
10 a voter who votes in the primary election of a political party, or who
11 signs and files with the municipal clerk or the county commissioner
12 of registration a declaration that he desires to vote in the primary
13 election of a political party, or who indicates on a voter registration
14 form the voter's choice of political party affiliation and submits the
15 form to the commissioner of registration of the county wherein the
16 voter resides, to the employees or agents of a public agency, as
17 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
18 6.3), or a voter registration agency, as defined in subsection a. of
19 section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of
20 State, either on a paper form or an electronic form using the online
21 voter registration system established under section 1 of P.L.2019,
22 c.382 (C.19:31-6.4c), shall be deemed to be a member of that party
23 until the voter signs and files with the municipal clerk or the
24 commissioner of registration a declaration that he desires to vote in
25 the primary election of another political party, at which time he
26 shall be deemed to be a member of such other political party, or that
27 the voter chooses not to be affiliated with any political party. The
28 notice shall also state the time and location where a person may
29 obtain political party affiliation declaration forms or voter
30 registration forms.

31 (cf: P.L.2011, c.134, s.28)

32

33 ⁵**[8.] 7.**⁵ Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is
34 amended to read as follows:

35 1. Notwithstanding any other provision of law to the contrary,
36 a person who is qualified to register to vote may submit a voter
37 registration form electronically on a secure Internet website
38 maintained by the Secretary of State, if the applicant has an email
39 address and provides a valid New Jersey driver's license number, a
40 valid New Jersey nondriver identification card number, or the last
41 four digits of the applicant's Social Security number. The voter
42 registration form shall contain substantively the same information
43 required to be contained on a paper voter registration form pursuant
44 to section 16 of P.L.1974, c.30 (C.19:31-6.4). ²**[The voter**
45 registration form available electronically shall enable a person who
46 is qualified to register to vote, and a person who is registered to
47 vote, to apply for and receive a mail-in ballot as provided under
48 section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests

1 otherwise.】² The voter registration form available electronically
2 shall also enable a person who is qualified to register to vote, and a
3 person who is registered to vote, to declare a political party
4 affiliation and to make changes to that affiliation, with an option to
5 indicate no affiliation with any political party, by updating the
6 online voter registration form. ²Beginning on January 1, 2026 and
7 thereafter, the voter registration form available electronically shall
8 enable a person who is qualified to register to vote, and a person
9 who is registered to vote, to apply for and receive a mail-in ballot as
10 provided under section 3 of P.L.2009, c.79 (C.19:63-3), until the
11 voter requests otherwise.²

12 a. The Secretary of State shall apply the same voter registration
13 deadline applicable under current law for paper voter registration
14 forms to an online voter registration form submitted by an applicant
15 pursuant to this section.

16 b. The applicant completing the form shall affirmatively attest
17 to the truth of the information provided in the form.

18 c. For voter registration purposes, the applicant shall
19 affirmatively assent to the use of his or her signature from his or her
20 driver's license or non-driver identification card or the applicant's
21 digitized or electronic signature.

22 d. For each online voter registration form, the Secretary of
23 State shall obtain either an electronic copy of the applicant's
24 signature from his or her driver's license or non-driver identification
25 card directly from the New Jersey Motor Vehicle Commission, or
26 the applicant's digitized or electronic signature.

27 e. Upon submission of an online voter registration form
28 pursuant to this section, the electronic voter registration system
29 shall automatically acknowledge that the online voter registration
30 form has been submitted successfully, and provide instructions on
31 how the person completing the voter registration form may follow-
32 up on the status of the submission either online or by contacting the
33 appropriate county commissioner of registration. ²【Once a person
34 has submitted the online voter registration form, the online voter
35 registration system shall not accept a new voter registration form
36 submission from the same person until the previous submission has
37 been processed.】 If a person submits more than one online voter
38 registration form with identical information, the county ³【board of
39 elections】 commissioner of registration³ of the county in which the
40 voter resides may process and adjudicate only the first online voter
41 registration form submitted by the person through the system.²

42 f. The Secretary of State shall employ security measures to
43 ensure the accuracy and integrity of voter registration forms
44 submitted electronically pursuant to this section.

45 g. The New Jersey Motor Vehicle Commission and the
46 Secretary of State shall jointly develop a process and the
47 infrastructure to allow the electronic copy of the applicant's

1 signature and other information required under this section that is in
2 the possession of the commission to be transferred to the Secretary
3 of State and to the appropriate county election officials to allow a
4 person who is qualified to register to vote in New Jersey to register
5 to vote under this section.

6 h. If an applicant cannot electronically submit the information
7 required pursuant to this section, the applicant shall nevertheless be
8 able to complete the online voter registration form electronically on
9 the Secretary of State's Internet website, print a paper copy of the
10 completed form, and mail or deliver the paper copy of the
11 completed form to the Secretary of State or the appropriate county
12 election official. For the purposes of this subsection, the applicant
13 shall be required to provide the same documents required to be
14 provided with a paper voter registration form pursuant to R.S.19:31-
15 5.

16 (cf: P.L.2019, c.382, s.1)

17
18 ⁵**[9.] 8.**⁵ Section 6 of P.L.1973, c.82 (C.19:53A-6) is amended
19 to read as follows:

20 6. a. Prior to any election at which electronic voting devices
21 are used the county board of elections shall have the voting devices
22 prepared for the election and shall provide the district election
23 officers with voting devices, voting booths, ballot boxes, ballot
24 cards, "write-in" ballots and other records and supplies as
25 required.

26 b. Ballot cards shall be of the size, design and stock suitable for
27 processing by automatic data processing machines. Each ballot
28 card shall have an attached numbered perforated stub, which shall
29 be removed by an election officer before it is deposited in the ballot
30 box. In primary elections the ballot cards of each political party
31 shall be distinctly marked or shall be of a different color or tint so
32 that the ballot cards of each political party are readily
33 distinguishable.

34 c. Unless the voting device enables the voter to mark **[his]** the
35 voter's choices in secret, the board of elections shall provide a
36 sufficient number of voting booths for each **[voting]** election
37 district in a polling place, which shall be of a size and design in
38 accordance with the provisions of R.S.19:8-7 so as to enable the
39 voter to mark **[his]** the voter's ballot in secret.

40 (cf: P.L.1973, c.82, s.6)

41
42 ⁵**[10.] 9.**⁵ Section 10 of P.L.1999, c.232 (C.19:53C-4) is
43 amended to read as follows:

44 10. The district board shall designate an area within the polling
45 place, which may be a voting booth, for the voter to mark the
46 provisional ballot and affirmation statement. If the district board
47 designates a voting booth for the voter to mark the provisional
48 ballot and affirmation statement, the voting booth shall be arranged

1 in accordance with the provisions of R.S.19:8-7. If a voting booth
2 is not used, the area designated for voters to mark the provisional
3 ballot and affirmation statement shall have swinging doors or
4 privacy screens, shields, or curtains so that privacy is maintained as
5 the voter prepares the provisional ballot and affirmation statement
6 in secret and screened from the observation of others. No
7 provisional ballot and envelope with an affirmation statement shall
8 be handed to a voter until the area designated for voters to mark the
9 provisional ballot and affirmation statement is ready. **【If a voting**
10 **booth is not used, the voter shall be provided with a security screen**
11 **at the same time that the provisional ballot and envelope with**
12 **affirmation statement is provided.】**

13 A district board member shall instruct the voter how to complete
14 the affirmation statement and place the voted provisional ballot into
15 the envelope.

16 If for any reason provisional ballots and envelopes with
17 affirmation statements are not ready or available for distribution at
18 any polling place, the district board member in charge shall notify
19 the appropriate authority that additional ballots and affirmation
20 statements are required.

21 (cf: P.L.1999, c.232, s.10)

22

23 ⁵**【11.】** ⁵10.⁵ Section 3 of P.L.2009, c.79 (C.19:63-3) is amended
24 to read as follows:

25 3. a. A qualified voter shall be entitled to vote using a mail-in
26 ballot:

27 (1) in all future elections, including general elections, held in
28 this State, in which the voter is eligible to vote; or

29 (2) in any single election held in this State.

30 The qualified voter who chooses the option to vote using a mail-
31 in ballot in all future elections shall be furnished with such a ballot
32 by the county clerk without further request on the part of the voter
33 and until the voter requests in writing that the voter no longer be
34 sent a mail-in ballot.

35 The mail-in ballot application form prepared by the Secretary of
36 State shall present the two options in the order provided above. The
37 mail-in ballot application shall also provide spaces for the voter's
38 telephone number and email address, including language informing
39 the voter that this contact information will be used to contact the
40 voter concerning the acceptance or rejection of the ballot, and how
41 the voter may cure a defect. A voter's telephone number and email
42 address shall not be subject to public disclosure and shall not be
43 considered a government record.

44 The additional direct expenditures required for the
45 implementation of the provisions of this subsection as amended by
46 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
47 P.L.2019, c.459 (C.19:63-29).

1 b. (1) Not less than seven days before an election in which a
2 voter wants to vote by mail, the voter may apply to the person
3 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
4 ballot. The application shall be in writing, shall be signed by the
5 applicant and shall state the applicant's place of voting residence
6 and the address to which the ballot shall be sent. The Secretary of
7 State shall prepare a mail-in application form and shall have the
8 authority to promulgate any rules and regulations the secretary
9 deems necessary to effectuate the purposes of this subsection.

10 (2) ²【Not】 Beginning on January 1, 2026 and thereafter, not²
11 less than seven days before an election in which a voter wants to
12 vote by mail, instead of submitting an application under paragraph
13 (1) of this subsection, the voter may apply for a mail-in ballot
14 electronically through the voter registration website established by
15 the Secretary of State pursuant to section 1 of P.L.2019, c.382
16 (C.19:31-6.4c), which application shall be electronically submitted
17 to the person designated ²【in section 5 of P.L.2009, c.79 (C.19:63-
18 5)】 by the Secretary of State² . The application shall be in
19 electronic form, shall be signed by the applicant using the
20 applicant's electronic signature in the Statewide Voter Registration
21 System, and shall state the applicant's place of voting residence and
22 the address to which the ballot shall be sent. The Secretary of State
23 shall prepare a mail-in ballot electronic application form and shall
24 have the authority to promulgate any ²guidance, guidelines,² rules
25 and regulations the secretary deems necessary to effectuate the
26 purposes of this subsection. ⁴The rules and regulations shall ensure
27 the security of the online mail-in ballot application form and the use
28 of verifiable signatures, including a process for the resolution of
29 signature discrepancies and the validation of the information
30 provided by the applicant.⁴

31 c. Any voter wanting to vote by mail in any election may apply
32 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
33 for a mail-in ballot to be sent to the voter. A voter who is a member
34 of the armed forces of the United States may use a federal postcard
35 application form to apply for a mail-in ballot.

36 d. Any voter who fails to apply for a mail-in ballot before the
37 seven-day period prescribed in subsection b. of this section may
38 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
39 of the day before the election.

40 e. A person voting by mail-in ballot who registered by mail
41 after January 1, 2003, who did not provide personal identification
42 information when registering pursuant to section 16 of P.L.1974,
43 c.30 (C.19:31-6.4) and is voting for the first time in his or her
44 current county of residence following registration shall include
45 copies of the required identification information with the mail-in
46 ballot. Failure to include such information with the mail-in ballot
47 shall result in its rejection.

1 f. The county clerk shall not transmit a mail-in ballot for any
2 election to any person who: is deemed by a county commissioner of
3 registration to be an inactive voter; or notifies the clerk in writing
4 that the person no longer wishes to receive such a ballot for any
5 election; or is no longer eligible to vote and whose registration file
6 has been transferred to the deleted file pursuant to R.S.19:31-19.

7 g. Any mail-in ballot that is sent to a qualified voter and that is
8 returned to the county clerk for any reason shall be forwarded to the
9 commissioner of registration, who shall so note the return in the
10 voter record of that voter.

11 (cf: P.L.2020, c.70, s.8)

12

13 ⁵**[12.] 11.**⁵ Section 6 of P.L.2009, c.79 (C.19:63-6) is amended
14 to read as follows:

15 6. a. The county clerk, in the case of any Statewide election,
16 countywide election, or school election in a regional or other school
17 district comprising more than one municipality; the municipal clerk,
18 in the case of any municipal election or school election in a school
19 district comprising a single municipality; and the commissioners or
20 other governing or administrative body of the district, in the case of
21 any election to be held in any fire district or other special district,
22 other than a municipality, created for specified public purposes
23 within one or more municipalities, shall publish the following
24 notice in substantially the following form:

25 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

26 If you are a qualified and registered voter of the State who wants
27 to vote by mail in the..... (school, municipal, primary,
28 general, or other) election to be held on..... (date of
29 election), the following applies:

30 You must complete the application form below and send it to the
31 county clerk where you reside or write or apply in person to the
32 county clerk where you reside to request a mail-in ballot. Instead,
33 you may complete the application form electronically on the
34 Secretary of State's website ²[at (insert website
35 address here)]².

36 The name, address, and signature of any person who has assisted
37 you to complete the mail-in ballot application must be provided on
38 the application, and you must sign and date the application.

39 No person may serve as an authorized messenger or bearer for
40 more than three qualified voters in an election, but a person may
41 serve as such for up to five qualified voters in an election if those
42 voters are immediate family members residing in the same
43 household as the messenger or bearer.

44 No person who is a candidate in the election for which the voter
45 requests a mail-in ballot may provide any assistance in the
46 completion of the ballot or serve as an authorized messenger or
47 bearer.

1 A person who applies for a mail-in ballot must submit his or her
2 application at least seven days before the election, but such person
3 may request an application in person from the county clerk up to 3
4 p.m. of the day before the election.

5 Voters who want to vote by mail in all future elections will, after
6 their initial request and without further action on their part, be
7 provided with a mail-in ballot until the voter requests otherwise in
8 writing.

9 Application forms may be obtained by applying to the
10 undersigned either in writing or by telephone, or the application
11 form provided below may be completed and forwarded to the
12 undersigned.

13 Dated.....
14
15 (signature and title of county clerk)
16
17 (address of county clerk)
18
19 (telephone no. of county clerk)

20 ²Instead, application forms may be completed electronically on
21 the Secretary of State’s website at (insert website
22 address here).]²

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

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

1 in newspapers or other publications circulating in the counties or
2 municipalities of this State.

3 c. The mail-in ballot materials shall contain a notice that any
4 person voting by mail-in ballot who has registered by mail after
5 January 1, 2003, who did not provide personal identification
6 information when registering and is voting for the first time in his
7 or her current county of residence following registration shall
8 include copies of the required identification information with the
9 mail-in ballot, and that failure to include such information shall
10 result in the rejection of the ballot.

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

14 Notices relating to any Statewide or countywide election shall be
15 published in at least two newspapers published in each county. All
16 officials charged with the duty of publishing such notices shall
17 publish the same in at least one newspaper published in each
18 municipality or district in which the election is to be held, or if no
19 newspaper is published in the municipality or district, then in a
20 newspaper published in the county and circulating in the
21 municipality or district. All such notices shall be display
22 advertisements.

23 (cf: P.L.2020, c.71, s.7)

24

25 ⁵¶13. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
26 read as follows:

27 17. a. The county board of elections shall, promptly after
28 receiving each mail-in ballot, remove the inner envelope containing
29 the ballot from the outer envelope and shall compare the signature
30 and the information contained on the flap of the inner envelope with
31 the signature and information contained in the respective requests
32 for mail-in ballots and the signature and information contained in
33 the Statewide voter registration system. In addition, as to mail-in
34 ballots issued less than seven days prior to an election, the county
35 board of elections shall also check to establish that the mail-in voter
36 did not vote in person. The county board shall reject such a ballot if
37 it is not satisfied, pursuant to a comparison with the Statewide voter
38 registration system, that the voter is legally entitled to vote and that
39 the ballot conforms with the requirements of this act. The county
40 board of elections shall conduct the determination of qualification
41 of each voter in accordance with the requirements of the Certificate
42 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
43 13).

44 In the case of a mail-in ballot to be voted at a primary election
45 for the general election, the ballot shall be rejected if the mail-in
46 voter has indicated in the certificate the voter's intention to vote in a
47 primary election of any political party in which the voter is not
48 entitled to vote according to the Statewide voter registration system,

1 and if it shall appear from the record that the voter is not entitled to
2 vote in a primary election of the political party which has been so
3 indicated.

4 Any mail-in ballot which is received by a county board of
5 elections shall be rejected if the inner envelope is unsealed or if
6 either the inner or outer envelope has a seal that has been tampered
7 with. Mail-in ballots shall not be rejected due to any defect arising
8 out of or relating to the preparation or mailing of the ballot or
9 envelope that was not reasonably caused by the voters, such as a
10 torn envelope and missing or insufficient glue to allow the ballot to
11 be sealed.

12 Disputes about the qualifications of a mail-in voter to vote or
13 about whether or not or how any mail-in ballot shall be counted in
14 such election shall be referred to the Superior Court for
15 determination, as provided under section 4 of P.L.2020, c.70
16 (C.19:63-17.1).

