

19:23-45 & 19:23-45.1; 19:62-2; 19:63-7 et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 69

NJSA: 19:23-45 & 19:23-45.1; 19:62-2; 19:63-7 et al
(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 f)

BILL NO: A3820 (Substituted for S2869)

SPONSOR(S) Robert J. Karabinchak 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: 6/16/2022

SENATE: 6/29/2022

DATE OF APPROVAL: 7/28/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third Reprint enacted) Yes

A3820

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 5/27/2022
6/16/2022

S2869

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 6/29/2022

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 69, *approved July 28, 2022*
Assembly, No. 3820 (*Third Reprint*)

1 AN ACT concerning unaffiliated mail-in voters during a primary
2 election¹, political affiliation or designation on mail-in ballot
3 ²~~outer~~² envelopes,¹ and amending ¹~~[R.S.19:23-45 and~~
4 P.L.1976, c.16] various parts of the statutory law¹.
5

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

9 ³~~1.~~ R.S.19:23-45 is amended to read as follows:
10 19:23-45. No voter shall be allowed to vote at the primary
11 election unless his name appears in the signature copy register.

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

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

37 ²~~[Notwithstanding the provisions of this section, or any law,~~
38 rule, or regulation to the contrary, a] ²~~A~~ voter who is listed to

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted May 12, 2022.

²Assembly AJU committee amendments adopted June 9, 2022.

³Assembly AAP committee amendments adopted June 13, 2022.

1 receive mail-in ballots for all future elections, pursuant to the
2 provisions of section 3 of P.L.2009, c.79 (C.19:63-3) or section 14
3 of P.L.2018, c.72 (C.19:63-3.1), and who is not affiliated with any
4 political party, shall ²[not]² receive a ²[mail-in ballot for a primary
5 election. A voter who is not affiliated with any political party who
6 wishes to vote by mail-in ballot in the primary election of a political
7 party shall apply to the county clerk in the manner and within the
8 timeframe specified under section 3 of P.L.2009, c.79 (C.19:63-3)
9 for the ballot of the political party in whose primary the voter
10 wishes to vote, or designate a political party affiliation for the first
11 time by whatever means permitted by law. Nothing in this section
12 shall be construed to prohibit any unaffiliated mail-in voter from
13 voting in-person by provisional ballot and affiliate with a political
14 party at a polling place on the day of the primary election.

15 A voter who is listed to receive mail-in ballots for all future
16 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
17 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
18 is not affiliated with any political party shall receive a notification
19 that the voter is not affiliated with any political party and shall not
20 receive a primary ballot for a primary election of a political party.
21 The notification shall include instructions on how to register with a
22 political party through a² political party affiliation declaration
23 form and ²[instructions on] information concerning² how to vote in
24 person ²[by provisional ballot]² and affiliate with a political party
25 at a polling place on the day of a primary election. The Secretary of
26 State shall cause to be prepared uniform language for such
27 notifications. The commissioners of registration of the several
28 counties and the clerks of the municipalities within such counties
29 shall distribute such ²[notifications] forms and information² to
30 ²[a] such² registered ²[voter who is not affiliated with any political
31 party] voters².

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

37 A voter may declare the voter's party affiliation or change the
38 voter's party affiliation, or declare that the voter is unaffiliated with
39 any party regardless of any previously declared party affiliation, by
40 so indicating on a political party declaration form filed with the
41 municipal clerk or the county commissioner of registration. A voter
42 may also indicate that the voter wishes to declare a political party
43 affiliation or that the voter does not want to declare a political party
44 affiliation on a voter registration form filed at the time of initial
45 registration.

