

**19:63-6.1; Sec.7 APPROPRIATION et al
LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2022 **CHAPTER:** 68

NJSA: 19:63-6.1; Sec.7 APPROPRIATION et al
(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.)

BILL NO: A3819 (Substituted for S2868 (1R))

SPONSOR(S) Raj Mukherji and others

DATE INTRODUCED: 3/24/2022

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

SENATE: State Government, Wagering, Tourism & Historic Preservation
Budget and Appropriations

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 (Third Reprint enacted) Yes

A3819

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

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

SENATE: Yes Budget & Approp.

(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: No

LEGISLATIVE FISCAL ESTIMATE: Yes 5/25/2022
6/21/2022
7/1/2022

S2868 (1R)

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

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes Budget & Approp.

(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: No

LEGISLATIVE FISCAL ESTIMATE: Yes 6/30/2022
7/1/2022

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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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

P.L. 2022, CHAPTER 68, *approved July 28, 2022*
Assembly, No. 3819 (*Third Reprint*)

1 AN ACT concerning mail-in ballots and amending various parts of
2 the statutory law, supplementing Title 19 of the New Jersey
3 Statutes, and making an appropriation.

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

7
8 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as
9 follows:

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

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

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

15 The qualified voter who chooses the option to vote using a mail-
16 in ballot in all future elections shall be furnished with such a ballot
17 by the county clerk without further request on the part of the voter
18 and until the voter requests in writing that the voter no longer be
19 sent a mail-in ballot, or beginning with the 2020 general election
20 cycle, if the voter does not vote ²by mail² in four consecutive
21 ²[general election cycles] years², then the voter shall no longer be
22 furnished with a mail-in ballot for future elections and the voter
23 shall be notified in writing of the change.

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

33 The additional direct expenditures required for the
34 implementation of the provisions of this subsection as amended by

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.

³Senate SBA committee amendments adopted June 27, 2022.

1 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
2 P.L.2019, c.459 (C.19:63-29).

3 b. Not less than seven days before an election in which a voter
4 wants to vote by mail, the voter may apply to the person designated
5 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
6 application shall be in writing, shall be signed by the applicant and
7 shall state the applicant's place of voting residence and the address
8 to which the ballot shall be sent. In the case of a voter choosing to
9 have their mail-in ballot sent to a secondary address, if the ballot is
10 returned or marked undeliverable for two consecutive ²general²
11 elections, ²[including a primary election,]² then future mail-in
12 ballots shall be mailed to the voter's address where they are
13 registered to vote and the voter shall be notified in writing of the
14 change. The Secretary of State shall prepare a mail-in application
15 form and shall have the authority to promulgate any rules and
16 regulations the secretary deems necessary to effectuate the purposes
17 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 2. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is amended to
48 read as follows:

1 14. a. The clerk of each county shall add to the list of
2 registered voters receiving a mail-in ballot for all future elections
3 without further request each voter in the county who requested and
4 received a mail-in ballot for the 2016 general election, and each
5 voter who requested and received a mail-in ballot for any election
6 in 2017 and 2018 by filing a mail-in ballot application following the
7 deadline for applying for a 2016 general election mail-in ballot.
8 Each voter so added to the list shall have the option to inform the
9 clerk in writing that the voter does not wish to receive a mail-in
10 ballot automatically for all future elections.

11 b. The county clerks shall transmit to each voter who will
12 automatically receive such a ballot for all future elections pursuant
13 to subsection a. of this section a notice informing the voter that he
14 or she will automatically receive a mail-in ballot for all future
15 elections unless the voter informs the clerk in writing that he or she
16 does not wish to receive a mail-in ballot for all future elections, or
17 beginning with the 2020 general election cycle, if the voter does not
18 vote ²by mail² in four consecutive ²[general election cycles]
19 years², then the voter shall no longer be furnished with a mail-in
20 ballot for future elections and the voter shall be notified in writing
21 of the change.

22 c. The additional direct expenditures required for the
23 implementation of this section shall be offset pursuant to section 1
24 of P.L.2019, c.459 (C.19:63-29).
25 (cf: P.L.2019, c.459, s.2)

26
27 3. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read
28 as follows:

29 5. In the case of any election, the application for a mail-in
30 ballot shall be made to the county clerk. The county clerk shall
31 stamp thereon the date on which the application was received in the
32 clerk's office.

33 In the case of applications for overseas federal election voter
34 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
35 application shall be refused on the grounds that it was submitted too
36 early.

37 In the case of voter registration forms that include a selected vote
38 by mail option, a copy of each such form shall be transmitted to and
39 received by the appropriate county clerk, who shall be responsible
40 for providing mail-in ballots to each qualified voter requesting such
41 ballots for future elections, until the voter requests otherwise in
42 writing, or beginning with the 2020 general election cycle, if the
43 voter does not vote ²by mail² in four consecutive ²[general election
44 cycles] years², then the voter shall no longer be furnished with a
45 mail-in ballot for future elections and the voter shall be notified in
46 writing of the change.

47 (cf: P.L.2018, c.72, s.5)

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

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

13 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

18 You must complete the application form below and send it to the
19 county clerk where you reside or write or apply in person to the
20 county clerk where you reside to request a mail-in ballot.