17 After such investigation, the county board of elections shall
18 detach or separate the certificate from the inner envelope containing
19 the mail-in ballot, unless it has been rejected by it or by the
20 Superior Court, marking the envelope so as to identify the election
21 district in which the ballot contained therein is to be voted as
22 indicated by the voter's home address appearing on the certificate
23 attached to or accompanying the inner envelope and, in the case of
24 ballots to be voted at a primary election for a general election, so as
25 to identify the political party in the primary election of which it is
26 to be voted.

27 The location at which a county board of elections determines
28 whether a mail-in ballot shall be accepted or rejected shall be
29 considered an election district for the purposes of appointment of
30 challengers.

31 b. The county board of elections shall, promptly after receiving
32 each mail-in ballot, undertake the following procedures and
33 requirements concerning the acceptance or rejection of each mail-in
34 ballot:

35 (1) within 24 hours after the decision has been made to reject a
36 voter's mail-in or provisional ballot on the basis of a missing
37 signature or discrepant signature, issue a "Cure Letter" by mail or
38 email to the voter whose ballot was rejected, which shall inform the
39 voter of that fact and provide the reasoning for rejection, and
40 attempt to contact the voter by telephone, if a telephone number is
41 available. The cure letter shall include a "Cure Form" and the form
42 shall include the voter's name and instruct the voter on how to cure
43 the alleged or actual deficiency. Cure forms shall not be referred to
44 as affidavits or certifications and shall not be required to be sworn;

45 (2) when the alleged or actual deficiency involves the signature
46 of the voter, instruct the voter that they may cure the deficiency by
47 completing the cure form and returning it to the county board of
48 elections in person, by fax, or by email, [not later than 48 hours

1 prior to the final certification of the results of the election,] or by
2 returning it to the county board of elections by mail, and that the
3 completed cure form must be received by the county board of
4 elections not later than [48 hours prior to the final certification of
5 the results of the election] ²[midnight] 5:00 PM² on the 9th day
6 following the day of the election;

7 (3) include, with the cure letter, when sent by mail, a pre-printed
8 cure form and a postage-paid return envelope addressed to the
9 county board of elections which the voter may use to return the cure
10 form; and

11 (4) inform voters that they shall not be required to submit any
12 form of hard-copy identification document or copy thereof in order
13 to cure a signature deficiency, but may do so by declaring that they
14 submitted their provisional ballot or mail-in ballot, and verifying
15 their identity by either: (a) providing a valid New Jersey driver's
16 license number or Motor Vehicle Commission non-driver
17 identification number; or (b) if the voter does not have a valid New
18 Jersey driver's license number or Motor Vehicle Commission non-
19 driver identification number, then by providing the last four digits
20 of their Social Security Number; or (c) if the voter does not have
21 the identification in (a) or (b), then attaching a legible copy of a
22 New Jersey State-accepted form of identification, including either a
23 sample ballot which lists the voter's name and address, an official
24 federal, State, county, or municipal document which lists the voter's
25 name and address, or a utility bill, telephone bill, or tax or rent
26 receipt which lists the voter's name and address; and (d) signing and
27 dating the cure form prior to returning it.

28 c. If a voter returns a completed cure form in a timely manner
29 and the information provided verifies the voter's identity, pursuant
30 to this section, their otherwise valid mail-in or provisional ballot
31 shall be counted in the final election results irrespective of any
32 signature deficiency previously identified and, under those
33 circumstances, the cure form may not be verified or authenticated
34 using signature matching.

35 d. In accordance with this section, variations in voter
36 signatures caused by the substitution of initials for the first name,
37 middle name, or both, shall not be grounds for the county board of
38 elections to determine that the signatures are non-conforming or do
39 not match.

40 e. In cases of rejected ballots, the county board of elections
41 shall retain the voter's outer envelope, inner envelope, self-
42 certification certificate, and mail-in ballot in a bundle unique to
43 each voter for a period of two years in accordance with section 24
44 of P.L.2009, c.79 (C.19:63-24).

45 f. County boards of elections shall be required to meet at least
46 once each week during the three-week period preceding each
47 election to conduct the ballot processing and curing provisions
48 specified in this section, and shall meet more frequently as may be

1 required by the Secretary of State to ensure the timely processing of
2 ballots.

3 The Secretary of State shall prepare educational materials
4 regarding this section that all employed county boards of elections
5 employees handling ballots shall read and have available for
6 review. The materials shall provide clear information regarding the
7 standards for acceptance and rejection of mail-in ballots and the
8 safe-keeping of all materials in the case of rejection. The materials
9 shall serve an educational purpose for the county board of elections
10 and shall not replace, supersede, or void the authority of the county
11 board or a judge of the Superior Court to accept or reject a mail-in
12 ballot.

13 (cf: P.L.2020, c.71, s.12)]⁵

14

15 ¹[14. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
16 read as follows:

17 22. a. On the day of each election, or as provided under
18 subsection b. of this section, each county board of elections shall
19 open in the presence of the commissioner of registration, or the
20 designee thereof, the inner envelopes that contain the mail-in ballots
21 with the votes cast for the election. The inner envelopes containing
22 the ballots that the board or the Superior Court has rejected shall
23 not be so opened, but shall be retained as provided for by this act.
24 The board shall then proceed to canvass the votes cast on the mail-
25 in ballots, but no such ballot shall be counted in any primary
26 election for the general election if the ballot of the political party
27 marked for voting thereon differs from the designation of the
28 political party in the primary election of which such ballot is
29 intended to be voted as marked on the envelope by the county board
30 of elections.

31 Every mail-in ballot that bears a postmark date before or of the
32 day of the election and that is received by the county board within
33 ~~[144 hours]~~ 72 hours after the time of the closing of the polls for
34 the election that the ballot was prepared shall be considered valid
35 and shall be canvassed. Every mail-in ballot that does not bear a
36 postmark date but that is received by the county board by delivery
37 of the United States Postal Service before, or within 48 hours after,
38 the time of the closing of the polls for the election for which the
39 ballot was prepared shall be considered valid and shall be
40 canvassed.

41 b. A county board of elections may begin opening the inner
42 envelopes for each mail-in ballot no earlier than five days prior to
43 the day of the election, and canvassing each mail-in ballot from the
44 inner envelopes no earlier than three days prior to the day of the
45 election. The Secretary of State shall establish guidelines
46 concerning the early canvassing process. If a county board of
47 elections begins opening the inner envelopes and canvassing the
48 mail-in ballots from the inner envelopes prior to the day of the

1 election, the county board shall implement the measures necessary
 2 to ensure the security and secrecy of the mail-in ballots. The
 3 contents of the mail-in ballots and the results of the ballot
 4 canvassing shall remain confidential and shall be disclosed only in
 5 accordance with the provisions of Title 19 of the Revised Statutes,
 6 regulations and guidelines concerning the disclosure of election
 7 results, and in no circumstances disclosed prior to the close of polls
 8 on the day of the election. As provided under R.S.19:34-13, any
 9 person who is authorized to receive and canvass completed mail-in-
 10 ballots who knowingly discloses to the public the contents of a
 11 mail-in ballot prior to the time designated by law for the closing of
 12 the polls for each election shall be guilty of a crime of the third
 13 degree.

14 c. Immediately after the canvass is completed, the respective
 15 county boards of election shall certify the result of the canvass to
 16 the county clerk or the municipal or district clerk or other
 17 appropriate officer, as the case may be, showing the result of the
 18 canvass by municipality and ward. The votes thus canvassed shall
 19 be counted in determining the result of the election.

20 The county board of elections shall, immediately after the
 21 canvass is completed for any primary election, certify the results of
 22 the votes cast for members of the county committees to the
 23 respective municipal clerks, and those votes shall be counted in
 24 determining the result of the election.

25 Each mail-in ballot cast, canvassed, and tallied in an election
 26 under this section shall be reported in the results for the election
 27 district in which the voter resides.

28 (cf: P.L.2020, c.71, s.13)]¹

29

30 ⁵[¹⁴.] 12.⁵ R.S.19:31-11 is amended to read as follows:

31 19:31-11. a. In all counties within the State, change of
 32 residence notices shall be made: (1) by a written request, signed by
 33 the registrant, forwarded to the commissioner by mail, and actually
 34 received by the commissioner [, or]; (2) by calling in person at the
 35 office of the commissioner or the municipal clerk; or (3) by
 36 completing and submitting a change of residence notice online as
 37 provided ²[under section 16 of P.L. , c. (C.) (pending before
 38 the Legislature as this bill)] by the Secretary of State². The
 39 commissioner shall provide change of residence notices in card
 40 form for the use of any registered voter moving to another address
 41 within the same election district [or]; to another election district
 42 within the same county; or to another election district in another
 43 county for processing as provided under subsection c. of this
 44 section. Copies of these notices shall also be available at the office
 45 of the municipal clerk in each municipality. Each municipal clerk
 46 shall transmit daily to the commissioner all the filled out change of
 47 residence notices that may be in the municipal clerk's office at the
 48 time. These notices shall be printed upon cards, shall contain a

1 blank form showing where the applicant last resided and the address
2 and exact location to which the applicant has moved and shall have
3 a line for the applicant's signature, printed name and date of birth.
4 Upon receipt of such change of residence notice the commissioner
5 shall cause the signature to be compared with the registration forms
6 of the applicant and, if such signature appears to be of and by one
7 and the same legal voter, the commissioner shall cause the entry of
8 the change of residence to be made on those registration forms and
9 the registrant shall thereupon be qualified to vote in the election
10 district to which the registrant shall have so moved. If the
11 commissioner is not satisfied as to the signature on the request for a
12 change of residence, a confirmation notice as prescribed by
13 subsection d. of R.S.19:31-15 shall be sent by mail with postage
14 prepaid to the registrant at the new address.

15 The application for change of residence shall be filed with the
16 commissioner or municipal clerk, as the case may be, on or before
17 the 21st day preceding any election.

18 b. In any county any voter who, prior to an election, shall move
19 within the same county after the time above prescribed for filing an
20 application for change of residence without having made
21 application for change of residence, or who has not returned a
22 confirmation notice sent to the voter by the commissioner of
23 registration of the county, if such a notice has been sent to the voter,
24 or who has not moved since the previous election but whose
25 registration information is missing or otherwise deficient, or has
26 otherwise failed to notify the commissioner of registration of the
27 voter's change of address within the county, shall be permitted to
28 vote in that election in the district to which the voter has moved,
29 upon making a written affirmation regarding the change of address
30 at the polling place of the district in which the voter resides on the
31 day of the election. No identifying document shall be required from
32 the voter for this affirmation. A district board member shall
33 provide the voter with a provisional ballot, and an envelope with an
34 affirmation statement that conforms with the requirements for such
35 documents contained in subsection b. of section 7 of P.L.1999,
36 c.232 (C.19:53C-1). The voter shall complete the provisional ballot
37 and affirmation statement, place the ballot in the envelope, seal and
38 return it to the district board member. The board member shall
39 review the information in the affirmation statement for
40 completeness before forwarding it for inspection, tabulation and
41 notation by the county board of elections, as provided for by
42 sections 7 through 26 of P.L.1999, c.232 (C.19:53C-1 through
43 C.19:53C-20). The affirmation statement shall constitute a transfer
44 to the registrant's new residence for any subsequent election.
45 However, if the voter has moved from one residence to another
46 within the same election district at any time, the voter shall be
47 permitted to vote in such election district at any election in the same
48 manner as other voters at the polling place upon written affirmation

1 by the registrant to the district board member of the registrant's
2 change of address.

3 c. A voter who moves from an election district in one county to
4 an election district in another county prior to the close of
5 registration preceding an election shall register in the new county of
6 residence, in accordance with the provisions of R.S.19:31-6, or
7 shall file a change of residence notice with the commissioner of
8 either county or complete and submit that notice online as provided
9 ²[under section 16 of P.L. , c. (C.) (pending before the
10 Legislature as this bill)] by the Secretary of State² , in order to be
11 permitted to vote. A change of residence notice filed by a voter
12 pursuant to this subsection shall cause the commissioners of the
13 county of previous residence and the county of new residence to
14 update the voter registration record of that voter ²[and to transfer
15 that record to the county of new residence]² . The commissioner of
16 the county of new residence shall notify the voter by mail that the
17 voter is now registered to vote in that county or, if the notice
18 submitted by the voter is incomplete, to request any additional
19 information or documentation necessary to finalize the change of
20 residence notice. Nothing in this subsection shall be interpreted to
21 waive the requirement specified under R.S.19:31-5 that the voter
22 shall have been a resident of the county of new residence for at least
23 30 days prior to being eligible to vote in any election in that
24 county.¹

25 (cf: P.L.2005, c.139, s.13)

26

27 ⁵[^{15.}] ⁵13.⁵ R.S.19:31-13 is amended to read as follows:

28 19:31-13. Whenever the registrant after his or her original
29 registration shall change his or her name due to marriage, divorce,
30 or by judgment of court, the registrant shall in person or by mail
31 submit to the commissioner of registration a written statement
32 notifying the commissioner of the change, which statement shall
33 take such form, and be printed on a postal card suitable for mailing
34 of such design, as the Attorney General shall prescribe and shall be
35 signed by the registrant. A registrant may complete the form online
36 ²[pursuant to section 16 of P.L. , c. (C.) (pending before the
37 Legislature as this bill)] as provided by the Secretary of State² .
38 The commissioner, upon receipt of such a notice of change of name,
39 shall revise accordingly the name of the registrant as it appears
40 among the items of information concerning the registrant included
41 on the registrant's registration forms, shall make a photographic
42 copy of the notice of name change submitted by the registrant, and
43 shall affix the original notice so submitted to the registrant's
44 original registration form and the photographic copy of that notice
45 to the registrant's duplicate registration record.

46 When notice of such change in name has not been received by or
47 filed with the commissioner prior to the 21st day preceding any

1 election, such person may be permitted to vote under the name
2 under which the person was registered prior to that change at the
3 first election following such change in name at which the person
4 shall appear to vote, after signing the signature copy register with
5 both the registered name and his or her new name. The
6 commissioner shall then revise accordingly the name of the
7 registrant as it appears on the registrant's registration forms, make a
8 photographic copy of the notice, and affix the original and copy of
9 the notice to the registrant's permanent registration forms as
10 hereinabove prescribed.¹

11 (cf: P.L.2005, c.139, s.14)

12

13 ⁵[16.] 14.⁵ (New section) The Secretary of State shall develop
14 and make available on its website a form to allow a registered voter
15 to electronically complete a change of residence notice, change of
16 name notice, or both, and to electronically submit that form to the
17 appropriate county commissioner of registration. If the voter is
18 reporting a change of residence from one county to another, the
19 form shall be submitted to both the commissioner of the previous
20 county of residence and the new county of residence. The form shall
21 contain substantively the same information required to be submitted
22 by a registered voter on a paper version of a change of residence
23 and change of name form pursuant to R.S.19:31-11 and R.S.19:31-
24 13. The form shall contain any additional information deemed
25 necessary by the secretary.¹

26

27 ¹[15.] ⁵[17.] ¹15.⁵ This act shall take effect on January 1 next
28 following the date of enactment ², except that sections ⁵[14 and
29 15] ⁵12 and 13⁵ shall take effect on January 1 next following the
30 date of enactment or on the first day of the 12th month next
31 following the date of enactment, whichever is later².

32

33

34

35

36 Requires ballot privacy sleeves at polling place; makes various
37 changes to early and mail-in voting procedures; creates online form
38 to update name and residence on existing voter registration record.

ASSEMBLY, No. 3817

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2022)

A3817 VERRELLI, DEPHILLIPS

2

1 AN ACT concerning certain in-person, early voting, and vote by
2 mail practices and procedures and amending various parts of the
3 statutory law and supplementing chapter 52 of Title 19 of the
4 Revised Statutes.

5

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

8

9 1. (New section) a. In all counties wherein voters use hand-
10 marked paper ballots to cast the voter's vote, a privacy sleeve into
11 which the voted ballot can be inserted and fully shielded from view
12 shall be provided to the voter.

13 b. In all counties wherein ballot scanning machines are used to
14 cast hand-marked paper ballots, the ballot scanning machine shall
15 contain a privacy screen, shield, or curtain so that privacy is
16 maintained as the voter inserts the voted ballot into the ballot
17 scanning machine.

18 c. In all counties wherein voters use a direct recording electronic
19 voting machine to cast the voter's vote, the direct recording
20 electronic voting machine shall contain a privacy screen, shield, or
21 curtain so that privacy is maintained as the voter casts the voter's
22 vote.

23

24 2. R.S.19:8-7 is amended to read as follows:

25 19:8-7. The booths shall be sufficiently large to enable the voter
26 to conveniently prepare **【his】** the voter's ballot as provided for and
27 shall have swinging doors or privacy screens, shields, or curtains so
28 that privacy is maintained as the voter prepares the voter's ballot in
29 secret and screened from the observation of others.

30 The swinging doors or privacy screens, shields, or curtains shall
31 be so arranged that some part of the person of the voters **【standing】**
32 present in the booths may be seen from the outside thereof when the
33 door or curtains are closed or when the voter is present behind the
34 screens or shields.

35 Each booth shall contain a counter or shelf suitably placed to
36 enable voters to place their ballots thereon while preparing the same
37 for voting.