46 Any person voting in the primary ballot box of any political
47 party in any primary election in contravention of the election law
48 shall be guilty of a disorderly persons offense, and any person who

1 aids or assists any such person in such violation by means of public
2 proclamation or order, or by means of any public or private
3 direction or suggestions, or by means of any help or assistance or
4 cooperation, shall likewise be guilty of a disorderly persons offense.
5 (cf: P.L.2011, c.134, s.27)】³

6
7 ³【2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
8 read as follows:

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

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

18 (a) no voter, except a newly registered voter at the first primary
19 at which he is eligible to vote, or a voter who has not previously
20 voted in a primary election may vote in a primary election of a
21 political party unless he was deemed to be a member of that party
22 on the 55th day next preceding such primary election【. It shall
23 further inform the reader thereof that】;

24 (b) a voter who is listed to receive mail-in ballots for all future
25 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
26 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
27 is not affiliated with any political party shall ²【not】² receive a
28 ²【mail-in ballot for a primary election. A voter who is not affiliated
29 with any political party who wishes to vote by mail-in ballot in the
30 primary election of a political party shall apply to the county clerk
31 in the manner and within the timeframe specified under section 3 of
32 P.L.2009, c.79 (C.19:63-3) for the ballot of the political party in
33 whose primary the voter wishes to vote, or designate a】² political
34 party affiliation ²【for the first time by whatever means permitted by
35 law. An unaffiliated mail-in voter shall be permitted to vote in
36 person by provisional ballot and affiliate with a political party at a
37 polling place on the day of the primary election】 declaration form²;
38 and

39 (c) a voter who votes in the primary election of a political party,
40 or who signs and files with the municipal clerk or the county
41 commissioner of registration a declaration that he desires to vote in
42 the primary election of a political party, or who indicates on a voter
43 registration form the voter's choice of political party affiliation and
44 submits the form to the commissioner of registration of the county
45 wherein the voter resides, to the employees or agents of a public
46 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
47 (C.19:31-6.3), or a voter registration agency, as defined in
48 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to

1 the Secretary of State, shall be deemed to be a member of that party
2 until the voter signs and files with the municipal clerk or the
3 commissioner of registration a declaration that he desires to vote in
4 the primary election of another political party, at which time he
5 shall be deemed to be a member of such other political party, or that
6 the voter chooses not to be affiliated with any political party.

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

10 (cf: P.L.2011, c.134, s.28)]³

11

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

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

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

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

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

1 political party and how to vote in person at a polling place on the
2 day of a primary election. The Secretary of State shall cause to be
3 prepared uniform language for such notifications. The
4 commissioners of registration and the county clerks of the several
5 counties and the clerks of the municipalities within such counties
6 shall distribute such forms and information to such registered
7 voters.

8 A member of the county committee of a political party and a
9 public official or public employee holding any office or public
10 employment to which **[he]** the person has been elected or appointed
11 as a member of a political party shall be deemed a member of such
12 political party.

13 A voter may declare the voter's party affiliation or change the
14 voter's party affiliation, or declare that the voter is unaffiliated with
15 any party regardless of any previously declared party affiliation, by
16 so indicating on a political party declaration form filed with the
17 municipal clerk or the county commissioner of registration. A voter
18 may also indicate that the voter wishes to declare a political party
19 affiliation or that the voter does not want to declare a political party
20 affiliation on a voter registration form filed at the time of initial
21 registration.

22 Any person voting in the primary ballot box of any political
23 party in any primary election in contravention of the election law
24 shall be guilty of a disorderly persons offense, and any person who
25 aids or assists any such person in such violation by means of public
26 proclamation or order, or by means of any public or private
27 direction or suggestions, or by means of any help or assistance or
28 cooperation, shall likewise be guilty of a disorderly persons
29 offense.³

30 (cf: P.L.2011, c.134, s.27)

31

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

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

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

43 (a) no voter, except a newly registered voter at the first primary
44 at which **[he]** the voter is eligible to vote, or a voter who has not
45 previously voted in a primary election may vote in a primary
46 election of a political party unless **[he]** the voter was deemed to be
47 a member of that party on the 55th day next preceding such primary
48 election**]. It shall further inform the reader thereof that]:**

1 **(b) a voter who is listed to receive mail-in ballots for all future**
 2 **elections, pursuant to the provisions of section 3 of P.L.2009, c.79**
 3 **(C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who**
 4 **is not affiliated with any political party shall not receive a mail-in**
 5 **ballot for a primary election. Such unaffiliated mail-in voters shall**
 6 **receive a political party affiliation declaration form and information**
 7 **concerning how to affiliate with a political party and how to vote in**
 8 **person at a polling place on the day of a primary election; and**