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

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

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

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

37 Voters who want to vote by mail in all future elections will, after
38 their initial request and without further action on their part, be
39 provided with a mail-in ballot until the voter requests otherwise in
40 writing, or beginning with the 2020 general election cycle, if the
41 voter does not vote ²by mail² in four consecutive ²[general election
42 cycles] years², then the voter shall no longer be furnished with a
43 mail-in ballot for future elections and the voter shall be notified in
44 writing of the change.

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

1 Dated.....
2
3 (signature and title of county clerk)
4
5 (address of county clerk)
6
7 (telephone no. of county clerk)

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

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

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

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

46 Notices relating to any Statewide or countywide election shall be
47 published in at least two newspapers published in each county. All
48 officials charged with the duty of publishing such notices shall

1 publish the same in at least one newspaper published in each
2 municipality or district in which the election is to be held, or if no
3 newspaper is published in the municipality or district, then in a
4 newspaper published in the county and circulating in the
5 municipality or district. All such notices shall be display
6 advertisements.

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

8

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

11 9. a. Starting on or before the 45th day before the day an
12 election is held, each county clerk shall forward mail-in ballots by
13 first-class postage or hand delivery to each mail-in voter whose
14 request therefor has been approved. Mail-in ballots that have been
15 approved before the 45th day before an election shall be forwarded
16 or delivered at least 45 days before the day of the election. Hand
17 delivery of a mail-in ballot shall be made by the county clerk or the
18 clerk's designee only to the voter, or the voter's authorized
19 messenger, who must appear in person. No person shall serve as an
20 authorized messenger for more than three qualified voters in an
21 election, but a person may serve as such for up to five qualified
22 voters in an election if those voters are immediate family members
23 residing in the same household as the messenger. Ballots that have
24 not been hand delivered shall be addressed to the voter at the
25 forwarding address given in the application. In the case of a voter
26 choosing to have their mail-in ballot sent to a secondary address, if
27 the ballot is returned or marked undeliverable for two consecutive
28 ²general² elections, ²[including a primary election,]² then future
29 mail-in ballots shall be mailed to the voter's address where they are
30 registered to vote and the voter shall be notified in writing of the
31 change.

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

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

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

1 increase the amount to be raised by taxation by more than the
2 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
3 c.62 (C.40A:4-45.46).
4 (cf: P.L.2020, c.71, s.9)

5
6 6. (New section) ¹~~【The Division of Elections within the~~
7 ~~Department of State】~~ Each county¹ shall undertake a voter
8 education campaign ¹, through existing media such as television or
9 newspapers, through online platforms, or by mail addressed to
10 registered voters with vote by mail status,¹ to inform voters about
11 the potential of removal from permanent vote by mail status and the
12 potential change in where a mail-in ballot is sent as provided by
13 P.L. , c. (pending before the Legislature as this bill). ³The
14 Division of Elections within the Department of State shall establish
15 guidelines to be distributed to the counties for the counties to follow
16 for the purpose of carrying out the voter education campaign.³

17
18 7. There is appropriated from the State General Fund to the
19 Department of State ¹~~【\$10 million】~~ \$5 million for the purpose of
20 providing grants to counties¹ to implement the requirements of
21 section 6 of P.L. , c. (pending before the Legislature as this
22 bill).

23
24 8. This act shall take effect immediately.

25
26
27
28
29 Specifies circumstances when voter will be removed from
30 permanent vote by mail status and when ballot will be sent to
31 primary address; requires educational campaign; makes
32 appropriation of \$5 million.

ASSEMBLY, No. 3819

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

SYNOPSIS

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 \$10 million.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning mail-in ballots and amending various parts of
2 the statutory law, supplementing Title 19 of the New Jersey
3 Statutes, and making an appropriation.

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

7
8 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as
9 follows:

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

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

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

15 The qualified voter who chooses the option to vote using a mail-
16 in ballot in all future elections shall be furnished with such a ballot
17 by the county clerk without further request on the part of the voter
18 and until the voter requests in writing that the voter no longer be
19 sent a mail-in ballot, or beginning with the 2020 general election
20 cycle, if the voter does not vote in four consecutive general election
21 cycles, then the voter shall no longer be furnished with a mail-in
22 ballot for future elections and the voter shall be notified in writing
23 of the change.

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

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

37 b. Not less than seven days before an election in which a voter
38 wants to vote by mail, the voter may apply to the person designated
39 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
40 application shall be in writing, shall be signed by the applicant and
41 shall state the applicant's place of voting residence and the address
42 to which the ballot shall be sent. In the case of a voter choosing to
43 have their mail-in ballot sent to a secondary address, if the ballot is
44 returned or marked undeliverable for two consecutive elections,
45 including a primary election, then future mail-in ballots shall be

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 mailed to the voter's address where they are registered to vote and
2 the voter shall be notified in writing of the change. The Secretary
3 of State shall prepare a mail-in application form and shall have the
4 authority to promulgate any rules and regulations the secretary
5 deems necessary to effectuate the purposes of this subsection.