38 (cf: R.S.19:8-7)

39

40 3. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to read
41 as follows:

42 1. a. A county board of elections shall have posted a voter
43 information notice, which shall be referred to as a voter's bill of
44 rights, in a conspicuous location in each polling place and each
45 specially designated polling place used for early voting before

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 voting begins.
2 The notice shall contain:
3 the date of the election and the hours during which polling places
4 will be open;
5 a statement that sample ballots are available at the polling place
6 for review by the voter;
7 instruction for the use of the voting machine in that polling place
8 and an explanation of what instructions for voting are available at
9 the polling place for the voter;
10 instruction for a voter who is voting for the first time;
11 instruction for a voter who is required to provide identification
12 pursuant to the federal "Help America Vote Act of 2002" and
13 R.S.19:15-17 prior to casting a vote;
14 instruction on how to cast a vote if the voter cannot be present at
15 a polling place on the day of the election;
16 an explanation of the right of the voter to vote in private,
17 regardless of the voter's physical abilities;
18 an explanation of the right of the voter to a provisional ballot,
19 including in the event that a mail-in ballot has been applied for and
20 not received or not transmitted to the county board of elections
21 before the day of any election, and the other circumstances under
22 which a voter has a right to a provisional ballot;
23 an explanation of the right of the voter to receive a replacement
24 ballot for a ballot that has been spoiled, destroyed, lost or never
25 received;
26 an explanation of the right of the voter to ask for and receive
27 assistance in voting;
28 an explanation of the right of the voter to take a reasonable
29 amount of time in casting a vote on a voting machine;
30 an explanation of the right of the voter to bring written material
31 into the polling place for the voter's personal use in casting a vote;
32 instruction on how to contact the appropriate officials if a voter's
33 right to vote or right to otherwise participate in the electoral process
34 has been challenged or violated;
35 general information on federal and State laws that prohibit acts
36 of fraud or misrepresentation and the penalties for those acts;
37 an explanation of the right of the voter to confidentially discover
38 the status of their ballot using the "Track My Ballot" user portal;
39 an explanation that "All ballots are counted and your vote
40 remains anonymous";
41 an explanation of the right of the voter that if their ballot was
42 rejected, a notice will be issued to the voter within 24 hours after a
43 decision is made to reject the ballot. The voter will have up to [48
44 hours prior to the date for the final certification of the results of the
45 election] midnight on the 9th day following the day of the election
46 to provide a cure for their ballot;
47 an explanation giving the options for the voter to provide the
48 cure to their rejected ballot;

1 an explanation that no voters shall be intimidated or otherwise
2 unduly influenced by political insignia while voting. No person
3 shall wear, display, sell, give or provide any political or campaign
4 slogan, badge, button or other insignia associated with any political
5 party or candidate to be worn at or within one hundred feet of the
6 polls or within the polling place or room, on any primary, general or
7 special election day or on any commission government election day,
8 except the badge furnished by the county board as provided by law.
9 This includes any political gear representing the campaign slogans,
10 logos, or depictions or representations of any political party or
11 candidate such as merchandise sold directly from a political party,
12 campaign, candidate, or by third parties and vendors representing
13 any political party or campaign or candidate. A person violating
14 any of these provisions is guilty of a disorderly persons offense and
15 will not be permitted on the premises and can only return to vote
16 after the removal of prohibited political insignia; and

17 such other statement, instruction or explanation the Secretary of
18 State may deem appropriate to ensure the full and knowledgeable
19 participation of the voter in the process.

20 The requirement to post this notice in each polling place shall
21 not replace, supersede or void any other requirement set forth in law
22 for the posting of information in each polling place apart from the
23 voter information notice. The poster promoting the use of voting by
24 mail prepared and distributed by the Secretary of State pursuant to
25 R.S.19:8-6 shall be displayed next to or as close as may be possible
26 to the voter information notice.

27 b. The Secretary of State shall prescribe the form and specific
28 content of the voter information notice, which may be comprised of
29 more than one page. If the notice is comprised of more than one
30 page, each page shall be posted separately. For an election district
31 in which the primary language of 10 percent or more of the
32 registered voters is a language other than English, the Secretary of
33 State shall prescribe an official version of the voter information
34 notice in that other language or languages for use in that election
35 district. The notice shall be posted in English and in the other
36 language or languages in the polling places in each such district.
37 The alternate language shall be determined based on information
38 from the latest federal decennial census.

39 c. A county board of elections may modify or supplement the
40 voter information notice used in a county or municipality to provide
41 additional information specific to that county or a municipality in
42 that county, provided, however, that any such modification or
43 supplementation shall be submitted to the Secretary of State for
44 prior approval.

45 d. The voter information notice shall be printed on each sample
46 ballot, to the extent practicable, or if not practicable, information on
47 how to view or obtain a copy of the voter information notice shall
48 be printed on each sample ballot.

1 e. The voter information notice, including one modified or
2 supplemented pursuant to subsection c. of this section, shall be
3 made accessible on the official Internet site of the State by the
4 Secretary of State and each county board of elections shall ensure
5 that the official Internet site of the county contains a link to that
6 notice.

7 f. (Deleted by amendment, P.L.2020, c.70)

8 g. The State shall be liable for the costs incurred by local
9 government entities for compliance with this section, and they shall
10 be reimbursed for those costs, upon application, by the State
11 Treasurer.

12 (cf: P.L.2021, c.40, s.9)

13

14 4. R.S.19:15-26 is amended to read as follows:

15 19:15-26. Every voter to whom a ballot is given shall thereupon
16 retire into the polling booth. Each booth in a polling place shall be
17 arranged in accordance with the provisions of R.S.19:8-7. Not
18 more than one voter, except as hereinafter provided, shall be
19 permitted to enter or be in the same booth, at one time. The voter
20 shall prepare **[his]** the voter's ballot in the booth secretly and
21 screened from the observation of others.

22 Any person or voter who shall violate the provisions of this
23 section shall be deemed guilty of a disorderly persons offense.

24 (cf: P.L.2005, c.154, s.3)

25

26 5. Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended to read
27 as follows:

28 4. a. An early vote cast in an election, as provided for in this
29 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior
30 to the closing of the polls on the day of an election.

31 Every provisional ballot voted in each such election and
32 determined by a county board to be valid shall be counted and shall
33 be part of the official tally of the results of the election.

34 b. Each early vote cast, canvassed, and tallied in an election
35 under subsection a. of this section shall be reported in the results for
36 the election district in which the voter resides. The provisions of
37 this subsection shall not be interpreted to change the manner in
38 which each provisional ballot cast, canvassed, and tallied in each
39 election is reported as part of the official tally of the results of the
40 election in a manner that preserves the privacy of the voter's vote.

41 (cf: P.L.2021, c.40, s.4)

42

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

44 19:23-45. No voter shall be allowed to vote at the primary
45 election unless his name appears in the signature copy register.

46 A voter who votes in a primary election of a political party or
47 who signs and files with the municipal clerk or the county
48 commissioner of registration a declaration that he desires to vote in
49 the primary election of a political party, or who indicates on a voter

1 registration form the voter's choice of political party affiliation and
2 submits the form to the commissioner of registration of the county
3 wherein the voter resides, to the employees or agents of a public
4 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
5 (C.19:31-6.3), or a voter registration agency, as defined in
6 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
7 the Secretary of State, either on a paper form or an electronic form
8 using the online voter registration system established under section
9 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a
10 member of that party until the voter signs and files with the
11 municipal clerk or the commissioner of registration a declaration
12 that he desires to vote in the primary election of another political
13 party at which time he shall be deemed to be a member of such
14 other political party. The Secretary of State shall cause to be
15 prepared political party affiliation declaration forms and shall
16 provide such forms to the commissioners of registration of the
17 several counties and to the clerks of the municipalities within such
18 counties.

19 No voter, except a newly registered voter at the first primary at
20 which he is eligible to vote, or a voter who has not previously voted
21 in a primary election, may vote in a primary election of a political
22 party unless he was deemed to be a member of that party on the
23 55th day next preceding such primary election.

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

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

41 Any person voting in the primary ballot box of any political
42 party in any primary election in contravention of the election law
43 shall be guilty of a disorderly persons offense, and any person who
44 aids or assists any such person in such violation by means of public
45 proclamation or order, or by means of any public or private
46 direction or suggestions, or by means of any help or assistance or
47 cooperation, shall likewise be guilty of a disorderly persons offense.
48 (cf: P.L.2011, c.134, s.27)

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

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

10 b. The notice required to be published by the preceding
11 paragraph shall inform the reader thereof that no voter, except a
12 newly registered voter at the first primary at which he is eligible to
13 vote, or a voter who has not previously voted in a primary election
14 may vote in a primary election of a political party unless he was
15 deemed to be a member of that party on the 55th day next preceding
16 such primary election. It shall further inform the reader thereof that
17 a voter who votes in the primary election of a political party, or who
18 signs and files with the municipal clerk or the county commissioner
19 of registration a declaration that he desires to vote in the primary
20 election of a political party, or who indicates on a voter registration
21 form the voter's choice of political party affiliation and submits the
22 form to the commissioner of registration of the county wherein the
23 voter resides, to the employees or agents of a public agency, as
24 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
25 6.3), or a voter registration agency, as defined in subsection a. of
26 section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of
27 State, either on a paper form or an electronic form using the online
28 voter registration system established under section 1 of P.L.2019,
29 c.382 (C.19:31-6.4c), shall be deemed to be a member of that party
30 until the voter signs and files with the municipal clerk or the
31 commissioner of registration a declaration that he desires to vote in
32 the primary election of another political party, at which time he
33 shall be deemed to be a member of such other political party, or that
34 the voter chooses not to be affiliated with any political party. The
35 notice shall also state the time and location where a person may
36 obtain political party affiliation declaration forms or voter
37 registration forms.

38 (cf: P.L.2011, c.134, s.28)

39

40 8. Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is amended to
41 read as follows:

42 1. Notwithstanding any other provision of law to the contrary,
43 a person who is qualified to register to vote may submit a voter
44 registration form electronically on a secure Internet website
45 maintained by the Secretary of State, if the applicant has an email
46 address and provides a valid New Jersey driver's license number, a
47 valid New Jersey nondriver identification card number, or the last
48 four digits of the applicant's Social Security number. The voter
49 registration form shall contain substantively the same information

1 required to be contained on a paper voter registration form pursuant
2 to section 16 of P.L.1974, c.30 (C.19:31-6.4). The voter
3 registration form available electronically shall enable a person who
4 is qualified to register to vote, and a person who is registered to
5 vote, to apply for and receive a mail-in ballot as provided under
6 section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests
7 otherwise. The voter registration form available electronically shall
8 also enable a person who is qualified to register to vote, and a
9 person who is registered to vote, to declare a political party
10 affiliation and to make changes to that affiliation, with an option to
11 indicate no affiliation with any political party, by updating the
12 online voter registration form.

13 a. The Secretary of State shall apply the same voter registration
14 deadline applicable under current law for paper voter registration
15 forms to an online voter registration form submitted by an applicant
16 pursuant to this section.

17 b. The applicant completing the form shall affirmatively attest
18 to the truth of the information provided in the form.

19 c. For voter registration purposes, the applicant shall
20 affirmatively assent to the use of his or her signature from his or her
21 driver's license or non-driver identification card or the applicant's
22 digitized or electronic signature.

23 d. For each online voter registration form, the Secretary of
24 State shall obtain either an electronic copy of the applicant's
25 signature from his or her driver's license or non-driver identification
26 card directly from the New Jersey Motor Vehicle Commission, or
27 the applicant's digitized or electronic signature.

28 e. Upon submission of an online voter registration form
29 pursuant to this section, the electronic voter registration system
30 shall automatically acknowledge that the online voter registration
31 form has been submitted successfully, and provide instructions on
32 how the person completing the voter registration form may follow-
33 up on the status of the submission either online or by contacting the
34 appropriate county commissioner of registration. Once a person has
35 submitted the online voter registration form, the online voter
36 registration system shall not accept a new voter registration form
37 submission from the same person until the previous submission has
38 been processed.

39 f. The Secretary of State shall employ security measures to
40 ensure the accuracy and integrity of voter registration forms
41 submitted electronically pursuant to this section.

42 g. The New Jersey Motor Vehicle Commission and the
43 Secretary of State shall jointly develop a process and the
44 infrastructure to allow the electronic copy of the applicant's
45 signature and other information required under this section that is in
46 the possession of the commission to be transferred to the Secretary
47 of State and to the appropriate county election officials to allow a
48 person who is qualified to register to vote in New Jersey to register
49 to vote under this section.

1 h. If an applicant cannot electronically submit the information
2 required pursuant to this section, the applicant shall nevertheless be
3 able to complete the online voter registration form electronically on
4 the Secretary of State's Internet website, print a paper copy of the
5 completed form, and mail or deliver the paper copy of the
6 completed form to the Secretary of State or the appropriate county
7 election official. For the purposes of this subsection, the applicant
8 shall be required to provide the same documents required to be
9 provided with a paper voter registration form pursuant to R.S.19:31-
10 5.

11 (cf: P.L.2019, c.382, s.1)

12

13 9. Section 6 of P.L.1973, c.82 (C.19:53A-6) is amended to read
14 as follows:

15 6. a. Prior to any election at which electronic voting devices are
16 used the county board of elections shall have the voting devices
17 prepared for the election and shall provide the district election
18 officers with voting devices, voting booths, ballot boxes, ballot
19 cards, "write-in" ballots and other records and supplies as
20 required.

21 b. Ballot cards shall be of the size, design and stock suitable for
22 processing by automatic data processing machines. Each ballot
23 card shall have an attached numbered perforated stub, which shall
24 be removed by an election officer before it is deposited in the ballot
25 box. In primary elections the ballot cards of each political party
26 shall be distinctly marked or shall be of a different color or tint so
27 that the ballot cards of each political party are readily
28 distinguishable.

29 c. Unless the voting device enables the voter to mark **【his】** the
30 voter's choices in secret, the board of elections shall provide a
31 sufficient number of voting booths for each **【voting】** election
32 district in a polling place, which shall be of a size and design in
33 accordance with the provisions of R.S.19:8-7 so as to enable the
34 voter to mark **【his】** the voter's ballot in secret.

35 (cf: P.L.1973, c.82, s.6)

36

37 10. Section 10 of P.L.1999, c.232 (C.19:53C-4) is amended to
38 read as follows:

39 10. The district board shall designate an area within the polling
40 place, which may be a voting booth, for the voter to mark the
41 provisional ballot and affirmation statement. If the district board
42 designates a voting booth for the voter to mark the provisional
43 ballot and affirmation statement, the voting booth shall be arranged
44 in accordance with the provisions of R.S.19:8-7. If a voting booth
45 is not used, the area designated for voters to mark the provisional
46 ballot and affirmation statement shall have swinging doors or
47 privacy screens, shields, or curtains so that privacy is maintained as
48 the voter prepares the provisional ballot and affirmation statement
49 in secret and screened from the observation of others. No

1 provisional ballot and envelope with an affirmation statement shall
2 be handed to a voter until the area designated for voters to mark the
3 provisional ballot and affirmation statement is ready. **【If a voting**
4 **booth is not used, the voter shall be provided with a security screen**
5 **at the same time that the provisional ballot and envelope with**
6 **affirmation statement is provided.】**

7 A district board member shall instruct the voter how to complete
8 the affirmation statement and place the voted provisional ballot into
9 the envelope.

10 If for any reason provisional ballots and envelopes with
11 affirmation statements are not ready or available for distribution at
12 any polling place, the district board member in charge shall notify
13 the appropriate authority that additional ballots and affirmation
14 statements are required.

15 (cf: P.L.1999, c.232, s.10)

16

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

19 3. a. A qualified voter shall be entitled to vote using a mail-in
20 ballot:

21 (1) in all future elections, including general elections, held in
22 this State, in which the voter is eligible to vote; or

23 (2) in any single election held in this State.

24 The qualified voter who chooses the option to vote using a mail-
25 in ballot in all future elections shall be furnished with such a ballot
26 by the county clerk without further request on the part of the voter
27 and until the voter requests in writing that the voter no longer be
28 sent a mail-in ballot.

29 The mail-in ballot application form prepared by the Secretary of
30 State shall present the two options in the order provided above. The
31 mail-in ballot application shall also provide spaces for the voter's
32 telephone number and email address, including language informing
33 the voter that this contact information will be used to contact the
34 voter concerning the acceptance or rejection of the ballot, and how
35 the voter may cure a defect. A voter's telephone number and email
36 address shall not be subject to public disclosure and shall not be
37 considered a government record.

38 The additional direct expenditures required for the
39 implementation of the provisions of this subsection as amended by
40 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
41 P.L.2019, c.459 (C.19:63-29).

42 b. (1) Not less than seven days before an election in which a
43 voter wants to vote by mail, the voter may apply to the person
44 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
45 ballot. The application shall be in writing, shall be signed by the
46 applicant and shall state the applicant's place of voting residence
47 and the address to which the ballot shall be sent. The Secretary of
48 State shall prepare a mail-in application form and shall have the

1 authority to promulgate any rules and regulations the secretary
2 deems necessary to effectuate the purposes of this subsection.