9 **(c) a voter who votes in the primary election of a political party,**
 10 **or who signs and files with the municipal clerk or the county**
 11 **commissioner of registration a declaration that [he] the voter**
 12 **desires to vote in the primary election of a political party, or who**
 13 **indicates on a voter registration form the voter's choice of political**
 14 **party affiliation and submits the form to the commissioner of**
 15 **registration of the county wherein the voter resides, to the**
 16 **employees or agents of a public agency, as defined in subsection a.**
 17 **of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration**
 18 **agency, as defined in subsection a. of section 26 of P.L.1994, c.182**
 19 **(C.19:31-6.11) or to the Secretary of State, shall be deemed to be a**
 20 **member of that party until the voter signs and files with the**
 21 **municipal clerk or the commissioner of registration a declaration**
 22 **that [he] the voter desires to vote in the primary election of another**
 23 **political party, at which time [he] the voter shall be deemed to be a**
 24 **member of such other political party, or that the voter chooses not**
 25 **to be affiliated with any political party.**

26 **(2) The notice shall also state the time and location where a**
 27 **person may obtain political party affiliation declaration forms or**
 28 **voter registration forms.³**
 29 **(cf: P.L.2011, c.134, s.28)**

30
 31 ¹3. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
 32 as follows:

33 2. If an election by mail is authorized pursuant to section 1 of
 34 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

35 a. publish, in advance of the election and pursuant to rules and
 36 regulations promulgated by the Secretary of State, official notice
 37 that the election shall be conducted by mail together with such other
 38 information regarding the conduct of the election as shall be
 39 deemed necessary by the Secretary of State;

40 b. mail a ballot, including an outer envelope and an inner
 41 envelope substantially similar to the envelopes provided for mail-in
 42 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
 43 and C.19:63-13), not sooner than the 20th day prior to the day of
 44 the election nor later than the 14th day prior to the day of the
 45 election, to each person registered to vote in the municipality at that
 46 election, ensuring that², except for a primary election for the
 47 general election,² the ²[outer] delivery² envelope ²[and] , which
 48 is² the envelope that is used to mail the blank ballot, ²the² outer

1 envelope, and ²the² inner envelope to each voter shall not contain
2 any political affiliation or designation visible to the public on the
3 envelope's exterior;

4 c. designate the county clerk's office or the municipal clerk's
5 office as the places to obtain a replacement ballot pursuant to
6 section 5 of P.L.2005, c.148 (C.19:62-5);

7 d. designate, after consultation with the county board of
8 elections and pursuant to criteria established by the Secretary of
9 State, places within the county or municipality that shall be
10 available for the deposit of voted ballots for the election;

11 e. make a provisional ballot available at the office of the
12 county clerk and the office of the municipal clerk so that each
13 person who has been a resident of the county or municipality in
14 which the person seeks to register and vote at least 21 days prior to
15 the day of the election and has moved to a location within the
16 municipality after that 21st day and prior to the day of the election
17 may vote;

18 f. suspend distribution to each registered voter in the
19 municipality of samples of the official ballot of any election, but
20 distribute to each registered voter in the municipality with each
21 ballot a copy of the voter information notice provided for in section
22 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
23 by the Secretary of State as deemed appropriate for use in
24 municipalities conducting elections by mail, and such instruction
25 about the completion of the ballot as deemed necessary by the
26 Secretary of State;

27 g. make certain that all qualified voters in the municipality
28 requesting a mail-in ballot between the 45th day and the 21st day
29 prior to the day of an election receive such ballot after the 20th day
30 prior to the day of an election and voters requesting a ballot on or
31 before the seventh day prior to the date of the election shall receive
32 a ballot authorized pursuant to this section; and

33 h. establish, after consultation with the county board of
34 elections and in accordance with rules and regulations adopted by
35 the Secretary of State, the time by which all ballots must be
36 received by the board on the day of an election to be considered
37 valid and counted.¹

38 (cf: P.L.2011, c.37, s.29)