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

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

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

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

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

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

34

35 2. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is amended to read
36 as follows:

37 14. a. The clerk of each county shall add to the list of registered
38 voters receiving a mail-in ballot for all future elections without
39 further request each voter in the county who requested and received
40 a mail-in ballot for the 2016 general election, and each voter who
41 requested and received a mail-in ballot for any election in 2017 and
42 2018 by filing a mail-in ballot application following the deadline
43 for applying for a 2016 general election mail-in ballot. Each voter
44 so added to the list shall have the option to inform the clerk in
45 writing that the voter does not wish to receive a mail-in ballot
46 automatically for all future elections.

47 b. The county clerks shall transmit to each voter who will
48 automatically receive such a ballot for all future elections pursuant

1 to subsection a. of this section a notice informing the voter that he
2 or she will automatically receive a mail-in ballot for all future
3 elections unless the voter informs the clerk in writing that he or she
4 does not wish to receive a mail-in ballot for all future elections, or
5 beginning with the 2020 general election cycle, if the voter does not
6 vote in four consecutive general election cycles, then the voter shall
7 no longer be furnished with a mail-in ballot for future elections and
8 the voter shall be notified in writing of the change.

9 c. The additional direct expenditures required for the
10 implementation of this section shall be offset pursuant to section 1
11 of P.L.2019, c.459 (C.19:63-29).

12 (cf: P.L.2019, c.459, s.2)

13

14 3. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read as
15 follows:

16 5. In the case of any election, the application for a mail-in
17 ballot shall be made to the county clerk. The county clerk shall
18 stamp thereon the date on which the application was received in the
19 clerk's office.

20 In the case of applications for overseas federal election voter
21 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
22 application shall be refused on the grounds that it was submitted too
23 early.

24 In the case of voter registration forms that include a selected vote
25 by mail option, a copy of each such form shall be transmitted to and
26 received by the appropriate county clerk, who shall be responsible
27 for providing mail-in ballots to each qualified voter requesting such
28 ballots for future elections, until the voter requests otherwise in
29 writing, or beginning with the 2020 general election cycle, if the
30 voter does not vote in four consecutive general election cycles, then
31 the voter shall no longer be furnished with a mail-in ballot for
32 future elections and the voter shall be notified in writing of the
33 change.

34 (cf: P.L.2018, c.72, s.5)

35

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

38 6. a. The county clerk, in the case of any Statewide election,
39 countywide election, or school election in a regional or other school
40 district comprising more than one municipality; the municipal clerk,
41 in the case of any municipal election or school election in a school
42 district comprising a single municipality; and the commissioners or
43 other governing or administrative body of the district, in the case of
44 any election to be held in any fire district or other special district,
45 other than a municipality, created for specified public purposes
46 within one or more municipalities, shall publish the following
47 notice in substantially the following form:

48 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

5 You must complete the application form below and send it to the
6 county clerk where you reside or write or apply in person to the
7 county clerk where you reside to request a mail-in ballot.

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

11 No person may serve as an authorized messenger or bearer for
12 more than three qualified voters in an election, but a person may
13 serve as such for up to five qualified voters in an election if those
14 voters are immediate family members residing in the same
15 household as the messenger or bearer.

16 No person who is a candidate in the election for which the voter
17 requests a mail-in ballot may provide any assistance in the
18 completion of the ballot or serve as an authorized messenger or
19 bearer.

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

24 Voters who want to vote by mail in all future elections will, after
25 their initial request and without further action on their part, be
26 provided with a mail-in ballot until the voter requests otherwise in
27 writing, or beginning with the 2020 general election cycle, if the
28 voter does not vote in four consecutive general election cycles, then
29 the voter shall no longer be furnished with a mail-in ballot for
30 future elections and the voter shall be notified in writing of the
31 change.

32 Application forms may be obtained by applying to the
33 undersigned either in writing or by telephone, or the application
34 form provided below may be completed and forwarded to the
35 undersigned.

36 Dated.....
37
38 (signature and title of county clerk)
39
40 (address of county clerk)
41
42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
44 all information regarding overseas ballots to each overseas voter
45 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
46 seq.). The secretary shall also make available valid overseas voter
47 registration and ballot applications to any voter who is a member of
48 the armed forces of the United States and who is a permanent

1 resident of this State, or who is an overseas voter who wishes to
2 register to vote or to vote in any jurisdiction in this State. The
3 secretary shall provide such public notice as may be deemed
4 necessary to inform members of the armed forces of the United
5 States and overseas voters how to obtain valid overseas voter
6 registration and ballot applications.

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

22 c. The mail-in ballot materials shall contain a notice that any
23 person voting by mail-in ballot who has registered by mail after
24 January 1, 2003, who did not provide personal identification
25 information when registering and is voting for the first time in his
26 or her current county of residence following registration shall
27 include copies of the required identification information with the
28 mail-in ballot, and that failure to include such information shall
29 result in the rejection of the ballot.

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

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

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

43

44 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read as
45 follows:

46 9. a. Starting on or before the 45th day before the day an
47 election is held, each county clerk shall forward mail-in ballots by
48 first-class postage or hand delivery to each mail-in voter whose

1 request therefor has been approved. Mail-in ballots that have been
2 approved before the 45th day before an election shall be forwarded
3 or delivered at least 45 days before the day of the election. Hand
4 delivery of a mail-in ballot shall be made by the county clerk or the
5 clerk's designee only to the voter, or the voter's authorized
6 messenger, who must appear in person. No person shall serve as an
7 authorized messenger for more than three qualified voters in an
8 election, but a person may serve as such for up to five qualified
9 voters in an election if those voters are immediate family members
10 residing in the same household as the messenger. Ballots that have
11 not been hand delivered shall be addressed to the voter at the
12 forwarding address given in the application. In the case of a voter
13 choosing to have their mail-in ballot sent to a secondary address, if
14 the ballot is returned or marked undeliverable for two consecutive
15 elections, including a primary election, then future mail-in ballots
16 shall be mailed to the voter's address where they are registered to
17 vote and the voter shall be notified in writing of the change.