3 (2) Not less than seven days before an election in which a voter
4 wants to vote by mail, instead of submitting an application under
5 paragraph (1) of this subsection, the voter may apply for a mail-in
6 ballot electronically through the voter registration website
7 established by the Secretary of State pursuant to section 1 of
8 P.L.2019, c.382 (C.19:31-6.4c), which application shall be
9 electronically submitted to the person designated in section 5 of
10 P.L.2009, c.79 (C.19:63-5). The application shall be in electronic
11 form, shall be signed by the applicant using the applicant's
12 electronic signature in the Statewide Voter Registration System, and
13 shall state the applicant's place of voting residence and the address
14 to which the ballot shall be sent. The Secretary of State shall
15 prepare a mail-in ballot electronic application form and shall have
16 the authority to promulgate any rules and regulations the secretary
17 deems necessary to effectuate the purposes of this subsection.

18 c. Any voter wanting to vote by mail in any election may apply
19 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
20 for a mail-in ballot to be sent to the voter. A voter who is a member
21 of the armed forces of the United States may use a federal postcard
22 application form to apply for a mail-in ballot.

23 d. Any voter who fails to apply for a mail-in ballot before the
24 seven-day period prescribed in subsection b. of this section may
25 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
26 of the day before the election.

27 e. A person voting by mail-in ballot who registered by mail
28 after January 1, 2003, who did not provide personal identification
29 information when registering pursuant to section 16 of P.L.1974,
30 c.30 (C.19:31-6.4) and is voting for the first time in his or her
31 current county of residence following registration shall include
32 copies of the required identification information with the mail-in
33 ballot. Failure to include such information with the mail-in ballot
34 shall result in its rejection.

35 f. The county clerk shall not transmit a mail-in ballot for any
36 election to any person who: is deemed by a county commissioner of
37 registration to be an inactive voter; or notifies the clerk in writing
38 that the person no longer wishes to receive such a ballot for any
39 election; or is no longer eligible to vote and whose registration file
40 has been transferred to the deleted file pursuant to R.S.19:31-19.

41 g. Any mail-in ballot that is sent to a qualified voter and that is
42 returned to the county clerk for any reason shall be forwarded to the
43 commissioner of registration, who shall so note the return in the
44 voter record of that voter.

45 (cf: P.L.2020, c.70, s.8)

46

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

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
15 election), the following applies:

16 You must complete the application form below and send it to the
17 county clerk where you reside or write or apply in person to the
18 county clerk where you reside to request a mail-in ballot. Instead,
19 you may complete the application form electronically on the
20 Secretary of State’s website at (insert website address
21 here).

22 The name, address, and signature of any person who has assisted
23 you to complete the mail-in ballot application must be provided on
24 the application, and you must sign and date the application.

25 No person may serve as an authorized messenger or bearer for
26 more than three qualified voters in an election, but a person may
27 serve as such for up to five qualified voters in an election if those
28 voters are immediate family members residing in the same
29 household as the messenger or bearer.

30 No person who is a candidate in the election for which the voter
31 requests a mail-in ballot may provide any assistance in the
32 completion of the ballot or serve as an authorized messenger or
33 bearer.

34 A person who applies for a mail-in ballot must submit his or her
35 application at least seven days before the election, but such person
36 may request an application in person from the county clerk up to 3
37 p.m. of the day before the election.

38 Voters who want to vote by mail in all future elections will, after
39 their initial request and without further action on their part, be
40 provided with a mail-in ballot until the voter requests otherwise in
41 writing.

42 Application forms may be obtained by applying to the
43 undersigned either in writing or by telephone, or the application
44 form provided below may be completed and forwarded to the
45 undersigned.

46 Dated.....
47
48 (signature and title of county clerk)
49

1 (address of county clerk)

2

3 (telephone no. of county clerk)

4 Instead, application forms may be completed electronically on
5 the Secretary of State's website at (insert website
6 address here).

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

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

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

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

45 Notices relating to any Statewide or countywide election shall be
46 published in at least two newspapers published in each county. All
47 officials charged with the duty of publishing such notices shall
48 publish the same in at least one newspaper published in each
49 municipality or district in which the election is to be held, or if no

1 newspaper is published in the municipality or district, then in a
2 newspaper published in the county and circulating in the
3 municipality or district. All such notices shall be display
4 advertisements.

5 (cf: P.L.2020, c.71, s.7)

6

7 13. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
8 read as follows:

9 17. a. The county board of elections shall, promptly after
10 receiving each mail-in ballot, remove the inner envelope containing
11 the ballot from the outer envelope and shall compare the signature
12 and the information contained on the flap of the inner envelope with
13 the signature and information contained in the respective requests
14 for mail-in ballots and the signature and information contained in
15 the Statewide voter registration system. In addition, as to mail-in
16 ballots issued less than seven days prior to an election, the county
17 board of elections shall also check to establish that the mail-in voter
18 did not vote in person. The county board shall reject such a ballot if
19 it is not satisfied, pursuant to a comparison with the Statewide voter
20 registration system, that the voter is legally entitled to vote and that
21 the ballot conforms with the requirements of this act. The county
22 board of elections shall conduct the determination of qualification
23 of each voter in accordance with the requirements of the Certificate
24 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
25 13).

26 In the case of a mail-in ballot to be voted at a primary election
27 for the general election, the ballot shall be rejected if the mail-in
28 voter has indicated in the certificate the voter's intention to vote in a
29 primary election of any political party in which the voter is not
30 entitled to vote according to the Statewide voter registration system,
31 and if it shall appear from the record that the voter is not entitled to
32 vote in a primary election of the political party which has been so
33 indicated.

34 Any mail-in ballot which is received by a county board of
35 elections shall be rejected if the inner envelope is unsealed or if
36 either the inner or outer envelope has a seal that has been tampered
37 with. Mail-in ballots shall not be rejected due to any defect arising
38 out of or relating to the preparation or mailing of the ballot or
39 envelope that was not reasonably caused by the voters, such as a
40 torn envelope and missing or insufficient glue to allow the ballot to
41 be sealed.

42 Disputes about the qualifications of a mail-in voter to vote or
43 about whether or not or how any mail-in ballot shall be counted in
44 such election shall be referred to the Superior Court for
45 determination, as provided under section 4 of P.L.2020, c.70
46 (C.19:63-17.1).

47 After such investigation, the county board of elections shall
48 detach or separate the certificate from the inner envelope containing
49 the mail-in ballot, unless it has been rejected by it or by the

1 Superior Court, marking the envelope so as to identify the election
2 district in which the ballot contained therein is to be voted as
3 indicated by the voter's home address appearing on the certificate
4 attached to or accompanying the inner envelope and, in the case of
5 ballots to be voted at a primary election for a general election, so as
6 to identify the political party in the primary election of which it is
7 to be voted.

8 The location at which a county board of elections determines
9 whether a mail-in ballot shall be accepted or rejected shall be
10 considered an election district for the purposes of appointment of
11 challengers.

12 b. The county board of elections shall, promptly after receiving
13 each mail-in ballot, undertake the following procedures and
14 requirements concerning the acceptance or rejection of each mail-in
15 ballot:

16 (1) within 24 hours after the decision has been made to reject a
17 voter's mail-in or provisional ballot on the basis of a missing
18 signature or discrepant signature, issue a "Cure Letter" by mail or
19 email to the voter whose ballot was rejected, which shall inform the
20 voter of that fact and provide the reasoning for rejection, and
21 attempt to contact the voter by telephone, if a telephone number is
22 available. The cure letter shall include a "Cure Form" and the form
23 shall include the voter's name and instruct the voter on how to cure
24 the alleged or actual deficiency. Cure forms shall not be referred to
25 as affidavits or certifications and shall not be required to be sworn;

26 (2) when the alleged or actual deficiency involves the signature
27 of the voter, instruct the voter that they may cure the deficiency by
28 completing the cure form and returning it to the county board of
29 elections in person, by fax, or by email, **【not later than 48 hours**
30 **prior to the final certification of the results of the election,】** or by
31 returning it to the county board of elections by mail, and that the
32 completed cure form must be received by the county board of
33 elections not later than **【48 hours prior to the final certification of**
34 **the results of the election】** midnight on the 9th day following the
35 day of the election;

36 (3) include, with the cure letter, when sent by mail, a pre-printed
37 cure form and a postage-paid return envelope addressed to the
38 county board of elections which the voter may use to return the cure
39 form; and

40 (4) inform voters that they shall not be required to submit any
41 form of hard-copy identification document or copy thereof in order
42 to cure a signature deficiency, but may do so by declaring that they
43 submitted their provisional ballot or mail-in ballot, and verifying
44 their identity by either: (a) providing a valid New Jersey driver's
45 license number or Motor Vehicle Commission non-driver
46 identification number; or (b) if the voter does not have a valid New
47 Jersey driver's license number or Motor Vehicle Commission non-
48 driver identification number, then by providing the last four digits

1 of their Social Security Number; or (c) if the voter does not have
2 the identification in (a) or (b), then attaching a legible copy of a
3 New Jersey State-accepted form of identification, including either a
4 sample ballot which lists the voter's name and address, an official
5 federal, State, county, or municipal document which lists the voter's
6 name and address, or a utility bill, telephone bill, or tax or rent
7 receipt which lists the voter's name and address; and (d) signing and
8 dating the cure form prior to returning it.

9 c. If a voter returns a completed cure form in a timely manner
10 and the information provided verifies the voter's identity, pursuant
11 to this section, their otherwise valid mail-in or provisional ballot
12 shall be counted in the final election results irrespective of any
13 signature deficiency previously identified and, under those
14 circumstances, the cure form may not be verified or authenticated
15 using signature matching.

16 d. In accordance with this section, variations in voter
17 signatures caused by the substitution of initials for the first name,
18 middle name, or both, shall not be grounds for the county board of
19 elections to determine that the signatures are non-conforming or do
20 not match.

21 e. In cases of rejected ballots, the county board of elections
22 shall retain the voter's outer envelope, inner envelope, self-
23 certification certificate, and mail-in ballot in a bundle unique to
24 each voter for a period of two years in accordance with section 24
25 of P.L.2009, c.79 (C.19:63-24).

26 f. County boards of elections shall be required to meet at least
27 once each week during the three-week period preceding each
28 election to conduct the ballot processing and curing provisions
29 specified in this section, and shall meet more frequently as may be
30 required by the Secretary of State to ensure the timely processing of
31 ballots.

32 The Secretary of State shall prepare educational materials
33 regarding this section that all employed county boards of elections
34 employees handling ballots shall read and have available for
35 review. The materials shall provide clear information regarding the
36 standards for acceptance and rejection of mail-in ballots and the
37 safe-keeping of all materials in the case of rejection. The materials
38 shall serve an educational purpose for the county board of elections
39 and shall not replace, supersede, or void the authority of the county
40 board or a judge of the Superior Court to accept or reject a mail-in
41 ballot.

42 (cf: P.L.2020, c.71, s.12)

43
44 14. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
45 read as follows:

46 22. a. On the day of each election, or as provided under
47 subsection b. of this section, each county board of elections shall
48 open in the presence of the commissioner of registration, or the
49 designee thereof, the inner envelopes that contain the mail-in ballots

1 with the votes cast for the election. The inner envelopes containing
2 the ballots that the board or the Superior Court has rejected shall
3 not be so opened, but shall be retained as provided for by this act.
4 The board shall then proceed to canvass the votes cast on the mail-
5 in ballots, but no such ballot shall be counted in any primary
6 election for the general election if the ballot of the political party
7 marked for voting thereon differs from the designation of the
8 political party in the primary election of which such ballot is
9 intended to be voted as marked on the envelope by the county board
10 of elections.

11 Every mail-in ballot that bears a postmark date before or of the
12 day of the election and that is received by the county board within
13 ~~【144 hours】~~ 72 hours after the time of the closing of the polls for
14 the election that the ballot was prepared shall be considered valid
15 and shall be canvassed. Every mail-in ballot that does not bear a
16 postmark date but that is received by the county board by delivery
17 of the United States Postal Service before, or within 48 hours after,
18 the time of the closing of the polls for the election for which the
19 ballot was prepared shall be considered valid and shall be
20 canvassed.

21 b. A county board of elections may begin opening the inner
22 envelopes for each mail-in ballot no earlier than five days prior to
23 the day of the election, and canvassing each mail-in ballot from the
24 inner envelopes no earlier than three days prior to the day of the
25 election. The Secretary of State shall establish guidelines
26 concerning the early canvassing process. If a county board of
27 elections begins opening the inner envelopes and canvassing the
28 mail-in ballots from the inner envelopes prior to the day of the
29 election, the county board shall implement the measures necessary
30 to ensure the security and secrecy of the mail-in ballots. The
31 contents of the mail-in ballots and the results of the ballot
32 canvassing shall remain confidential and shall be disclosed only in
33 accordance with the provisions of Title 19 of the Revised Statutes,
34 regulations and guidelines concerning the disclosure of election
35 results, and in no circumstances disclosed prior to the close of polls
36 on the day of the election. As provided under R.S.19:34-13, any
37 person who is authorized to receive and canvass completed mail-in-
38 ballots who knowingly discloses to the public the contents of a
39 mail-in ballot prior to the time designated by law for the closing of
40 the polls for each election shall be guilty of a crime of the third
41 degree.

42 c. Immediately after the canvass is completed, the respective
43 county boards of election shall certify the result of the canvass to
44 the county clerk or the municipal or district clerk or other
45 appropriate officer, as the case may be, showing the result of the
46 canvass by municipality and ward. The votes thus canvassed shall
47 be counted in determining the result of the election.

48 The county board of elections shall, immediately after the
49 canvass is completed for any primary election, certify the results of

1 the votes cast for members of the county committees to the
2 respective municipal clerks, and those votes shall be counted in
3 determining the result of the election.

4 Each mail-in ballot cast, canvassed, and tallied in an election
5 under this section shall be reported in the results for the election
6 district in which the voter resides.

7 (cf: P.L.2020, c.71, s.13)

8

9 15. This act shall take effect on January 1 next following the
10 date of enactment.

11

12

13

STATEMENT

14

15 This bill makes various changes to certain in-person, early
16 voting, and vote by mail practices and procedures. Specifically, the
17 bill requires ballot privacy sleeves at each polling place; requires
18 that early and vote by mail votes be reported in the election district
19 where the voter resides; ends the mail-in ballot cure deadline 9 days
20 after election day; ends the period for when a ballot can be received
21 and counted, if it is postmarked on the day of the election, 72 hours
22 after the election; allows mail-in ballots to be processed starting
23 five days before the election and canvassed starting three days
24 before the election; and allows voters to request a mail-in ballot,
25 and to declare or change their political party affiliation, using the
26 online voter registration system. This bill also provides that, once a
27 person has submitted the online voter registration form, the online
28 voter registration system would not accept a new voter registration
29 form submission from the same person until the previous
30 submission has been processed.

31

Privacy Sleeves

32

33
34 This bill requires privacy sleeves be provided to voters when
35 hand-marked paper ballots are used to cast the voter's vote at the
36 polling place. The bill also requires ballot scanning machines to
37 have a privacy screen, shield, or curtain and requires the use of
38 privacy screens and shields at polling places.

39

Reporting of Early and Mail-in Votes

40

41
42 This bill would require each early vote (except for provisional
43 ballots cast at an early voting site) and each mail-in vote cast,
44 canvassed, and tallied in an election to be reported in the results for
45 the election district in which the voter resides.

46

Mail-in Ballot Cure Deadline

47

48

1 Under current law, a mail-in voter may cure a defect in their
2 mail-in ballot not later than 48 hours prior to the final certification
3 of the results of the election. This bill would change the cure
4 deadline to midnight on the 9th day following the day of the
5 election.

6

7 *Postmarked Mail-in Ballot Acceptance Deadline*

8

9 Under current law, every mail-in ballot that bears a postmark
10 date before or of the day of the election and that is received by the
11 county board within 144 hours (six days) after the time of the
12 closing of the polls for the election is considered valid and shall be
13 canvassed. This bill would change that postmarked ballot
14 acceptance deadline to within 72 hours after election day (3 days).

15

16 *Mail-in Ballot Processing*

17

18 Under current law, mail-in ballot inner envelopes are prohibited
19 from being opened prior to election day. Under this bill, county
20 boards of election would be permitted to begin opening the inner
21 envelopes for each mail-in ballot no earlier than five days prior to
22 the day of the election, and begin canvassing such ballots no earlier
23 than three days prior to the day of the election.

24 The bill directs the Secretary of State to establish guidelines
25 concerning the early canvassing process. If a county board of
26 elections begins opening the inner envelopes and canvassing the
27 mail-in ballots from the inner envelopes prior to the day of the
28 election, the county board is required to implement the measures
29 necessary to ensure the security and secrecy of the mail-in ballots.
30 The bill requires the contents of the mail-in ballots and the results
31 of the ballot canvassing to remain confidential and be disclosed
32 only in accordance with current law, regulations, and guidelines
33 concerning the disclosure of election results. The bill prohibits
34 disclosure prior to the close of polls on the day of the election.
35 Under the bill, as provided under R.S.19:34-13, any person who is
36 authorized to receive and canvass completed mail-in-ballots who
37 knowingly discloses to the public the contents of a mail-in ballot
38 prior to the time designated by law for the closing of the polls for
39 each election is guilty of a crime of the third degree.