39

40 ²[¹4. Section 7 of P.L.2005, c.148 (C.19:62-7) is amended to
41 read as follows:

42 7. For a primary election for the general election:

43 a. the county clerk shall mail the ballot of a political party to
44 each voter in the municipality who is registered as being affiliated
45 with the political party as of the 21st day before the day of the
46 primary election; and

47 b. a voter who is not affiliated with any political party who
48 wishes to vote in the primary of a political party shall apply to the

1 county clerk or municipal clerk in writing for the ballot of the
2 political party in whose primary the voter wishes to vote, or
3 designate a political party affiliation for the first time by whatever
4 means permitted by law, and the application or designation shall be
5 presented to the clerk through the day of the election.

6 c. The county clerk shall ensure that the outer envelope and the
7 envelope that is used to mail the blank ballot, outer envelope, and
8 inner envelope to each voter shall not contain any political
9 affiliation or designation visible to the public on the envelope's
10 exterior.¹

11 (cf: P.L.2005, c.148, s.7)]²

12
13 ²[^{15.} 4.² Section 7 of P.L.2009, c.79 (C.19:63-7) is amended
14 to read as follows:

15 7. a. Each county clerk shall have printed sufficient mail-in
16 ballots for each primary election for the general election, and for
17 the general election. Along with such ballots the clerk shall also
18 furnish inner and outer envelopes and printed directions for the
19 preparation and transmitting of such ballots used in the election in
20 the county. ²[Each] Except for any primary election for the general
21 election, each² county clerk shall ensure that the ²[outer] delivery²
22 envelope ²[and] , which is² the envelope that is used to mail the
23 blank ballot, ²the² outer envelope, and ²the² inner envelope to each
24 voter shall not contain any political affiliation or designation visible
25 to the public on the envelope's exterior.

26 b. The mail-in ballots shall be printed on paper of a different
27 color from that used for any primary or general election ballot, but
28 in all other respects, shall be as nearly as possible facsimiles of the
29 election ballot to be voted at the election.¹

30 (cf: P.L.2011, c.134, s.51)

31
32 ²[^{16.} 5.² Section 12 of P.L.2009, c.79 (C.19:63-12) is amended
33 to read as follows:

34 12. Each county clerk shall send, with each mail-in ballot,
35 printed directions for the preparation and transmitting of the ballots
36 as required by this act. The directions shall be printed in such
37 manner and form as the Secretary of State shall require, together
38 with two envelopes of such sizes that one will contain the other.
39 The directions prepared by the Secretary of State shall inform the
40 voter that the status of the voter's mail-in ballot may be checked
41 using the free-access system provided in section 5 of P.L.2004, c.88
42 (C.19:61-5). ²[Each] Except for a primary election for the general
43 election, each² county clerk shall ensure that the ²[outer] delivery²
44 envelope ²[and] , which is² the envelope that is used to mail the
45 blank ballot, ²the² outer envelope, and ²the² inner envelope to each
46 voter shall not contain any political affiliation or designation visible
47 to the public on the envelope's exterior.

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

7 To protect your vote:

8 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
9 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
10 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
11 IS COMPLETED:

12 Ballot mailed or transported by
13 (signature of bearer)
14 (print name of bearer)
15 (address of bearer)

16 The reserve side of the outer envelope shall contain the
17 following:

18 REMINDER

19 For your vote to count, you must:

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

22 2) Seal the envelope.

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

25 4) If another person will be mailing your ballot or bringing it to
26 the board of elections, MAKE CERTAIN THAT PERSON
27 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
28 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
29 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
30 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
31 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
32 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
33 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
34 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
35 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF
36 THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS
37 RESIDING IN THE SAME HOUSEHOLD AS THE BEARER.

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

41 The inner envelope shall be so designed that it can be sealed
42 after the mail-in ballot has been placed therein and the flap thereof
43 shall be of such length and size as to leave sufficient margin, after
44 sealing, for the printing thereon of the certificate hereinafter
45 described. The flap shall be so arranged that, after the inner
46 envelope has been sealed, the certificate can be contained, with the
47 inner envelope, in the outer envelope, and that the margin

1 containing the certificate can be detached without unsealing the
2 inner envelope.