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

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

26 The provisions of this subsection shall not apply to: (a) annual
27 school elections and special school elections in those school
28 districts holding such elections, pursuant to P.L.1995, c.278
29 (C.19:60-1 et seq.); (b) any municipality in which elections are
30 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
31 (c) annual elections for members of the boards of fire district
32 commissions, pursuant to N.J.S.40A:14-72, when such elections are
33 held at a time other than the time of the general election; and (d) the
34 vote on any public question submitted to the voters of a local unit to
35 increase the amount to be raised by taxation by more than the
36 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
37 c.62 (C.40A:4-45.46).

38 (cf: P.L.2020, c.71, s.9)

39

40 6. (New section) The Division of Elections within the
41 Department of State shall undertake a voter education campaign to
42 inform voters about the potential of removal from permanent vote
43 by mail status and the potential change in where a mail-in ballot is
44 sent as provided by P.L. , c. (pending before the Legislature
45 as this bill).

46

47 7. There is appropriated from the State General Fund to the
48 Department of State \$10 million to implement the requirements of

1 section 6 of P.L. , c. (pending before the Legislature as this
2 bill).

3

4 8. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill adds a circumstance for which a voter may be removed
10 from a permanent vote by mail list and when a voter's preference
11 for where their ballot is sent may be changed.

12 The bill would remove a voter from a permanent vote by mail
13 status after a voter opted in if the voter does not vote in four
14 consecutive general election cycles beginning with the 2020
15 election cycle. The bill specifies that the voter will no longer
16 automatically receive a mail-in ballot. The bill specifies a voter
17 will be notified in writing of their change in status after the fourth
18 consecutive election cycle in which they have not voted.

19 Under current law, a voter will continue to receive a mail-in
20 ballot after opting to receive one for all future elections, until they
21 notify otherwise in writing.

22 A person will remain a registered voter under the bill. The
23 provisions of the bill may remove a voter from permanent vote by
24 mail status, not the voter roll.

25 The bill also specifies that for a voter who chooses to have their
26 mail-in ballot sent to an address other than the address for which
27 they are registered to vote, the ballot will be sent to the address for
28 which they are registered to vote if the ballot is returned or
29 undeliverable after two consecutive elections, including primary
30 elections. The bill requires a voter to be notified in writing after the
31 second consecutive election cycle when the ballot was returned or
32 undeliverable of the change in where their ballot will be sent.

33 The bill also appropriates \$10 million for the purposes of the
34 State to undertake a public education campaign to notify voters of
35 the changes to mail-in ballot procedures set forth in this bill.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3819

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 3819 with committee amendments.

This bill adds a circumstance for which a voter may be removed from a permanent vote by mail list and when a voter's preference for where their ballot is sent may be changed.

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote in four consecutive general election cycles beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot. The bill specifies a voter will be notified in writing of their change in status after the fourth consecutive election cycle in which they have not voted.

Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they notify otherwise in writing.

A person will remain a registered voter under the bill. The provisions of the bill may remove a voter from permanent vote by mail status, not the voter roll.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive elections, including primary elections. The bill requires a voter to be notified in writing after the second consecutive election cycle when the ballot was returned or undeliverable of the change in where their ballot will be sent.

As amended, the bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

COMMITTEE AMENDMENTS

The committee amended the bill to direct each county to undertake the voter education campaign made possible by providing grants to the counties, rather than an appropriation to the Division of Elections. Each county would be responsible to undertake the voter education campaign through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status. Additionally, the amendments changed the appropriation from \$10 million to \$5 million.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3819

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MAY 25, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** One-time State expenditure increase; one-time local revenue increase; annual local cost impact.
- Agencies Affected:** Department of State, counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 & Thereafter</u>
State Cost Increase	Up to \$5 million	Indeterminate
Local Revenue Increase	Up to \$5 million	Indeterminate
Local Cost Impact	---	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.
- The cost to each county to carry out the educational campaign would depend on its implementation decisions as the bill provides options for conducting the educational campaign that vary in their cost.
- The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

- There is no information available to indicate the number of voters who will receive notices about a change in their vote by mail status or a change in where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

BILL DESCRIPTION

The bill removes a voter from permanent vote by mail status if the voter does not vote in four consecutive general election cycles, beginning with the 2020 election cycle, and specifies that the voter will no longer automatically receive a mail-in ballot. The bill specifies a voter will be notified in writing of the change in status after the fourth consecutive election cycle in which the voter has not voted.

Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until the voter provides notification otherwise in writing.

The bill also specifies that for voters who choose to have their mail-in ballots sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive elections, including primary elections. The bill requires a voter to be notified in writing of the change after the second consecutive election cycle when the ballot was returned or undeliverable.