40

41 *Online Application for Mail-in Ballot*

42

43 This bill allows registered voters to submit an application to vote
44 by mail electronically, using the online voter registration website
45 maintained by the Secretary of State, up to seven days before an
46 election. Under current law, registered voters may apply to vote by
47 mail using a paper application form up to seven days before an
48 election, and may apply for a mail-in ballot in person up to 3:00 PM
49 the day before election day. This bill would allow registered voters

1 to complete a mail-in ballot application form electronically using
2 the online voter registration website established by the Secretary of
3 State. Under the bill, applications to vote by mail submitted online
4 would be forwarded to the appropriate county clerk. The bill
5 requires the electronic application to be signed by the applicant
6 using the applicant's electronic signature in the Statewide Voter
7 Registration System, and to state the applicant's place of voting
8 residence and the address to which the ballot will be sent. The bill
9 directs the Secretary of State to prepare a mail-in ballot electronic
10 application form and authorizes the secretary to promulgate any
11 rules and regulations deemed necessary. The bill also updates the
12 notices required to be published ahead of each election concerning
13 the manner of applying to vote by mail, to include the online
14 application form authorized by the bill.

15

16 *Online Political Party Affiliation*

17

18 Under current law, a person registering to vote may declare a
19 political party affiliation on the voter registration form, and
20 thereafter may update such affiliation using a paper form. This bill
21 allows a person registering to vote, and registered voters, to submit
22 or update their political party affiliation, including the option to not
23 be affiliated with any political party, using the online voter
24 registration system maintained by the Secretary of State.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3817

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 3817.

As amended by the committee, this bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures, and allows for the use of an online form for a voter to update the voter's change of name or residency. Specifically, the bill requires ballot privacy sleeves at each polling place; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure deadline 9 days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the online voter registration system. This bill also provides that, once a person has submitted the online voter registration form, the online voter registration system would not accept a new voter registration form submission from the same person until the previous submission has been processed. As amended, the bill also creates an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

Privacy Sleeves

This bill requires privacy sleeves be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. The bill also requires ballot scanning machines to have a privacy screen, shield, or curtain and requires the use of privacy screens and shields at polling places.

Reporting of Early Voting Votes

This bill would require each early vote (except for provisional ballots cast at an early voting site) cast, canvassed, and tallied in an election to be reported in the results for the election district in which the voter resides. As amended, the bill clarifies that, if the

reporting of the early voting results in the election district in which the voter resides would violate the privacy of the voter's vote, those results would instead be reported as part of the general tally

Mail-in Ballot Cure Deadline

Under current law, a mail-in voter may cure a defect in their mail-in ballot not later than 48 hours prior to the final certification of the results of the election. This bill would change the cure deadline to midnight on the 9th day following the day of the election.

Online Application for Mail-in Ballot

This bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election. Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day. This bill would allow registered voters to complete a mail-in ballot application form electronically using the online voter registration website established by the Secretary of State. Under the bill, applications to vote by mail submitted online would be forwarded to the appropriate county clerk. The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and to state the applicant's place of voting residence and the address to which the ballot will be sent. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form and authorizes the secretary to promulgate any rules and regulations deemed necessary. The bill also updates the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

Online Political Party Affiliation

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form. This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Online Name and Residency Updates

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

As amended by the committee, this bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both. This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The bill requires both commissioners to cause the voter's registration record to be transferred to the new county. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

This bill does not change any of the eligibility requirements a voter must fulfill in order to vote in an election, including the 30-day residency requirement in the county of residence as required by the State Constitution and specified under R.S.19:31-5.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) clarify that, if the reporting of the early voting results in the election district in which the voter resides would violate the privacy of the voter's vote, those results would instead be reported as part of the general tally;

(2) delete a provision that would have changed the postmarked mail-in ballot acceptance deadline from within 144 hours (six days) to within 72 hours after the closing of the polls on election day (3 days);

(3) delete a provision that would have allowed for the opening and canvassing of mail-in ballots to begin before the day of the election;

(4) create an online form for a voter to update the voter's name and residence on an existing voter registration record; and

(5) allow the change of residence notice to update the voter's existing record when the voter moves to another county.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3817

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 6, 2022

SUMMARY

- Synopsis:** Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of State; County Boards of Elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.
- The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections.
- The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application, a change of political party affiliation form, and a name and residency update to an existing record.

BILL DESCRIPTION

This bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures. Specifically, the bill requires ballot privacy sleeves and privacy equipment at each polling place; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure deadline nine days after election day; and allows voters to

request a mail-in ballot, and to declare or change their political party affiliation, using the existing online voter registration system. This bill also provides that, once a person has submitted the online voter registration form, the online voter registration system would not accept a new voter registration form submission from the same person until the previous submission has been processed. The bill also requires the creation of an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.

The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections.

The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application, a change of political party affiliation form, and a name and residency update to an existing record. The bill also provides that, once a person has submitted the online voter registration form, the online voter registration system would not accept a new voter registration form submission from the same person until the previous submission has been processed.

Privacy Sleeves

This bill requires privacy sleeves to be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. The bill also requires ballot scanning machines to have a privacy screen, shield, or curtain and requires the use of privacy screens and shields at polling places.

The costs to each county board of elections of acquiring the necessary privacy equipment for each polling place are indeterminate.

Online Voter Registration System - Application for Mail-in Ballot

This bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election.

Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day.

The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System. The bill directs

the Secretary of State to prepare a mail-in ballot electronic application form. Applications to vote by mail submitted online would be forwarded to the appropriate county clerk.

The bill requires updates to the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System – Political Party Affiliation Form

This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System or Online Form - Name and Residency Updates

This bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both.

This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The bill requires both commissioners to cause the voter's registration record to be transferred to the new county. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

The costs to the Department of State of adding the required functionality to the online voter registration system, or creating a separate website, are indeterminate.

Section: State Government
Analyst: Raysa Martinez Kruger
Principal Research Analyst
Approved: Thomas Koenig
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

[First Reprint]

ASSEMBLY, No. 3817

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3817 (1R).

As amended by the committee, this bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures, and allows for the use of an online form for a voter to update the voter's change of name or residency. Specifically, the bill requires ballot privacy sleeves at each polling place; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure deadline 9 days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the online voter registration system. As amended, this bill also provides that, if a person submits more than one online voter registration form with identical information, the county board of elections of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also creates an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

Privacy Sleeves

As amended by the committee, the bill clarifies that the privacy requirements under the bill would be consistent with provisions of current law that require privacy when voting machines and electronic voting systems are used. This bill requires privacy sleeves be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. As amended by the committee, the bill also requires the county to ensure that privacy is maintained as the voter inserts the voted ballot into a ballot scanning machine when those machines are used at polling places. As amended by the committee, the bill also requires each voting booth to contain privacy sleeves or folders into which the

voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be.

Reporting of Early Voting Votes

This bill would require each early vote (except for provisional ballots cast at an early voting site) cast, canvassed, and tallied in an election to be reported in the results for the election district in which the voter resides. As amended by the committee, the bill provides that, whenever the reporting requirement would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites must contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results.

Mail-in Ballot Cure Deadline

Under current law, a mail-in voter may cure a defect in their mail-in ballot not later than 48 hours prior to the final certification of the results of the election. As amended by the committee, this bill would change the cure deadline to 5:00 PM on the 9th day following the day of the election.

Online Application for Mail-in Ballot

This bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election. Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day. As amended by the committee, beginning on January 1, 2026 and thereafter, this bill would allow registered voters to complete a mail-in ballot application form electronically using the online voter registration website established by the Secretary of State. Under the bill, applications to vote by mail submitted online would be forwarded to the appropriate county clerk. The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and to state the applicant's place of voting residence and the address to which the ballot will be sent. As amended by the committee, the bill directs the Secretary of State to prepare a mail-in ballot electronic application form and authorizes the secretary to promulgate any guidance, guidelines,

rules and regulations deemed necessary. The bill also updates the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

Online Political Party Affiliation

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form. This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Online Name and Residency Updates

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

This bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both. This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. As amended by the committee, the bill requires both commissioners to update the voter's registration record. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

This bill does not change any of the eligibility requirements a voter must fulfill in order to vote in an election, including the 30-day residency requirement in the county of residence as required by the State Constitution and specified under R.S.19:31-5.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) clarify that the privacy requirements under the bill would be consistent with provisions of current law that require privacy when voting machines and electronic voting systems are used;

(2) require each voting booth to also contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be;

(3) change the time for the ballot cure deadline, from midnight to 5:00 PM on the 9th day following the day of the election;

(4) provide that whenever the reporting early voting votes would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites must contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results;

(5) provide that the online voter registration form updates that would allow the voter to apply for a mail-in ballot using that form would be available beginning on January 1, 2026 and thereafter, and allow the Secretary of State to issue any necessary guidance and guidelines;

(6) delete a provision that would have required the online voter registration system not to accept a new voter registration form submission from the same person until that person's previous submission has been processed;

(7) provide, instead, that if a person submits more than one online voter registration form with identical information, the county board of elections of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system; and

(8) provide at least 12 months before the provisions requiring the availability of online change of address updates must be effectuated.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 3817**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3817 (2R), with committee amendments.

This bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures, and allows for the use of an online form for a voter to update the voter's change of name or residency. Specifically, the bill requires ballot privacy sleeves at each polling place; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure deadline 9 days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the online voter registration system. This bill also provides that, if a person submits more than one online voter registration form with identical information, the county board of elections of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also creates an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

Privacy Sleeves

The bill clarifies that the privacy requirements under the bill would be consistent with provisions of current law that require privacy when voting machines and electronic voting systems are used. This bill requires privacy sleeves be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. The bill also requires the county to ensure that privacy is maintained as the voter inserts the voted ballot into a ballot scanning machine when those machines are used at polling places. The bill also requires each voting booth to contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be.

Reporting of Early Voting Votes

This bill would require each early vote (except for provisional ballots cast at an early voting site) cast, canvassed, and tallied in an election to be reported in the results for the election district in which the voter resides. The bill provides that, whenever the reporting requirement would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites must contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results.

Mail-in Ballot Cure Deadline

Under current law, a mail-in voter may cure a defect in their mail-in ballot not later than 48 hours prior to the final certification of the results of the election. This bill would change the cure deadline to 5:00 PM on the 9th day following the day of the election.

Online Application for Mail-in Ballot

This bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election. Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day. Beginning on January 1, 2026 and thereafter, this bill would allow registered voters to complete a mail-in ballot application form electronically using the online voter registration website established by the Secretary of State. Under the bill, applications to vote by mail submitted online would be forwarded to the appropriate county clerk. The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and to state the applicant's place of voting residence and the address to which the ballot will be sent. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form and authorizes the secretary to promulgate any guidance, guidelines, rules and regulations deemed necessary. The bill also updates the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

Online Political Party Affiliation

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form. This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Online Name and Residency Updates

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

This bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both. This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The bill requires both commissioners to update the voter's registration record. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

This bill does not change any of the eligibility requirements a voter must fulfill in order to vote in an election, including the 30-day residency requirement in the county of residence as required by the State Constitution and specified under R.S.19:31-5.

COMMITTEE AMENDMENTS:

The committee proposed amendments to provide that when a person submits more than one online voter registration form with identical information, the county commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

STATEMENT TO
[Third Reprint]
ASSEMBLY, No. 3817

with Assembly Floor Amendments
(Proposed by Assemblyman VERRELLI)

ADOPTED: JUNE 16, 2022

These Assembly Amendments provide that:

(1) the report of the early voting results by district would not be subject to disclosure under the open public records act when such reports would violate a voter's privacy; and

(2) require that the rules and regulations promulgated by the Secretary of State must ensure the security of the online mail-in ballot application form and the use of verifiable signatures, including a process for the resolution of signature discrepancies and the validation of the information provided by the applicant.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 3817

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 22, 2022

SUMMARY

- Synopsis:** Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of State; County Boards of Elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.
- The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections.
- The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application, a change of political party affiliation form, and a name and residency update to an existing record.

BILL DESCRIPTION

This bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures. Specifically, the bill requires ballot privacy sleeves and privacy equipment at each polling place consistent with current law voting privacy requirements; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure

deadline nine days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the existing online voter registration system. This bill also provides that, if a person submits more than one online voter registration form with identical information, the commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also requires the creation of an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.

The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application (beginning on January 1, 2026), a change of political party affiliation form, and a name and residency update to an existing record (at least 12 months following the bill's enactment).

Privacy Sleeves

This bill requires privacy sleeves to be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. In counties using ballot scanning machines, the bill requires the county to ensure privacy is maintained as the voter inserts the voted ballot into the ballot scanning machine. The bill also requires each voting booth to contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be. The bill also requires the use of privacy screens and shields for voting equipment at polling places.

Under the bill, the use of privacy equipment would be in a manner consistent with the requirement, already established under current law, for voting machines to secure the voter's secrecy in the act of voting, and for electronic voting systems to provide for the secrecy of a voter's vote.

The costs to each county board of elections of acquiring the necessary privacy equipment for each polling place are indeterminate, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

Online Voter Registration System - Application for Mail-in Ballot

Beginning on January 1, 2026, this bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election.

Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day.

The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form. Applications to vote by mail submitted online would be forwarded to the appropriate county clerk.

The bill requires updates to the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System – Political Party Affiliation Form

This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System or Online Form - Name and Residency Updates

At least 12 months following the date of enactment, this bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both.

This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

The costs to the Department of State of adding the required functionality to the online voter registration system, or creating a separate website, are indeterminate.

Section: State Government

*Analyst: Raysa Martinez Kruger
Principal Research Analyst*

*Approved: Thomas Koenig
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.).

STATEMENT TO
[Fourth Reprint]
ASSEMBLY, No. 3817

with Senate Floor Amendments
(Proposed by Senator ZWICKER)

ADOPTED: JUNE 29, 2022

These Senate Amendments delete the provisions of the bill that would have shortened the ballot cure deadline.

These amendments make this bill identical to Senate No. 2863 (1R).

LEGISLATIVE FISCAL ESTIMATE

[Fourth Reprint]

ASSEMBLY, No. 3817

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 1, 2022

SUMMARY

- Synopsis:** Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of State; County Boards of Elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.
- The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections.
- The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application, a change of political party affiliation form, and a name and residency update to an existing record.

BILL DESCRIPTION

This bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures. Specifically, the bill requires ballot privacy sleeves and privacy equipment at each polling place consistent with current law voting privacy requirements; requires that early voting

votes be reported in the election district where the voter resides; ends the mail-in ballot cure deadline nine days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the existing online voter registration system. This bill also provides that, if a person submits more than one online voter registration form with identical information, the commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also requires the creation of an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.

The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application (beginning on January 1, 2026), a change of political party affiliation form, and a name and residency update to an existing record (at least 12 months following the bill's enactment).

Privacy Sleeves

This bill requires privacy sleeves to be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. In counties using ballot scanning machines, the bill requires the county to ensure privacy is maintained as the voter inserts the voted ballot into the ballot scanning machine. The bill also requires each voting booth to contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be. The bill also requires the use of privacy screens and shields for voting equipment at polling places.

Under the bill, the use of privacy equipment would be in a manner consistent with the requirement, already established under current law, for voting machines to secure the voter's secrecy in the act of voting, and for electronic voting systems to provide for the secrecy of a voter's vote.

The costs to each county board of elections of acquiring the necessary privacy equipment for each polling place are indeterminate, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

Online Voter Registration System - Application for Mail-in Ballot

Beginning on January 1, 2026, this bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election.

Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day.

The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form. Applications to vote by mail submitted online would be forwarded to the appropriate county clerk.

The bill requires updates to the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System – Political Party Affiliation Form

This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System or Online Form - Name and Residency Updates

At least 12 months following the date of enactment, this bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both.

This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

The costs to the Department of State of adding the required functionality to the online voter registration system, or creating a separate website, are indeterminate.

Section: State Government

*Analyst: Raysa Martinez Kruger
Principal Research Analyst*

*Approved: Thomas Koenig
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.).

SENATE, No. 2863

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain in-person, early voting, and vote by
2 mail practices and procedures, and the manner of updating the
3 name and address of a registered voter on an existing voter
4 registration record, and amending various parts of the statutory
5 law and supplementing chapter 31 and chapter 52 of Title 19 of
6 the Revised Statutes.

7

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

10

11 1. (New section) In a manner consistent with the requirement
12 for voting machines to secure the voter's secrecy in the act of
13 voting as required under R.S.19:48-1, and for electronic voting
14 systems to provide for the secrecy of a voter's vote under sections 3
15 and 6 of P.L.1973, c.82 (C.19:53A-3 and C.19:53A-6):

16 a. In all counties wherein voters use hand-marked paper ballots
17 to cast the voter's vote, a privacy sleeve into which the voted ballot
18 can be inserted and fully shielded from view shall be provided to
19 the voter.

20 b. In all counties wherein ballot scanning machines are used to
21 cast hand-marked paper ballots, the the county shall ensure that
22 privacy is maintained as the voter inserts the voted ballot into the
23 ballot scanning machine.

24 c. In all counties wherein voters use a direct recording electronic
25 voting machine to cast the voter's vote, the direct recording
26 electronic voting machine shall contain a privacy screen, shield, or
27 curtain so that privacy is maintained as the voter casts the voter's
28 vote.