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

7 To protect your vote:

8 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
9 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS
10 BALLOT.

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

12 The reverse side of each inner envelope shall contain the
13 following statement:

14 A PERSON MAY BE FINED AND IMPRISONED AND MAY
15 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY
16 LAW if that person attempts to vote fraudulently by mail-in ballot,
17 prevents the voting of a legal voter, certifies falsely any
18 information, interferes with a person's secrecy of voting, tampers
19 with ballots or election documents or helps another person to do
20 so.¹

21 (cf: P.L.2020, c.71, s.10)

22

23 ²[¹⁷.] 6.² Section 13 of P.L.2009, c.79 (C.19:63-13) is amended
24 to read as follows:

25 13. a. On the margin of the flap on the inner envelopes to be
26 sent to mail-in voters there shall be printed a certificate in the
27 following form:

28 CERTIFICATE OF MAIL-IN VOTER

29 I,, whose home address is

30 (print your name clearly) (street

31, DO HEREBY CERTIFY,

32 address or R.D. number) (municipality) subject to the penalties for
33 fraudulent voting, that I am the person who applied for the enclosed
34 ballot. I MARKED AND SEALED THIS BALLOT AND
35 CERTIFICATE IN SECRET. However, a family member may
36 assist me in doing so.

37

38 (signature of voter)

39 Any person providing assistance shall complete the following:

40 I do hereby certify that I am the person who provided assistance
41 to this voter and declare that I will maintain the secrecy of this
42 ballot.

43

44 (signature of person providing
45 assistance)

46

47 (printed name of person providing
48 assistance)

1
 2
 3 (address of person providing
 4 assistance)

5 b. On the margin of the flap on the inner envelope forwarded
 6 with any mail-in ballot intended to be voted in any primary election
 7 for the general election, as the case may be, there shall be printed a
 8 certificate in the following form:

9 CERTIFICATE OF MAIL-IN VOTER

10 I,, whose home address is.....
 11 (print your name clearly) (street address or R.D. number)
 12 (municipality)

13, DO HEREBY CERTIFY,
 14 subject to the penalties for fraudulent voting, that I am the person
 15 who applied for the enclosed ballot for the primary election of the
 16 political party. I MARKED AND SEALED THIS BALLOT
 17 AND CERTIFICATE IN SECRET. However, a family member may
 18 assist me in doing so.

19
 20 (signature of voter)

21 Any person providing assistance shall complete the following:

22 I do hereby certify that I am the person who provided assistance
 23 to this voter and declare that I will maintain the secrecy of this
 24 ballot.

25
 26 (signature of person providing
 27 assistance)

28
 29 (printed name of person
 30 providing assistance)

31
 32
 33 (address of person providing
 34 assistance)

35 c. The clerk of each county shall be permitted to print on or
 36 affix to the margin of the flap on the inner envelope of the mail-in
 37 ballot transmitted thereby to a mail-in ballot voter an alternative
 38 certificate, substantially similar to the certificate provided for by
 39 subsection a. or b. of this section, that permits the voter to certify
 40 the correctness of the voter's name, street, mailing address or R.D.
 41 number, and municipality as it appears on the label of the mail-in
 42 ballot received by the voter.

43 d. The certificates specified under subsections a., b., and c. of
 44 this section shall also provide spaces for the voter's telephone
 45 number and email address, including language informing the voter
 46 that this contact information will be used to contact the voter
 47 concerning the acceptance or rejection of the ballot, and how the
 48 voter may cure a defect. A voter's telephone number and email

1 address shall not be subject to public disclosure and shall not be
2 considered a public record.

3 e. ²~~Each~~ Except for a primary election for the general
4 election, each² county clerk shall ensure that any political affiliation
5 or designation on the inner envelope provided to each voter shall
6 not be visible to the public on the outer envelope's exterior.¹

7 (cf: P.L.2020, c.70, s.9)

8

9 ¹~~3. This~~ ²~~8.] 7.~~² Sections 1 and 2 of this¹ act shall take
10 effect immediately ¹and sections 3 through ²~~7] 6~~² shall take effect
11 on January 1 next following the date of enactment¹.