The bill appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase. The cost to each county to carry out the educational campaign would depend on its implementation decisions as the bill provides options for conducting the educational campaign that vary in their cost. The bill provides that the educational campaign should be conducted through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status, to inform them about the potential of their removal from permanent vote by mail status and the potential change in where their mail-in ballot is sent.

The OLS concludes that when counties remove voters who have not voted by mail from the permanent vote by mail list, counties will realize savings related to the printing and mailing of mail-in ballots. The counties, however, will be required to pay the cost of distributing notices to voters who will be subject to a change in their vote by mail status, or a change to where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be

determined because there is no information available to indicate the number of voters who will receive notices in a given year about the change in their vote by mail status or a change of where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

Section: State Government

*Analyst: Jessica Oestreicher
Deputy Counsel*

*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. 3819

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3819 (1R).

This bill adds a circumstance for which a voter may be removed from a permanent vote by mail list and when a voter's preference for where their ballot is sent may be changed.

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot. The bill specifies a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail.

Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they notify otherwise in writing.

A person will remain a registered voter under the bill. The provisions of the bill may remove a voter from permanent vote by mail status, not the voter roll.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

COMMITTEE AMENDMENTS

The amendments change the timing of when a person will be removed from permanent vote by mail status from after not voting in

four consecutive election cycles to not voting after four consecutive years by mail.

The amendments also change when a ballot will be sent to the voter's address where they are registered to vote from after two consecutive elections, including a primary election, to two consecutive general elections.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3819

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3819 (2R).

This bill adds a circumstance for which a voter may be removed from a permanent vote by mail list and when a voter's preference for where their ballot is sent may be changed.

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot. The bill specifies a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail.

Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they notify otherwise in writing.

A person will remain a registered voter under the bill. The provisions of the bill may remove a voter from permanent vote by mail status, not the voter roll.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3819

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 21, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** One-time State expenditure increase; one-time local revenue increase; annual local cost impact.
- Agencies Affected:** Department of State, counties.

Fiscal Impact	<u>Year 1</u>	<u>Year 2 & Thereafter</u>
State Cost Increase	Up to \$5 million	Indeterminate
Local Revenue Increase	Up to \$5 million	Indeterminate
Local Cost Impact	---	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.
- The cost to each county to carry out the educational campaign would depend on its implementation decisions as the bill provides options for conducting the educational campaign that vary in their cost.
- The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

- There is no information available to indicate the number of voters who will receive notices about a change in their vote by mail status or a change in where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

BILL DESCRIPTION

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot, and a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail. Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they provide notification otherwise in writing.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase. The cost to each county to carry out the educational campaign would depend on its implementation decisions as the bill provides options for conducting the educational campaign that vary in their cost. The bill provides that the educational campaign should be conducted through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status, to inform them about the potential of their removal from permanent vote by mail status and the potential change in where their mail-in ballot is sent.

The OLS concludes that when counties remove voters who have not voted by mail from the permanent vote by mail list, counties will realize savings related to the printing and mailing of mail-in ballots. The counties, however, will be required to pay the cost of distributing notices to voters who will be subject to a change in their vote by mail status, or a change to where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be

determined because there is no information available to indicate the number of voters who will receive notices in a given year about the change in their vote by mail status or a change of where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

Section: State Government

*Analyst: Jessica Oestreicher
Deputy Counsel*

*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 BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3819

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3819 (2R).

This bill adds a circumstance for which a voter may be removed from a permanent vote by mail list and when a voter's preference for where their ballot is sent may be changed. The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot. The bill specifies a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail.

Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they notify otherwise in writing.

A person will remain a registered voter under the bill. The provisions of the bill may remove a voter from permanent vote by mail status, not the voter roll.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

As amended and reported by the committee, Assembly Bill No. 3819 (3R) is identical to Senate Bill No 2868 (1R), as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to direct the Division of Elections in the Department of State to establish guidelines for the counties to follow for the purposes of carrying out the voter education campaign.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.

The cost to each county to carry out the educational campaign would depend on its implementation decisions, as the bill provides options for conducting the educational campaign that vary in their cost, and the guidelines provided to counties by the Department of State.

The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 3819

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 1, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** One-time State expenditure increase; one-time local revenue increase; annual local cost impact.
- Agencies Affected:** Department of State, counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 & Thereafter</u>
State Cost Increase	Up to \$5 million	Indeterminate
Local Revenue Increase	Up to \$5 million	Indeterminate
Local Cost Impact	---	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.
- The cost to each county to carry out the educational campaign would depend on the guidelines established by the Division of Elections.
- The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

- There is no information available to indicate the number of voters who will receive notices about a change in their vote by mail status or a change in where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

BILL DESCRIPTION

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot, and a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail. Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they provide notification otherwise in writing.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase. The cost to each county to carry out the educational campaign would depend on the guidelines for the educational campaign provided by the Division of Elections. The bill provides that the educational campaign should be conducted through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status, to inform them about the potential of their removal from permanent vote by mail status and the potential change in where their mail-in ballot is sent.