29

30 2. R.S.19:8-7 is amended to read as follows:

31 19:8-7. The booths shall be sufficiently large to enable the voter
32 to conveniently prepare **[his]** the voter's ballot as provided for and
33 shall have swinging doors or privacy screens, shields, or curtains so
34 that privacy is maintained as the voter prepares the voter's ballot in
35 secret and screened from the observation of others.

36 The swinging doors or privacy screens, shields, or curtains shall
37 be so arranged that some part of the person of the voters **[standing]**
38 present in the booths may be seen from the outside thereof when the
39 door or curtains are closed or when the voter is present behind the
40 screens or shields.

41 Each booth shall contain a counter or shelf suitably placed to
42 enable voters to place their ballots thereon while preparing the same
43 for voting. Each booth shall also contain privacy sleeves or folders
44 into which the voter may insert the voted ballot to fully shield it

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 from view while walking the ballot outside the booth to be scanned
2 or cast, as the case may be.

3 (cf: R.S.19:8-7)

4
5 3. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
6 read as follows:

7 1. a. A county board of elections shall have posted a voter
8 information notice, which shall be referred to as a voter's bill of
9 rights, in a conspicuous location in each polling place and each
10 specially designated polling place used for early voting before
11 voting begins.

12 The notice shall contain:

13 the date of the election and the hours during which polling places
14 will be open;

15 a statement that sample ballots are available at the polling place
16 for review by the voter;

17 instruction for the use of the voting machine in that polling place
18 and an explanation of what instructions for voting are available at
19 the polling place for the voter;

20 instruction for a voter who is voting for the first time;

21 instruction for a voter who is required to provide identification
22 pursuant to the federal "Help America Vote Act of 2002" and
23 R.S.19:15-17 prior to casting a vote;

24 instruction on how to cast a vote if the voter cannot be present at
25 a polling place on the day of the election;

26 an explanation of the right of the voter to vote in private,
27 regardless of the voter's physical abilities;

28 an explanation of the right of the voter to a provisional ballot,
29 including in the event that a mail-in ballot has been applied for and
30 not received or not transmitted to the county board of elections
31 before the day of any election, and the other circumstances under
32 which a voter has a right to a provisional ballot;

33 an explanation of the right of the voter to receive a replacement
34 ballot for a ballot that has been spoiled, destroyed, lost or never
35 received;

36 an explanation of the right of the voter to ask for and receive
37 assistance in voting;

38 an explanation of the right of the voter to take a reasonable
39 amount of time in casting a vote on a voting machine;

40 an explanation of the right of the voter to bring written material
41 into the polling place for the voter's personal use in casting a vote;

42 instruction on how to contact the appropriate officials if a voter's
43 right to vote or right to otherwise participate in the electoral process
44 has been challenged or violated;

45 general information on federal and State laws that prohibit acts
46 of fraud or misrepresentation and the penalties for those acts;

47 an explanation of the right of the voter to confidentially discover
48 the status of their ballot using the "Track My Ballot" user portal;

1 an explanation that "All ballots are counted and your vote
2 remains anonymous";

3 an explanation of the right of the voter that if their ballot was
4 rejected, a notice will be issued to the voter within 24 hours after a
5 decision is made to reject the ballot. The voter will have up to [48
6 hours prior to the date for the final certification of the results of the
7 election] 5:00 PM on the 9th day following the day of the election
8 to provide a cure for their ballot;

9 an explanation giving the options for the voter to provide the
10 cure to their rejected ballot;

11 an explanation that no voters shall be intimidated or otherwise
12 unduly influenced by political insignia while voting. No person
13 shall wear, display, sell, give or provide any political or campaign
14 slogan, badge, button or other insignia associated with any political
15 party or candidate to be worn at or within one hundred feet of the
16 polls or within the polling place or room, on any primary, general or
17 special election day or on any commission government election day,
18 except the badge furnished by the county board as provided by law.
19 This includes any political gear representing the campaign slogans,
20 logos, or depictions or representations of any political party or
21 candidate such as merchandise sold directly from a political party,
22 campaign, candidate, or by third parties and vendors representing
23 any political party or campaign or candidate. A person violating
24 any of these provisions is guilty of a disorderly persons offense and
25 will not be permitted on the premises and can only return to vote
26 after the removal of prohibited political insignia; and

27 such other statement, instruction or explanation the Secretary of
28 State may deem appropriate to ensure the full and knowledgeable
29 participation of the voter in the process.

30 The requirement to post this notice in each polling place shall
31 not replace, supersede or void any other requirement set forth in law
32 for the posting of information in each polling place apart from the
33 voter information notice. The poster promoting the use of voting by
34 mail prepared and distributed by the Secretary of State pursuant to
35 R.S.19:8-6 shall be displayed next to or as close as may be possible
36 to the voter information notice.

37 b. The Secretary of State shall prescribe the form and specific
38 content of the voter information notice, which may be comprised of
39 more than one page. If the notice is comprised of more than one
40 page, each page shall be posted separately. For an election district
41 in which the primary language of 10 percent or more of the
42 registered voters is a language other than English, the Secretary of
43 State shall prescribe an official version of the voter information
44 notice in that other language or languages for use in that election
45 district. The notice shall be posted in English and in the other
46 language or languages in the polling places in each such district.
47 The alternate language shall be determined based on information
48 from the latest federal decennial census.

1 c. A county board of elections may modify or supplement the
2 voter information notice used in a county or municipality to provide
3 additional information specific to that county or a municipality in
4 that county, provided, however, that any such modification or
5 supplementation shall be submitted to the Secretary of State for
6 prior approval.

7 d. The voter information notice shall be printed on each sample
8 ballot, to the extent practicable, or if not practicable, information on
9 how to view or obtain a copy of the voter information notice shall
10 be printed on each sample ballot.

11 e. The voter information notice, including one modified or
12 supplemented pursuant to subsection c. of this section, shall be
13 made accessible on the official Internet site of the State by the
14 Secretary of State and each county board of elections shall ensure
15 that the official Internet site of the county contains a link to that
16 notice.

17 f. (Deleted by amendment, P.L.2020, c.70)

18 g. The State shall be liable for the costs incurred by local
19 government entities for compliance with this section, and they shall
20 be reimbursed for those costs, upon application, by the State
21 Treasurer.

22 (cf: P.L.2021, c.40, s.9)

23

24 4. R.S.19:15-26 is amended to read as follows:

25 19:15-26. Every voter to whom a ballot is given shall thereupon
26 retire into the polling booth. Each booth in a polling place shall be
27 arranged in accordance with the provisions of R.S.19:8-7. Not
28 more than one voter, except as hereinafter provided, shall be
29 permitted to enter or be in the same booth, at one time. The voter
30 shall prepare **【his】** the voter's ballot in the booth secretly and
31 screened from the observation of others.

32 Any person or voter who shall violate the provisions of this
33 section shall be deemed guilty of a disorderly persons offense.

34 (cf: P.L.2005, c.154, s.3)

35

36 5. Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended to read
37 as follows:

38 4. a. An early vote cast in an election, as provided for in this
39 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior
40 to the closing of the polls on the day of an election.

41 Every provisional ballot voted in each such election and
42 determined by a county board to be valid shall be counted and shall
43 be part of the official tally of the results of the election.

44 b. Each early vote cast, canvassed, and tallied in an election
45 under subsection a. of this section shall be reported in the results for
46 the election district in which the voter resides. The provisions of
47 this subsection shall not be interpreted to change the manner in
48 which each provisional ballot cast, canvassed, and tallied in each

1 election is reported as part of the official tally of the results of the
2 election in a manner that preserves the privacy of the voter's vote.
3 Whenever the reporting requirement of this subsection would cause
4 a voter's privacy to be violated, the election results shall be
5 reported in a manner that maintains the privacy of the vote,
6 provided that the election results posted on the respective websites
7 shall contain a disclosure stating that the results reported for some
8 individual districts reflect measures to protect the privacy of the
9 vote while the general tally accurately reflects the results.

10 (cf: P.L.2021, c.40, s.4)

11
12 6. R.S.19:23-45 is amended to read as follows:

13 19:23-45. No voter shall be allowed to vote at the primary
14 election unless his name appears in the signature copy register.

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

37 No voter, except a newly registered voter at the first primary at
38 which he is eligible to vote, or a voter who has not previously voted
39 in a primary election, may vote in a primary election of a political
40 party unless he was deemed to be a member of that party on the
41 55th day next preceding such primary election.

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

47 A voter may declare the voter's party affiliation or change the
48 voter's party affiliation, or declare that the voter is unaffiliated with

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

11 Any person voting in the primary ballot box of any political
12 party in any primary election in contravention of the election law
13 shall be guilty of a disorderly persons offense, and any person who
14 aids or assists any such person in such violation by means of public
15 proclamation or order, or by means of any public or private
16 direction or suggestions, or by means of any help or assistance or
17 cooperation, shall likewise be guilty of a disorderly persons offense.
18 (cf: P.L.2011, c.134, s.27)

19

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

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

29 b. The notice required to be published by the preceding
30 paragraph shall inform the reader thereof that no voter, except a
31 newly registered voter at the first primary at which he is eligible to
32 vote, or a voter who has not previously voted in a primary election
33 may vote in a primary election of a political party unless he was
34 deemed to be a member of that party on the 55th day next preceding
35 such primary election. It shall further inform the reader thereof that
36 a voter who votes in the primary election of a political party, or who
37 signs and files with the municipal clerk or the county commissioner
38 of registration a declaration that he desires to vote in the primary
39 election of a political party, or who indicates on a voter registration
40 form the voter's choice of political party affiliation and submits the
41 form to the commissioner of registration of the county wherein the
42 voter resides, to the employees or agents of a public agency, as
43 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
44 6.3), or a voter registration agency, as defined in subsection a. of
45 section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of
46 State, either on a paper form or an electronic form using the online
47 voter registration system established under section 1 of P.L.2019,
48 c.382 (C.19:31-6.4c), shall be deemed to be a member of that party

1 until the voter signs and files with the municipal clerk or the
2 commissioner of registration a declaration that he desires to vote in
3 the primary election of another political party, at which time he
4 shall be deemed to be a member of such other political party, or that
5 the voter chooses not to be affiliated with any political party. The
6 notice shall also state the time and location where a person may
7 obtain political party affiliation declaration forms or voter
8 registration forms.

9 (cf: P.L.2011, c.134, s.28)

10

11 8. Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is amended to
12 read as follows:

13 1. Notwithstanding any other provision of law to the contrary,
14 a person who is qualified to register to vote may submit a voter
15 registration form electronically on a secure Internet website
16 maintained by the Secretary of State, if the applicant has an email
17 address and provides a valid New Jersey driver's license number, a
18 valid New Jersey nondriver identification card number, or the last
19 four digits of the applicant's Social Security number. The voter
20 registration form shall contain substantively the same information
21 required to be contained on a paper voter registration form pursuant
22 to section 16 of P.L.1974, c.30 (C.19:31-6.4). The voter registration
23 form available electronically shall also enable a person who is
24 qualified to register to vote, and a person who is registered to vote,
25 to declare a political party affiliation and to make changes to that
26 affiliation, with an option to indicate no affiliation with any
27 political party, by updating the online voter registration form.
28 Beginning on January 1, 2026 and thereafter, the voter registration
29 form available electronically shall enable a person who is qualified
30 to register to vote, and a person who is registered to vote, to apply
31 for and receive a mail-in ballot as provided under section 3 of
32 P.L.2009, c.79 (C.19:63-3), until the voter requests otherwise.

33 a. The Secretary of State shall apply the same voter registration
34 deadline applicable under current law for paper voter registration
35 forms to an online voter registration form submitted by an applicant
36 pursuant to this section.

37 b. The applicant completing the form shall affirmatively attest
38 to the truth of the information provided in the form.

39 c. For voter registration purposes, the applicant shall
40 affirmatively assent to the use of his or her signature from his or her
41 driver's license or non-driver identification card or the applicant's
42 digitized or electronic signature.

43 d. For each online voter registration form, the Secretary of
44 State shall obtain either an electronic copy of the applicant's
45 signature from his or her driver's license or non-driver identification
46 card directly from the New Jersey Motor Vehicle Commission, or
47 the applicant's digitized or electronic signature.

1 e. Upon submission of an online voter registration form
2 pursuant to this section, the electronic voter registration system
3 shall automatically acknowledge that the online voter registration
4 form has been submitted successfully, and provide instructions on
5 how the person completing the voter registration form may follow-
6 up on the status of the submission either online or by contacting the
7 appropriate county commissioner of registration. If a person
8 submits more than one online voter registration form with identical
9 information, the county commissioner of registration of the county
10 in which the voter resides may process and adjudicate only the first
11 online voter registration form submitted by the person through the
12 system.

13 f. The Secretary of State shall employ security measures to
14 ensure the accuracy and integrity of voter registration forms
15 submitted electronically pursuant to this section.

16 g. The New Jersey Motor Vehicle Commission and the
17 Secretary of State shall jointly develop a process and the
18 infrastructure to allow the electronic copy of the applicant's
19 signature and other information required under this section that is in
20 the possession of the commission to be transferred to the Secretary
21 of State and to the appropriate county election officials to allow a
22 person who is qualified to register to vote in New Jersey to register
23 to vote under this section.

24 h. If an applicant cannot electronically submit the information
25 required pursuant to this section, the applicant shall nevertheless be
26 able to complete the online voter registration form electronically on
27 the Secretary of State's Internet website, print a paper copy of the
28 completed form, and mail or deliver the paper copy of the
29 completed form to the Secretary of State or the appropriate county
30 election official. For the purposes of this subsection, the applicant
31 shall be required to provide the same documents required to be
32 provided with a paper voter registration form pursuant to R.S.19:31-
33 5.

34 (cf: P.L.2019, c.382, s.1)

35
36 9. Section 6 of P.L.1973, c.82 (C.19:53A-6) is amended to read
37 as follows:

38 6. a. Prior to any election at which electronic voting devices
39 are used the county board of elections shall have the voting devices
40 prepared for the election and shall provide the district election
41 officers with voting devices, voting booths, ballot boxes, ballot
42 cards, "write-in" ballots and other records and supplies as
43 required.

44 b. Ballot cards shall be of the size, design and stock suitable for
45 processing by automatic data processing machines. Each ballot
46 card shall have an attached numbered perforated stub, which shall
47 be removed by an election officer before it is deposited in the ballot
48 box. In primary elections the ballot cards of each political party

1 shall be distinctly marked or shall be of a different color or tint so
2 that the ballot cards of each political party are readily
3 distinguishable.

4 c. Unless the voting device enables the voter to mark **【his】** the
5 voter's choices in secret, the board of elections shall provide a
6 sufficient number of voting booths for each **【voting】** election
7 district in a polling place, which shall be of a size and design in
8 accordance with the provisions of R.S.19:8-7 so as to enable the
9 voter to mark **【his】** the voter's ballot in secret.

10 (cf: P.L.1973, c.82, s.6)

11

12 10. Section 10 of P.L.1999, c.232 (C.19:53C-4) is amended to
13 read as follows:

14 10. The district board shall designate an area within the polling
15 place, which may be a voting booth, for the voter to mark the
16 provisional ballot and affirmation statement. If the district board
17 designates a voting booth for the voter to mark the provisional
18 ballot and affirmation statement, the voting booth shall be arranged
19 in accordance with the provisions of R.S.19:8-7. If a voting booth
20 is not used, the area designated for voters to mark the provisional
21 ballot and affirmation statement shall have swinging doors or
22 privacy screens, shields, or curtains so that privacy is maintained as
23 the voter prepares the provisional ballot and affirmation statement
24 in secret and screened from the observation of others. No
25 provisional ballot and envelope with an affirmation statement shall
26 be handed to a voter until the area designated for voters to mark the
27 provisional ballot and affirmation statement is ready. **【If a voting**
28 **booth is not used, the voter shall be provided with a security screen**
29 **at the same time that the provisional ballot and envelope with**
30 **affirmation statement is provided.】**

31 A district board member shall instruct the voter how to complete
32 the affirmation statement and place the voted provisional ballot into
33 the envelope.

34 If for any reason provisional ballots and envelopes with
35 affirmation statements are not ready or available for distribution at
36 any polling place, the district board member in charge shall notify
37 the appropriate authority that additional ballots and affirmation
38 statements are required.

39 (cf: P.L.1999, c.232, s.10)

40

41 11. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
42 as follows:

43 3. a. A qualified voter shall be entitled to vote using a mail-in
44 ballot:

45 (1) in all future elections, including general elections, held in
46 this State, in which the voter is eligible to vote; or

47 (2) in any single election held in this State.

1 The qualified voter who chooses the option to vote using a mail-
2 in ballot in all future elections shall be furnished with such a ballot
3 by the county clerk without further request on the part of the voter
4 and until the voter requests in writing that the voter no longer be
5 sent a mail-in ballot.

6 The mail-in ballot application form prepared by the Secretary of
7 State shall present the two options in the order provided above. The
8 mail-in ballot application shall also provide spaces for the voter's
9 telephone number and email address, including language informing
10 the voter that this contact information will be used to contact the
11 voter concerning the acceptance or rejection of the ballot, and how
12 the voter may cure a defect. A voter's telephone number and email
13 address shall not be subject to public disclosure and shall not be
14 considered a government record.