12

13

14

15

16 Prohibits unaffiliated mail-in voters from receiving mail-in ballot
17 for primary election; requires election officials to provide such
18 voters certain notices; prohibits mail-in ballot envelopes from
19 containing visible political affiliation or designation for certain
20 elections.

ASSEMBLY, No. 3820

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman SADAF F. JAFFER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblymen Stanley and Danielsen

SYNOPSIS

Requires unaffiliated voter to request mail-in ballot for primary election and declare political party affiliation; requires election officials notify unaffiliated voters of unaffiliated status.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/2/2022)

1 AN ACT concerning unaffiliated mail-in voters during a primary
2 election and amending R.S.19:23-45 and P.L.1976, c.16.

3

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

6

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

8 19:23-45. No voter shall be allowed to vote at the primary
9 election unless his name appears in the signature copy register.

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

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

35 Notwithstanding the provisions of this section, or any law, rule,
36 or regulation to the contrary, a voter who is listed to receive mail-in
37 ballots for all future elections, pursuant to the provisions of section
38 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72
39 (C.19:63-3.1), and who is not affiliated with any political party,
40 shall not receive a mail-in ballot for a primary election. A voter
41 who is not affiliated with any political party who wishes to vote by
42 mail-in ballot in the primary election of a political party shall apply
43 to the county clerk in the manner and within the timeframe
44 specified under section 3 of P.L.2009, c.79 (C.19:63-3) for the
45 ballot of the political party in whose primary the voter wishes to
46 vote, or designate a political party affiliation for the first time by
47 whatever means permitted by law. Nothing in this section 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 construed to prohibit any unaffiliated mail-in voter from voting in-
2 person by provisional ballot and affiliate with a political party at a
3 polling place on the day of the primary election.

4 A voter who is listed to receive mail-in ballots for all future
5 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
6 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
7 is not affiliated with any political party shall receive a notification
8 that the voter is not affiliated with any political party and shall not
9 receive a primary ballot for a primary election of a political party.
10 The notification shall include instructions on how to register with a
11 political party through a political party affiliation declaration form
12 and instructions on how to vote in person by provisional ballot and
13 affiliate with a political party at a polling place on the day of a
14 primary election. The Secretary of State shall cause to be prepared
15 uniform language for such notifications. The commissioners of
16 registration of the several counties and the clerks of the
17 municipalities within such counties shall distribute such
18 notifications to a registered voter who is not affiliated with any
19 political party.

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

25 A voter may declare the voter's party affiliation or change the
26 voter's party affiliation, or declare that the voter is unaffiliated with
27 any party regardless of any previously declared party affiliation, by
28 so indicating on a political party declaration form filed with the
29 municipal clerk or the county commissioner of registration. A voter
30 may also indicate that the voter wishes to declare a political party
31 affiliation or that the voter does not want to declare a political party
32 affiliation on a voter registration form filed at the time of initial
33 registration.

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

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

45 2. a. The county commissioner of registration in each of the
46 several counties shall cause a notice to be published in each
47 municipality of their respective counties in a newspaper or
48 newspapers circulating therein. The notice to be so published shall

1 be published once during each of the two calendar weeks next
2 preceding the week in which the 55th day next preceding the
3 primary election of a political party occurs.

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

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

12 (b) a voter who is listed to receive mail-in ballots for all future
13 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
14 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
15 is not affiliated with any political party shall not receive a mail-in
16 ballot for a primary election. A voter who is not affiliated with any
17 political party who wishes to vote by mail-in ballot in the primary
18 election of a political party shall apply to the county clerk in the
19 manner and within the timeframe specified under section 3 of
20 P.L.2009, c.79 (C.19:63-3) for the ballot of the political party in
21 whose primary the voter wishes to vote, or designate a political
22 party affiliation for the first time by whatever means permitted by
23 law. An unaffiliated mail-in voter shall be permitted to vote in
24 person by provisional ballot and affiliate with a political party at a
25 polling place on the day of the primary election; and

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

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

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

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47 3. This act shall take effect immediately.