The OLS concludes that when counties remove voters who have not voted by mail from the permanent vote by mail list, counties will realize savings related to the printing and mailing of mail-in ballots. The counties, however, will be required to pay the cost of distributing notices to voters who will be subject to a change in their vote by mail status, or a change to where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be

determined because there is no information available to indicate the number of voters who will receive notices in a given year about the change in their vote by mail status or a change of where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

Section: State Government

*Analyst: Jessica Oestreicher
Deputy Counsel*

*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. 2868

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning mail-in ballots and amending various parts of
2 the statutory law, supplementing Title 19 of the New Jersey
3 Statutes, and making an appropriation.

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

7
8 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as
9 follows:

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

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

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

15 The qualified voter who chooses the option to vote using a mail-
16 in ballot in all future elections shall be furnished with such a ballot
17 by the county clerk without further request on the part of the voter
18 and until the voter requests in writing that the voter no longer be
19 sent a mail-in ballot, or beginning with the 2020 general election
20 cycle, if the voter does not vote by mail in four consecutive years,
21 then the voter shall no longer be furnished with a mail-in ballot for
22 future elections and the voter shall be notified in writing of the
23 change.

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

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

37 b. Not less than seven days before an election in which a voter
38 wants to vote by mail, the voter may apply to the person designated
39 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
40 application shall be in writing, shall be signed by the applicant and
41 shall state the applicant's place of voting residence and the address
42 to which the ballot shall be sent. In the case of a voter choosing to
43 have their mail-in ballot sent to a secondary address, if the ballot is
44 returned or marked undeliverable for two consecutive general
45 elections, then future mail-in ballots shall be mailed to the voter's
46 address where they are registered to vote and the voter shall be

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 notified in writing of the change. The Secretary of State shall
2 prepare a mail-in application form and shall have the authority to
3 promulgate any rules and regulations the secretary deems necessary
4 to effectuate the purposes of this subsection.

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

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

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

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

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

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

33

34 2. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is amended to
35 read as follows:

36 14. a. The clerk of each county shall add to the list of
37 registered voters receiving a mail-in ballot for all future elections
38 without further request each voter in the county who requested and
39 received a mail-in ballot for the 2016 general election, and each
40 voter who requested and received a mail-in ballot for any election
41 in 2017 and 2018 by filing a mail-in ballot application following the
42 deadline for applying for a 2016 general election mail-in ballot.
43 Each voter so added to the list shall have the option to inform the
44 clerk in writing that the voter does not wish to receive a mail-in
45 ballot automatically for all future elections.

46 b. The county clerks shall transmit to each voter who will
47 automatically receive such a ballot for all future elections pursuant
48 to subsection a. of this section a notice informing the voter that he

1 or she will automatically receive a mail-in ballot for all future
2 elections unless the voter informs the clerk in writing that he or she
3 does not wish to receive a mail-in ballot for all future elections, or
4 beginning with the 2020 general election cycle, if the voter does not
5 vote by mail in four consecutive years, then the voter shall no
6 longer be furnished with a mail-in ballot for future elections and the
7 voter shall be notified in writing of the change.

8 c. The additional direct expenditures required for the
9 implementation of this section shall be offset pursuant to section 1
10 of P.L.2019, c.459 (C.19:63-29).

11 (cf: P.L.2019, c.459, s.2)

12

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

15 5. In the case of any election, the application for a mail-in
16 ballot shall be made to the county clerk. The county clerk shall
17 stamp thereon the date on which the application was received in the
18 clerk's office.

19 In the case of applications for overseas federal election voter
20 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
21 application shall be refused on the grounds that it was submitted too
22 early.

23 In the case of voter registration forms that include a selected vote
24 by mail option, a copy of each such form shall be transmitted to and
25 received by the appropriate county clerk, who shall be responsible
26 for providing mail-in ballots to each qualified voter requesting such
27 ballots for future elections, until the voter requests otherwise in
28 writing, or beginning with the 2020 general election cycle, if the
29 voter does not vote by mail in four consecutive years, then the voter
30 shall no longer be furnished with a mail-in ballot for future
31 elections and the voter shall be notified in writing of the change.

32 (cf: P.L.2018, c.72, s.5)

33

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

36 6. a. The county clerk, in the case of any Statewide election,
37 countywide election, or school election in a regional or other school
38 district comprising more than one municipality; the municipal clerk,
39 in the case of any municipal election or school election in a school
40 district comprising a single municipality; and the commissioners or
41 other governing or administrative body of the district, in the case of
42 any election to be held in any fire district or other special district,
43 other than a municipality, created for specified public purposes
44 within one or more municipalities, shall publish the following
45 notice in substantially the following form:

46 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

47 If you are a qualified and registered voter of the State who wants
48 to vote by mail in the..... (school, municipal, primary,

1 general, or other) election to be held on..... (date of
2 election), the following applies:

3 You must complete the application form below and send it to the
4 county clerk where you reside or write or apply in person to the
5 county clerk where you reside to request a mail-in ballot.

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

9 No person may serve as an authorized messenger or bearer for
10 more than three qualified voters in an election, but a person may
11 serve as such for up to five qualified voters in an election if those
12 voters are immediate family members residing in the same
13 household as the messenger or bearer.

14 No person who is a candidate in the election for which the voter
15 requests a mail-in ballot may provide any assistance in the
16 completion of the ballot or serve as an authorized messenger or
17 bearer.