15 The additional direct expenditures required for the
16 implementation of the provisions of this subsection as amended by
17 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
18 P.L.2019, c.459 (C.19:63-29).

19 b. (1) Not less than seven days before an election in which a
20 voter wants to vote by mail, the voter may apply to the person
21 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
22 ballot. The application shall be in writing, shall be signed by the
23 applicant and shall state the applicant's place of voting residence
24 and the address to which the ballot shall be sent. The Secretary of
25 State shall prepare a mail-in application form and shall have the
26 authority to promulgate any rules and regulations the secretary
27 deems necessary to effectuate the purposes of this subsection.

28 (2) Beginning on January 1, 2026 and thereafter, not less than
29 seven days before an election in which a voter wants to vote by
30 mail, instead of submitting an application under paragraph (1) of
31 this subsection, the voter may apply for a mail-in ballot
32 electronically through the voter registration website established by
33 the Secretary of State pursuant to section 1 of P.L.2019, c.382
34 (C.19:31-6.4c), which application shall be electronically submitted
35 to the person designated by the Secretary of State. The application
36 shall be in electronic form, shall be signed by the applicant using
37 the applicant's electronic signature in the Statewide Voter
38 Registration System, and shall state the applicant's place of voting
39 residence and the address to which the ballot shall be sent. The
40 Secretary of State shall prepare a mail-in ballot electronic
41 application form and shall have the authority to promulgate any
42 guidance, guidelines, rules and regulations the secretary deems
43 necessary to effectuate the purposes of this subsection.

44 c. Any voter wanting to vote by mail in any election may apply
45 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
46 for a mail-in ballot to be sent to the voter. A voter who is a member
47 of the armed forces of the United States may use a federal postcard
48 application form to apply for a mail-in ballot.

1 d. Any voter who fails to apply for a mail-in ballot before the
2 seven-day period prescribed in subsection b. of this section may
3 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
4 of the day before the election.

5 e. A person voting by mail-in ballot who registered by mail
6 after January 1, 2003, who did not provide personal identification
7 information when registering pursuant to section 16 of P.L.1974,
8 c.30 (C.19:31-6.4) and is voting for the first time in his or her
9 current county of residence following registration shall include
10 copies of the required identification information with the mail-in
11 ballot. Failure to include such information with the mail-in ballot
12 shall result in its rejection.

13 f. The county clerk shall not transmit a mail-in ballot for any
14 election to any person who: is deemed by a county commissioner of
15 registration to be an inactive voter; or notifies the clerk in writing
16 that the person no longer wishes to receive such a ballot for any
17 election; or is no longer eligible to vote and whose registration file
18 has been transferred to the deleted file pursuant to R.S.19:31-19.

19 g. Any mail-in ballot that is sent to a qualified voter and that is
20 returned to the county clerk for any reason shall be forwarded to the
21 commissioner of registration, who shall so note the return in the
22 voter record of that voter.
23 (cf: P.L.2020, c.70, s.8)

24
25 12. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
26 as follows:

27 6. a. The county clerk, in the case of any Statewide election,
28 countywide election, or school election in a regional or other school
29 district comprising more than one municipality; the municipal clerk,
30 in the case of any municipal election or school election in a school
31 district comprising a single municipality; and the commissioners or
32 other governing or administrative body of the district, in the case of
33 any election to be held in any fire district or other special district,
34 other than a municipality, created for specified public purposes
35 within one or more municipalities, shall publish the following
36 notice in substantially the following form:

37 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

38 If you are a qualified and registered voter of the State who wants
39 to vote by mail in the..... (school, municipal, primary,
40 general, or other) election to be held on..... (date of
41 election), the following applies:

42 You must complete the application form below and send it to the
43 county clerk where you reside or write or apply in person to the
44 county clerk where you reside to request a mail-in ballot. Instead,
45 you may complete the application form electronically on the
46 Secretary of State's website.

1 The name, address, and signature of any person who has assisted
2 you to complete the mail-in ballot application must be provided on
3 the application, and you must sign and date the application.

4 No person may serve as an authorized messenger or bearer for
5 more than three qualified voters in an election, but a person may
6 serve as such for up to five qualified voters in an election if those
7 voters are immediate family members residing in the same
8 household as the messenger or bearer.

9 No person who is a candidate in the election for which the voter
10 requests a mail-in ballot may provide any assistance in the
11 completion of the ballot or serve as an authorized messenger or
12 bearer.

13 A person who applies for a mail-in ballot must submit his or her
14 application at least seven days before the election, but such person
15 may request an application in person from the county clerk up to 3
16 p.m. of the day before the election.

17 Voters who want to vote by mail in all future elections will, after
18 their initial request and without further action on their part, be
19 provided with a mail-in ballot until the voter requests otherwise in
20 writing.

21 Application forms may be obtained by applying to the
22 undersigned either in writing or by telephone, or the application
23 form provided below may be completed and forwarded to the
24 undersigned.

25 Dated.....
26
27 (signature and title of county clerk)
28
29 (address of county clerk)
30
31 (telephone no. of county clerk)

32 b. (1) The Secretary of State shall be responsible for providing
33 all information regarding overseas ballots to each overseas voter
34 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
35 seq.). The secretary shall also make available valid overseas voter
36 registration and ballot applications to any voter who is a member of
37 the armed forces of the United States and who is a permanent
38 resident of this State, or who is an overseas voter who wishes to
39 register to vote or to vote in any jurisdiction in this State. The
40 secretary shall provide such public notice as may be deemed
41 necessary to inform members of the armed forces of the United
42 States and overseas voters how to obtain valid overseas voter
43 registration and ballot applications.

44 (2) The Secretary of State shall undertake a program to inform
45 voters in this State about their eligibility to vote by mail pursuant to
46 this act. Dissemination of this information shall be included in the
47 standard notices required by this section and other provisions of
48 current law, including but not limited to the notice requirements of

1 R.S.19:12-7, and shall be effectuated by such means as the secretary
2 deems appropriate and to the extent that funds for such
3 dissemination are appropriated including, but not limited to, by
4 means of Statewide or local electronic media, public service
5 announcements broadcast by such media, notices on the Internet site
6 of the Department of State or any other department or agency of the
7 Executive Branch of State government or its political subdivisions
8 deemed appropriate by the secretary, and special mailings or notices
9 in newspapers or other publications circulating in the counties or
10 municipalities of this State.

11 c. The mail-in ballot materials shall contain a notice that any
12 person voting by mail-in ballot who has registered by mail after
13 January 1, 2003, who did not provide personal identification
14 information when registering and is voting for the first time in his
15 or her current county of residence following registration shall
16 include copies of the required identification information with the
17 mail-in ballot, and that failure to include such information shall
18 result in the rejection of the ballot.

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

22 Notices relating to any Statewide or countywide election shall be
23 published in at least two newspapers published in each county. All
24 officials charged with the duty of publishing such notices shall
25 publish the same in at least one newspaper published in each
26 municipality or district in which the election is to be held, or if no
27 newspaper is published in the municipality or district, then in a
28 newspaper published in the county and circulating in the
29 municipality or district. All such notices shall be display
30 advertisements.

31 (cf: P.L.2020, c.71, s.7)

32

33 13. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
34 read as follows:

35 17. a. The county board of elections shall, promptly after
36 receiving each mail-in ballot, remove the inner envelope containing
37 the ballot from the outer envelope and shall compare the signature
38 and the information contained on the flap of the inner envelope with
39 the signature and information contained in the respective requests
40 for mail-in ballots and the signature and information contained in
41 the Statewide voter registration system. In addition, as to mail-in
42 ballots issued less than seven days prior to an election, the county
43 board of elections shall also check to establish that the mail-in voter
44 did not vote in person. The county board shall reject such a ballot if
45 it is not satisfied, pursuant to a comparison with the Statewide voter
46 registration system, that the voter is legally entitled to vote and that
47 the ballot conforms with the requirements of this act. The county
48 board of elections shall conduct the determination of qualification

1 of each voter in accordance with the requirements of the Certificate
2 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
3 13).

4 In the case of a mail-in ballot to be voted at a primary election
5 for the general election, the ballot shall be rejected if the mail-in
6 voter has indicated in the certificate the voter's intention to vote in a
7 primary election of any political party in which the voter is not
8 entitled to vote according to the Statewide voter registration system,
9 and if it shall appear from the record that the voter is not entitled to
10 vote in a primary election of the political party which has been so
11 indicated.

12 Any mail-in ballot which is received by a county board of
13 elections shall be rejected if the inner envelope is unsealed or if
14 either the inner or outer envelope has a seal that has been tampered
15 with. Mail-in ballots shall not be rejected due to any defect arising
16 out of or relating to the preparation or mailing of the ballot or
17 envelope that was not reasonably caused by the voters, such as a
18 torn envelope and missing or insufficient glue to allow the ballot to
19 be sealed.

20 Disputes about the qualifications of a mail-in voter to vote or
21 about whether or not or how any mail-in ballot shall be counted in
22 such election shall be referred to the Superior Court for
23 determination, as provided under section 4 of P.L.2020, c.70
24 (C.19:63-17.1).

25 After such investigation, the county board of elections shall
26 detach or separate the certificate from the inner envelope containing
27 the mail-in ballot, unless it has been rejected by it or by the
28 Superior Court, marking the envelope so as to identify the election
29 district in which the ballot contained therein is to be voted as
30 indicated by the voter's home address appearing on the certificate
31 attached to or accompanying the inner envelope and, in the case of
32 ballots to be voted at a primary election for a general election, so as
33 to identify the political party in the primary election of which it is
34 to be voted.

35 The location at which a county board of elections determines
36 whether a mail-in ballot shall be accepted or rejected shall be
37 considered an election district for the purposes of appointment of
38 challengers.

39 b. The county board of elections shall, promptly after receiving
40 each mail-in ballot, undertake the following procedures and
41 requirements concerning the acceptance or rejection of each mail-in
42 ballot:

43 (1) within 24 hours after the decision has been made to reject a
44 voter's mail-in or provisional ballot on the basis of a missing
45 signature or discrepant signature, issue a "Cure Letter" by mail or
46 email to the voter whose ballot was rejected, which shall inform the
47 voter of that fact and provide the reasoning for rejection, and
48 attempt to contact the voter by telephone, if a telephone number is

1 available. The cure letter shall include a "Cure Form" and the form
2 shall include the voter's name and instruct the voter on how to cure
3 the alleged or actual deficiency. Cure forms shall not be referred to
4 as affidavits or certifications and shall not be required to be sworn;

5 (2) when the alleged or actual deficiency involves the signature
6 of the voter, instruct the voter that they may cure the deficiency by
7 completing the cure form and returning it to the county board of
8 elections in person, by fax, or by email, **【not later than 48 hours**
9 **prior to the final certification of the results of the election,】** or by
10 returning it to the county board of elections by mail, and that the
11 completed cure form must be received by the county board of
12 elections not later than **【48 hours prior to the final certification of**
13 **the results of the election】** 5:00 PM on the 9th day following the
14 day of the election;

15 (3) include, with the cure letter, when sent by mail, a pre-printed
16 cure form and a postage-paid return envelope addressed to the
17 county board of elections which the voter may use to return the cure
18 form; and

19 (4) inform voters that they shall not be required to submit any
20 form of hard-copy identification document or copy thereof in order
21 to cure a signature deficiency, but may do so by declaring that they
22 submitted their provisional ballot or mail-in ballot, and verifying
23 their identity by either: (a) providing a valid New Jersey driver's
24 license number or Motor Vehicle Commission non-driver
25 identification number; or (b) if the voter does not have a valid New
26 Jersey driver's license number or Motor Vehicle Commission non-
27 driver identification number, then by providing the last four digits
28 of their Social Security Number; or (c) if the voter does not have
29 the identification in (a) or (b), then attaching a legible copy of a
30 New Jersey State-accepted form of identification, including either a
31 sample ballot which lists the voter's name and address, an official
32 federal, State, county, or municipal document which lists the voter's
33 name and address, or a utility bill, telephone bill, or tax or rent
34 receipt which lists the voter's name and address; and (d) signing and
35 dating the cure form prior to returning it.

36 c. If a voter returns a completed cure form in a timely manner
37 and the information provided verifies the voter's identity, pursuant
38 to this section, their otherwise valid mail-in or provisional ballot
39 shall be counted in the final election results irrespective of any
40 signature deficiency previously identified and, under those
41 circumstances, the cure form may not be verified or authenticated
42 using signature matching.

43 d. In accordance with this section, variations in voter
44 signatures caused by the substitution of initials for the first name,
45 middle name, or both, shall not be grounds for the county board of
46 elections to determine that the signatures are non-conforming or do
47 not match.

1 e. In cases of rejected ballots, the county board of elections
2 shall retain the voter's outer envelope, inner envelope, self-
3 certification certificate, and mail-in ballot in a bundle unique to
4 each voter for a period of two years in accordance with section 24
5 of P.L.2009, c.79 (C.19:63-24).

6 f. County boards of elections shall be required to meet at least
7 once each week during the three-week period preceding each
8 election to conduct the ballot processing and curing provisions
9 specified in this section, and shall meet more frequently as may be
10 required by the Secretary of State to ensure the timely processing of
11 ballots.

12 The Secretary of State shall prepare educational materials
13 regarding this section that all employed county boards of elections
14 employees handling ballots shall read and have available for
15 review. The materials shall provide clear information regarding the
16 standards for acceptance and rejection of mail-in ballots and the
17 safe-keeping of all materials in the case of rejection. The materials
18 shall serve an educational purpose for the county board of elections
19 and shall not replace, supersede, or void the authority of the county
20 board or a judge of the Superior Court to accept or reject a mail-in
21 ballot.

22 (cf: P.L.2020, c.71, s.12)

23

24 14. R.S.19:31-11 is amended to read as follows:

25 19:31-11. a. In all counties within the State, change of
26 residence notices shall be made: (1) by a written request, signed by
27 the registrant, forwarded to the commissioner by mail, and actually
28 received by the commissioner [, or]; (2) by calling in person at the
29 office of the commissioner or the municipal clerk; or (3) by
30 completing and submitting a change of residence notice online as
31 provided by the Secretary of State. The commissioner shall provide
32 change of residence notices in card form for the use of any
33 registered voter moving to another address within the same election
34 district [or]; to another election district within the same county; or
35 to another election district in another county for processing as
36 provided under subsection c. of this section. Copies of these
37 notices shall also be available at the office of the municipal clerk in
38 each municipality. Each municipal clerk shall transmit daily to the
39 commissioner all the filled out change of residence notices that may
40 be in the municipal clerk's office at the time. These notices shall be
41 printed upon cards, shall contain a blank form showing where the
42 applicant last resided and the address and exact location to which
43 the applicant has moved and shall have a line for the applicant's
44 signature, printed name and date of birth. Upon receipt of such
45 change of residence notice the commissioner shall cause the
46 signature to be compared with the registration forms of the
47 applicant and, if such signature appears to be of and by one and the
48 same legal voter, the commissioner shall cause the entry of the

1 change of residence to be made on those registration forms and the
2 registrant shall thereupon be qualified to vote in the election district
3 to which the registrant shall have so moved. If the commissioner is
4 not satisfied as to the signature on the request for a change of
5 residence, a confirmation notice as prescribed by subsection d. of
6 R.S.19:31-15 shall be sent by mail with postage prepaid to the
7 registrant at the new address.

8 The application for change of residence shall be filed with the
9 commissioner or municipal clerk, as the case may be, on or before
10 the 21st day preceding any election.

11 b. In any county any voter who, prior to an election, shall move
12 within the same county after the time above prescribed for filing an
13 application for change of residence without having made
14 application for change of residence, or who has not returned a
15 confirmation notice sent to the voter by the commissioner of
16 registration of the county, if such a notice has been sent to the voter,
17 or who has not moved since the previous election but whose
18 registration information is missing or otherwise deficient, or has
19 otherwise failed to notify the commissioner of registration of the
20 voter's change of address within the county, shall be permitted to
21 vote in that election in the district to which the voter has moved,
22 upon making a written affirmation regarding the change of address
23 at the polling place of the district in which the voter resides on the
24 day of the election. No identifying document shall be required from
25 the voter for this affirmation. A district board member shall
26 provide the voter with a provisional ballot, and an envelope with an
27 affirmation statement that conforms with the requirements for such
28 documents contained in subsection b. of section 7 of P.L.1999,
29 c.232 (C.19:53C-1). The voter shall complete the provisional ballot
30 and affirmation statement, place the ballot in the envelope, seal and
31 return it to the district board member. The board member shall
32 review the information in the affirmation statement for
33 completeness before forwarding it for inspection, tabulation and
34 notation by the county board of elections, as provided for by
35 sections 7 through 26 of P.L.1999, c.232 (C.19:53C-1 through
36 C.19:53C-20). The affirmation statement shall constitute a transfer
37 to the registrant's new residence for any subsequent election.
38 However, if the voter has moved from one residence to another
39 within the same election district at any time, the voter shall be
40 permitted to vote in such election district at any election in the same
41 manner as other voters at the polling place upon written affirmation
42 by the registrant to the district board member of the registrant's
43 change of address.

44 c. A voter who moves from an election district in one county to
45 an election district in another county prior to the close of
46 registration preceding an election shall register in the new county of
47 residence, in accordance with the provisions of R.S.19:31-6, or
48 shall file a change of residence notice with the commissioner of

1 either county or complete and submit that notice online as provided
2 by the Secretary of State, in order to be permitted to vote. A change
3 of residence notice filed by a voter pursuant to this subsection shall
4 cause the commissioners of the county of previous residence and
5 the county of new residence to update the voter registration record
6 of that voter. The commissioner of the county of new residence
7 shall notify the voter by mail that the voter is now registered to vote
8 in that county or, if the notice submitted by the voter is incomplete,
9 to request any additional information or documentation necessary to
10 finalize the change of residence notice. Nothing in this subsection
11 shall be interpreted to waive the requirement specified under
12 R.S.19:31-5 that the voter shall have been a resident of the county
13 of new residence for at least 30 days prior to being eligible to vote
14 in any election in that county.

15 (cf: P.L.2005, c.139, s.13)

16

17 15. R.S.19:31-13 is amended to read as follows:

18 19:31-13. Whenever the registrant after his or her original
19 registration shall change his or her name due to marriage, divorce,
20 or by judgment of court, the registrant shall in person or by mail
21 submit to the commissioner of registration a written statement
22 notifying the commissioner of the change, which statement shall
23 take such form, and be printed on a postal card suitable for mailing
24 of such design, as the Attorney General shall prescribe and shall be
25 signed by the registrant. A registrant may complete the form online
26 as provided by the Secretary of State. The commissioner, upon
27 receipt of such a notice of change of name, shall revise accordingly
28 the name of the registrant as it appears among the items of
29 information concerning the registrant included on the registrant's
30 registration forms, shall make a photographic copy of the notice of
31 name change submitted by the registrant, and shall affix the original
32 notice so submitted to the registrant's original registration form and
33 the photographic copy of that notice to the registrant's duplicate
34 registration record.

35 When notice of such change in name has not been received by or
36 filed with the commissioner prior to the 21st day preceding any
37 election, such person may be permitted to vote under the name
38 under which the person was registered prior to that change at the
39 first election following such change in name at which the person
40 shall appear to vote, after signing the signature copy register with
41 both the registered name and his or her new name. The
42 commissioner shall then revise accordingly the name of the
43 registrant as it appears on the registrant's registration forms, make a
44 photographic copy of the notice, and affix the original and copy of
45 the notice to the registrant's permanent registration forms as
46 hereinabove prescribed.

47 (cf: P.L.2005, c.139, s.14)

1 polling place. The bill also requires the county to ensure that
2 privacy is maintained as the voter inserts the voted ballot into a
3 ballot scanning machine when those machines are used at polling
4 places. The bill also requires each voting booth to contain privacy
5 sleeves or folders into which the voter may insert the voted ballot to
6 fully shield it from view while walking the ballot outside the booth
7 to be scanned or cast, as the case may be.

8

9 *Reporting of Early Voting Votes*

10

11 This bill would require each early vote (except for provisional
12 ballots cast at an early voting site) cast, canvassed, and tallied in an
13 election to be reported in the results for the election district in
14 which the voter resides. The bill provides that, whenever the
15 reporting requirement would cause a voter's privacy to be violated,
16 the election results would be reported in a manner that maintains
17 the privacy of the vote, provided that the election results posted on
18 the respective websites must contain a disclosure stating that the
19 results reported for some individual districts reflect measures to
20 protect the privacy of the vote while the general tally accurately
21 reflects the results.

22

23 *Mail-in Ballot Cure Deadline*

24

25 Under current law, a mail-in voter may cure a defect in their
26 mail-in ballot not later than 48 hours prior to the final certification
27 of the results of the election. This bill would change the cure
28 deadline to 5:00 PM on the 9th day following the day of the
29 election.

30

31 *Online Application for Mail-in Ballot*

32

33 This bill allows registered voters to submit an application to vote
34 by mail electronically, using the online voter registration website
35 maintained by the Secretary of State, up to seven days before an
36 election. Under current law, registered voters may apply to vote by
37 mail using a paper application form up to seven days before an
38 election, and may apply for a mail-in ballot in person up to 3:00 PM
39 the day before election day. Beginning on January 1, 2026 and
40 thereafter, this bill would allow registered voters to complete a
41 mail-in ballot application form electronically using the online voter
42 registration website established by the Secretary of State. Under
43 the bill, applications to vote by mail submitted online would be
44 forwarded to the appropriate county clerk. The bill requires the
45 electronic application to be signed by the applicant using the
46 applicant's electronic signature in the Statewide Voter Registration
47 System, and to state the applicant's place of voting residence and
48 the address to which the ballot will be sent. The bill directs the

1 Secretary of State to prepare a mail-in ballot electronic application
2 form and authorizes the secretary to promulgate any guidance,
3 guidelines, rules and regulations deemed necessary. The bill also
4 updates the notices required to be published ahead of each election
5 concerning the manner of applying to vote by mail, to include the
6 online application form authorized by the bill.

7

8 *Online Political Party Affiliation*

9

10 Under current law, a person registering to vote may declare a
11 political party affiliation on the voter registration form, and
12 thereafter may update such affiliation using a paper form. This bill
13 allows a person registering to vote, and registered voters, to submit
14 or update their political party affiliation, including the option to not
15 be affiliated with any political party, using the online voter
16 registration system maintained by the Secretary of State.

17

18 *Online Name and Residency Updates*

19

20 Under current law, a registered voter who changes name or
21 address may file a form to notify the county commissioner of
22 registration of these changes. When a registered voter moves from
23 one county to another, the voter is required to file a new voter
24 registration form in the new county.

25 At least 12 months following the bill's enactment, this bill
26 requires the Secretary of State to create an electronic form on the
27 Department of State's website for a voter to use to complete and
28 submit changes to the voter's name, address, or both. This bill also
29 allows a registered voter who moves from one county to another to
30 use the change of address form to notify the county commissioners
31 of registration of the voter's old and new counties of residence of
32 this change. The bill requires both commissioners to update the
33 voter's registration record. The commissioner of the county of new
34 residence would notify the voter by mail that the voter is now
35 registered to vote in that county. If the notice submitted by the voter
36 is incomplete, the commissioner is required to request any
37 additional information or documentation necessary to finalize the
38 change of residence request.

39 This bill does not change any of the eligibility requirements a
40 voter must fulfill in order to vote in an election, including the 30-
41 day residency requirement in the county of residence as required by
42 the State Constitution and specified under R.S.19:31-5.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 2863

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 2863, with committee amendments.

As amended by the committee, this bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures. Specifically, the bill requires ballot privacy sleeves and privacy equipment at each polling place consistent with current law voting privacy requirements; requires that early voting votes be reported in the election district where the voter resides; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the existing online voter registration system. This bill also provides that, if a person submits more than one online voter registration form with identical information, the commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also requires the creation of an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

Privacy Sleeves

The bill clarifies that the privacy requirements under the bill would be consistent with provisions of current law that require privacy when voting machines and electronic voting systems are used. This bill requires privacy sleeves be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. The bill also requires the county to ensure that privacy is maintained as the voter inserts the voted ballot into a ballot scanning machine when those machines are used at polling places. The bill also requires each voting booth to contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be.

Reporting of Early Voting Votes

This bill would require each early vote (except for provisional ballots cast at an early voting site) cast, canvassed, and tallied in an election to be reported in the results for the election district in which the voter resides. As amended, the bill provides that, whenever the reporting requirement would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites must contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results, and provided further that the reports for those individual districts would not be subject to disclosure under the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

Online Application for Mail-in Ballot

This bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election. Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day. Beginning on January 1, 2026 and thereafter, this bill would allow registered voters to complete a mail-in ballot application form electronically using the online voter registration website established by the Secretary of State. Under the bill, applications to vote by mail submitted online would be forwarded to the appropriate county clerk. The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and to state the applicant's place of voting residence and the address to which the ballot will be sent. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form and authorizes the secretary to promulgate any guidance, guidelines, rules and regulations deemed necessary. The bill also updates the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

As amended, the bill provides that the rules and regulations promulgated by the Secretary of State must ensure the security of the online mail-in ballot application form and the use of verifiable signatures, including a process for the resolution of signature discrepancies and the validation of the information provided by the applicant.

Online Political Party Affiliation

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form. This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Online Name and Residency Updates

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

At least 12 months following the bill's enactment, this bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both. This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The bill requires both commissioners to update the voter's registration record. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

This bill does not change any of the eligibility requirements a voter must fulfill in order to vote in an election, including the 30-day residency requirement in the county of residence as required by the State Constitution and specified under R.S.19:31-5.

COMMITTEE AMENDMENTS:

The amendments:

(1) omit the provisions of the bill that would have shortened the ballot cure deadline;

(2) provide that the report of the early voting results by district would not be subject to disclosure under the open public records act when such reports would violate a voter's privacy; and

(3) require that the rules and regulations promulgated by the Secretary of State must ensure the security of the online mail-in ballot application form and the use of verifiable signatures, including a process for the resolution of signature discrepancies and the validation of the information provided by the applicant.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2863

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 1, 2022

SUMMARY

- Synopsis:** Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of State; County Boards of Elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.
- The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections.
- The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application, a change of political party affiliation form, and a name and residency update to an existing record.

BILL DESCRIPTION

This bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures. Specifically, the bill requires ballot privacy sleeves and privacy equipment at each polling place consistent with current law voting privacy requirements; requires that early voting

votes be reported in the election district where the voter resides; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the existing online voter registration system. This bill also provides that, if a person submits more than one online voter registration form with identical information, the commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also requires the creation of an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.

The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application (beginning on January 1, 2026), a change of political party affiliation form, and a name and residency update to an existing record (at least 12 months following the bill's enactment).

Privacy Sleeves

This bill requires privacy sleeves to be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. In counties using ballot scanning machines, the bill requires the county to ensure privacy is maintained as the voter inserts the voted ballot into the ballot scanning machine. The bill also requires each voting booth to contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be. The bill also requires the use of privacy screens and shields for voting equipment at polling places.

Under the bill, the use of privacy equipment would be in a manner consistent with the requirement, already established under current law, for voting machines to secure the voter's secrecy in the act of voting, and for electronic voting systems to provide for the secrecy of a voter's vote.

The costs to each county board of elections of acquiring the necessary privacy equipment for each polling place are indeterminate, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

Online Voter Registration System - Application for Mail-in Ballot

Beginning on January 1, 2026, this bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election.

Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day.

The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form. Applications to vote by mail submitted online would be forwarded to the appropriate county clerk.

The bill requires updates to the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System – Political Party Affiliation Form

This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System or Online Form - Name and Residency Updates

At least 12 months following the date of enactment, this bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both.

This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

The costs to the Department of State of adding the required functionality to the online voter registration system, or creating a separate website, are indeterminate.

Section: State Government

*Analyst: Raysa Martinez Kruger
Principal Research Analyst*

*Approved: Thomas Koenig
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.).

Governor Murphy Signs Voting Reform Package to Strengthen New Jersey Elections

07/28/2022

TRENTON – Governor Phil Murphy today reaffirmed his commitment to securing access to voting rights by signing a series of bills to strengthen New Jersey’s elections. Today’s signings build on reforms to expand democracy enacted during the Murphy Administration, including automatic voter registration and in-person early voting.

“Across the nation, we continue to see one of our nation’s core principles come under attack as states restrict access to the ballot,” **said Governor Murphy**. “I am proud to sign legislation that will make democracy more accessible, more transparent, and stronger in our state. New Jersey will continue to move forward as we ensure that the democratic process is secure and protected.”

“With this bill package, New Jersey continues to expand access to the ballot box and provide additional resources to our election officials, while strengthening the security of our elections,” **Secretary of State Tahesha Way said**. “The right to vote is the very foundation of our democracy and we are committed to making voting as safe, simple, and transparent as possible.”

The Governor signed the following bills into law:

A-1969/S-138 (Mukherji, Sumter, Egan/Diegnan, Greenstein) - Allows minors to serve as election workers between 5:30 a.m. and 9:00 p.m. on election days

A-3817/S-2863 (Verrelli, Benson/Zwicker, Gopal) - Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record

A-3819/S-2868 (Mukherji, Dunn, Stanley/Cryan, Gopal) - Specifies circumstances when voter will be removed from permanent vote by mail status and when ballot will be sent to primary address; requires educational campaign; makes appropriation of \$5 million

A-3820/S-2869 (Karabinchak, Jaffer, Stanley/Cryan, Gopal) - Prohibits unaffiliated mail-in voters from receiving mail-in ballot for primary election; requires election officials to provide such voters certain notices; prohibits mail-in ballot envelopes from containing visible political affiliation or designation for certain elections

A-3822/S-2865 (Coughlin, DiMaio, Stanley, Dunn, Daniels/Zwicker, Cryan) - Changes certain mail-in ballot deadlines; permits opening and canvassing of mail-in ballots prior to election day; permits pickup schedule for certain mail-in ballots; requires confirmation notice when voter changes party affiliation at MVC

A-3823/S-2867 (Sumter, Rooney, Benson, Reynolds-Jackson/Lagana, Cryan) - Requires enhanced review of death records two months prior to election; permits remote training for certain election workers; exempts election worker compensation from taxation and remuneration

A-3929/S-2899 (Mukherji, Reynolds-Jackson, Murphy/Turner, Beach) - Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return

“The only way to strengthen our democracy is to make sure we can all participate in it, and that the people have trust in the results and the process,” **said Assembly Speaker Craig J. Coughlin**. “Working together across the aisle, we accomplished just that with these new laws. By updating our voting systems to reflect the kind of world we live in today and ensuring the results reported on election night are easily understood and transparent, we safeguard the health of our democracy.”

“Protecting the public’s ability to participate fairly and freely in the electoral process is crucial,” **said Assemblyman Joe Daniels, sponsor of A-3822**. “With meaningful changes to our election infrastructure, we will be able to empower voters and ensure the way we count and report ballots remains efficient and transparent. These necessary updates will encourage and preserve public trust in our elections.”

“Reducing the potential for fraud is an absolute necessity to ensure strong, fair elections in New Jersey,” **said Assembly members Robert Karabinchak, Sadaf Jaffer, and Sterley Stanley, sponsors of the bill A-3820**. “Requiring voters who are not aligned with a political party to request a mail-in ballot for primaries will further guarantee integrity in our election process.”

“Serving as a poll worker is a unique opportunity for civic engagement for our youth. Today New Jersey will join many other states in allowing youth to work as poll workers, which can be a great experience for high school students or community youth programs,” **said Assembly members Raj Mukherji, Shavonda Sumter, and Joseph Egan, sponsors of A-1969.** “The collective of election laws signed today will strengthen our election process and increase participation of voters throughout the state.”

“New Jersey has made great strides in expanding the ways voters can cast their ballot. We continue to empower residents who want to participate in the election process,” **said Assemblywomen Verlina Reynolds Jackson and Carol Murphy, sponsors of A-3929.** “The election reforms signed into law today, supported by legislators from both sides of the aisle, will help us to ensure New Jersey elections continue to be fair, transparent, and secure.”

“Ensuring voter privacy will enhance the voter experience and strengthen their trust in our elections,” **said Assembly members Anthony Verrelli and Dan Benson, sponsors of the bill A-3817.** “These new laws are necessary steps toward ensuring a fairer election process where people will feel confident when casting their vote.”

“Lawmakers understood the democratic process could not stop, even in the midst of a pandemic. Still, there was much confusion going into the 2020 and 2021 elections. Both Republicans and Democrats saw the challenges that arose. Senate and Assembly members came together with this bill package to address those problems and strengthen voter confidence and election integrity,” **said Assembly Minority Leader John DiMaio, Assemblywoman Aura Dunn and Assemblyman Kevin J. Rooney in a joint statement.**

“Voting by mail has become increasingly popular among New Jersey residents as evidenced by our past election cycle,” **said Senator Joseph Cryan.** “By allowing early canvassing of mail-in ballots, this law (S-2865) will ensure results are available in a timely manner while maintaining and upholding election integrity.”

“Last election cycle we faced a poll worker shortage that threatened our residents’ ability to exercise their right to vote,” **said Senator Patrick Diegnan.** “This law (S-138) will alleviate this worker shortage by tapping into a new sector of the labor pool.”

“I am in support of all we can do to bolster trust in the electoral process, which is a backbone of our democracy. This law (S-2867) will help ensure the integrity and accuracy of our voting rolls and will also serve to uphold free and fair elections,” **said Senator Joseph Lagana.** “In addition, this law will bring needed flexibility for training election workers, and allow us to maintain a steady and strong roster of qualified individuals available to work on any election day.”

“This law (S-2899) guarantees that all citizens of the United States who are eligible to participate in elections are able to do so,” **said Senator Shirley K. Turner.** “Even though they may not be currently residing in the country, they are still citizens of the United States and deserve to be heard in our elections.”

“Ensuring our elections are fair and genuine is crucial in preserving our democracy,” **said Senator Andrew Zwicker.** “This law (S-2863) will guarantee that privacy is maintained through the entire voting process for our voters so that they feel secure when casting their ballots.”