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

22 Voters who want to vote by mail in all future elections will, after
23 their initial request and without further action on their part, be
24 provided with a mail-in ballot until the voter requests otherwise in
25 writing, or beginning with the 2020 general election cycle, if the
26 voter does not vote by mail in four consecutive years, then the voter
27 shall no longer be furnished with a mail-in ballot for future
28 elections and the voter shall be notified in writing of the change.

29 Application forms may be obtained by applying to the
30 undersigned either in writing or by telephone, or the application
31 form provided below may be completed and forwarded to the
32 undersigned.

33 Dated.....
34
35 (signature and title of county clerk)
36
37 (address of county clerk)
38
39 (telephone no. of county clerk)

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

1 necessary to inform members of the armed forces of the United
2 States and overseas voters how to obtain valid overseas voter
3 registration and ballot applications.

4 (2) The Secretary of State shall undertake a program to inform
5 voters in this State about their eligibility to vote by mail pursuant to
6 this act. Dissemination of this information shall be included in the
7 standard notices required by this section and other provisions of
8 current law, including but not limited to the notice requirements of
9 R.S.19:12-7, and shall be effectuated by such means as the secretary
10 deems appropriate and to the extent that funds for such
11 dissemination are appropriated including, but not limited to, by
12 means of Statewide or local electronic media, public service
13 announcements broadcast by such media, notices on the Internet site
14 of the Department of State or any other department or agency of the
15 Executive Branch of State government or its political subdivisions
16 deemed appropriate by the secretary, and special mailings or notices
17 in newspapers or other publications circulating in the counties or
18 municipalities of this State.

19 c. The mail-in ballot materials shall contain a notice that any
20 person voting by mail-in ballot who has registered by mail after
21 January 1, 2003, who did not provide personal identification
22 information when registering and is voting for the first time in his
23 or her current county of residence following registration shall
24 include copies of the required identification information with the
25 mail-in ballot, and that failure to include such information shall
26 result in the rejection of the ballot.

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

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

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

40

41 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
42 as follows:

43 9. a. Starting on or before the 45th day before the day an
44 election is held, each county clerk shall forward mail-in ballots by
45 first-class postage or hand delivery to each mail-in voter whose
46 request therefor has been approved. Mail-in ballots that have been
47 approved before the 45th day before an election shall be forwarded
48 or delivered at least 45 days before the day of the election. Hand

1 delivery of a mail-in ballot shall be made by the county clerk or the
2 clerk's designee only to the voter, or the voter's authorized
3 messenger, who must appear in person. No person shall serve as an
4 authorized messenger for more than three qualified voters in an
5 election, but a person may serve as such for up to five qualified
6 voters in an election if those voters are immediate family members
7 residing in the same household as the messenger. Ballots that have
8 not been hand delivered shall be addressed to the voter at the
9 forwarding address given in the application. In the case of a voter
10 choosing to have their mail-in ballot sent to a secondary address, if
11 the ballot is returned or marked undeliverable for two consecutive
12 general elections, then future mail-in ballots shall be mailed to the
13 voter's address where they are registered to vote and the voter shall
14 be notified in writing of the change.

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

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

23 The provisions of this subsection shall not apply to: (a) annual
24 school elections and special school elections in those school
25 districts holding such elections, pursuant to P.L.1995, c.278
26 (C.19:60-1 et seq.); (b) any municipality in which elections are
27 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
28 (c) annual elections for members of the boards of fire district
29 commissions, pursuant to N.J.S.40A:14-72, when such elections are
30 held at a time other than the time of the general election; and (d) the
31 vote on any public question submitted to the voters of a local unit to
32 increase the amount to be raised by taxation by more than the
33 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
34 c.62 (C.40A:4-45.46).

35 (cf: P.L.2020, c.71, s.9)

36

37 6. (New section) Each county shall undertake a voter education
38 campaign, through existing media such as television or newspapers,
39 through online platforms, or by mail addressed to registered voters
40 with vote by mail status, to inform voters about the potential of
41 removal from permanent vote by mail status and the potential
42 change in where a mail-in ballot is sent as provided by
43 P.L. , c. (pending before the Legislature as this bill).

44

45 7. There is appropriated from the State General Fund to the
46 Department of State \$5 million for the purpose of providing grants
47 to counties to implement the requirements of section 6 of
48 P.L. , c. (pending before the Legislature as this bill).

1 8. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill adds a circumstance for which a voter may be removed
7 from a permanent vote by mail list and when a voter's preference for
8 where their ballot is sent may be changed.

9 The bill would remove a voter from a permanent vote by mail
10 status after a voter opted in if the voter does not vote by mail for four
11 consecutive years beginning with the 2020 election cycle. The bill
12 specifies that the voter will no longer automatically receive a mail-in
13 ballot. The bill specifies a voter will be notified in writing of their
14 change in status after the fourth consecutive year in which they have
15 not voted by mail.

16 Under current law, a voter will continue to receive a mail-in ballot
17 after opting to receive one for all future elections, until they notify
18 otherwise in writing.

19 A person will remain a registered voter under the bill. The
20 provisions of the bill may remove a voter from permanent vote by mail
21 status, not the voter roll.

22 The bill also specifies that for a voter who chooses to have their
23 mail-in ballot sent to an address other than the address for which they
24 are registered to vote, the ballot will be sent to the address for which
25 they are registered to vote if the ballot is returned or undeliverable
26 after two consecutive general elections. The bill requires a voter to be
27 notified in writing after the second consecutive general election when
28 the ballot was returned or undeliverable of the change in where their
29 ballot will be sent.

30 The bill also appropriates \$5 million for the purposes of providing
31 grants to counties to undertake a public education campaign to notify
32 voters of the changes to mail-in ballot procedures set forth in this bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2868

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2868, with committee amendments.

This bill adds a circumstance for which a voter may be removed from a permanent vote by mail list and when a voter's preference for where their ballot is sent may be changed. The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot. The bill specifies a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail.

Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they notify otherwise in writing.

A person will remain a registered voter under the bill. The provisions of the bill may remove a voter from permanent vote by mail status, not the voter roll.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

As amended and reported by the committee, Senate Bill No. 2868 (1R) is identical to Assembly Bill No. 3819 (3R), as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to direct the Division of Elections in the Department of State to establish guidelines for the counties to follow for the purposes of carrying out the voter education campaign.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.

The cost to each county to carry out the educational campaign would depend on its implementation decisions, as the bill provides options for conducting the educational campaign that vary in their cost, and the guidelines provided to counties by the Department of State.

The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2868
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 30, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** One-time State expenditure increase; one-time local revenue increase; annual local cost impact
- Agencies Affected:** Department of State, counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 & Thereafter</u>
State Cost Increase	Up to \$5 million	Indeterminate
Local Revenue Increase	Up to \$5 million	Indeterminate
Local Cost Impact	---	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.
- The cost to each county to carry out the educational campaign would depend on its implementation decisions as the bill provides options for conducting the educational campaign that vary in their cost.
- The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

- There is no information available to indicate the number of voters who will receive notices about a change in their vote by mail status or a change in where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

BILL DESCRIPTION

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot, and a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail. Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they provide notification otherwise in writing.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase. The cost to each county to carry out the educational campaign would depend on its implementation decisions as the bill provides options for conducting the educational campaign that vary in their cost. The bill provides that the educational campaign should be conducted through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status, to inform them about the potential of their removal from permanent vote by mail status and the potential change in where their mail-in ballot is sent.

The OLS concludes that when counties remove voters who have not voted by mail from the permanent vote by mail list, counties will realize savings related to the printing and mailing of mail-in ballots. The counties, however, will be required to pay the cost of distributing notices to voters who will be subject to a change in their vote by mail status, or a change to where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be

determined because there is no information available to indicate the number of voters who will receive notices in a given year about the change in their vote by mail status or a change of where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

Section: State Government

*Analyst: Jessica Oestreicher
Deputy Counsel*

*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.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2868 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 1, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** One-time State expenditure increase; one-time local revenue increase; annual local cost impact.
- Agencies Affected:** Department of State, counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 & Thereafter</u>
State Cost Increase	Up to \$5 million	Indeterminate
Local Revenue Increase	Up to \$5 million	Indeterminate
Local Cost Impact	---	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase.
- The cost to each county to carry out the educational campaign would depend on the guidelines established by the Division of Elections.
- The bill will also impact annual county expenditures. When counties remove voters from the permanent vote by mail list, they will realize savings related to the printing and mailing of mail-in ballots. On the other hand, counties will be required to pay the cost of printing and distributing notices to voters who will be subject to a change in their vote by mail status or when notifying them about a change in where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be determined.

- There is no information available to indicate the number of voters who will receive notices about a change in their vote by mail status or a change in where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

BILL DESCRIPTION

The bill would remove a voter from a permanent vote by mail status after a voter opted in if the voter does not vote by mail for four consecutive years beginning with the 2020 election cycle. The bill specifies that the voter will no longer automatically receive a mail-in ballot, and a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted by mail. Under current law, a voter will continue to receive a mail-in ballot after opting to receive one for all future elections, until they provide notification otherwise in writing.

The bill also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The bill requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable of the change in where their ballot will be sent.

The bill also appropriates \$5 million for the purposes of providing grants to counties to undertake a public education campaign to notify voters of the changes to mail-in ballot procedures set forth in this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in a one-time \$5 million increase in expenditures for the State to provide grants to counties to undertake a public education campaign to notify voters of potential changes to their vote by mail status and potential changes to where their mail-in ballots are sent. These grant monies, in turn, will constitute a one-time county revenue increase. The cost to each county to carry out the educational campaign would depend on the guidelines for the educational campaign provided by the Division of Elections. The bill provides that the educational campaign should be conducted through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status, to inform them about the potential of their removal from permanent vote by mail status and the potential change in where their mail-in ballot is sent.

The OLS concludes that when counties remove voters who have not voted by mail from the permanent vote by mail list, counties will realize savings related to the printing and mailing of mail-in ballots. The counties, however, will be required to pay the cost of distributing notices to voters who will be subject to a change in their vote by mail status, or a change to where their ballot is sent. The net effect on annual county expenditures of these countervailing actions cannot be

determined because there is no information available to indicate the number of voters who will receive notices in a given year about the change in their vote by mail status or a change of where their ballot is sent; thus, a specific estimate of the potential annual net cost increase or savings for the counties cannot be made at this time.

Section: State Government

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Deputy Counsel*

*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.”