STATEMENT

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This bill requires that an unaffiliated voter request a mail-in ballot for a primary election and declare a political party affiliation.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill requires an unaffiliated voter to request to the county clerk a mail-in ballot for the political party in whose primary the voter wishes to vote. However, the bill allows any unaffiliated mail-in voter to vote in person at the polling place using a provisional ballot and thereby affiliate with a political party that day. This is similar to the process in place in municipalities with 500 or fewer persons that conduct all elections by mail. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters who vote by mail-in ballot.

This bill also requires notifications to be sent out to any unaffiliated voter listed to receive mail-in ballots informing the voter that they are unaffiliated and providing instructions on how to register with a political party through a political party affiliation declaration form and instructions on how to vote in person by provisional ballot and affiliate with a political party at a polling place on the day of a primary election. The Secretary of State would prepare uniform language for the notifications. The commissioners of registration of the several counties and the clerks of the municipalities within such counties would distribute the notifications to the appropriate voters.

These measures would strengthen the integrity of elections by improving ballot security.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3820

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3820.

This bill requires that an unaffiliated voter request a mail-in ballot for a primary election and declare a political party affiliation.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill requires an unaffiliated voter to request to the county clerk a mail-in ballot for the political party in whose primary the voter wishes to vote. However, the bill allows any unaffiliated mail-in voter to vote in person at the polling place using a provisional ballot and thereby affiliate with a political party that day. This is similar to the process in place in municipalities with 500 or fewer persons that conduct all elections by mail. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters who vote by mail-in ballot.

This bill also requires notifications to be sent out to any unaffiliated voter listed to receive mail-in ballots informing the voter that they are unaffiliated and providing instructions on how to register with a political party through a political party affiliation declaration form and instructions on how to vote in person by provisional ballot and affiliate with a political party at a polling place on the day of a primary election. The Secretary of State would prepare uniform language for the notifications. The commissioners of registration of the several counties and the clerks of the municipalities within such counties would distribute the notifications to the appropriate voters.

These measures would strengthen the integrity of elections by improving ballot security.

COMMITTEE AMENDMENTS:

There are committee amended the bill to:

(1) add a provision that requires each county clerk to ensure that any political affiliation or designation on the inner envelope of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior; and

(2) change the effective date of the bill so that Sections 1 and 2 of the bill would take effect immediately, but sections 3 through 7 would take effect on January 1 next following the bill's date of enactment.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3820

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 27, 2022

SUMMARY

- Synopsis:** Requires unaffiliated voter to request mail-in ballot for primary election and declare political party affiliation; requires election officials notify unaffiliated voters of unaffiliated status; prohibits mail-in ballot from containing visible political affiliation or designation.
- Type of Impact:** Potential annual local cost impact.
- Agencies Affected:** Counties.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) estimates that if counties do not send mail-in ballots to all unaffiliated mail-in voters for a primary election, the county boards of elections may realize savings in primary election costs related to the printing and mailing of mail-in ballots.
- The OLS further estimates that if the counties are required to send notices to unaffiliated mail-in voters that are listed to receive mail-in ballots for all future elections prior to a primary election, the counties will be required to pay the cost of the publication and distribution of the notices.
- There is no information available to indicate the number of unaffiliated mail-in voters who would request to receive mail-in ballots for the primary of the political party they declare; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

BILL DESCRIPTION

This bill requires that an unaffiliated mail-in voter request a mail-in ballot for a primary election and declare a political party affiliation and prohibits mail-in ballots from containing visible political affiliation or designation.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill requires an unaffiliated mail-in voter to request from the county clerk a mail-in ballot for the political party in whose primary the voter wishes to vote. However, the bill allows any unaffiliated mail-in voter to vote in person at the polling place using a provisional ballot and thereby affiliate with a political party that day. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters who vote by mail-in ballot.

This bill also requires notifications to be sent out to any unaffiliated voter listed to receive mail-in ballots informing the voter that they are unaffiliated and providing instructions on how to register with a political party through a political party affiliation declaration form and instructions on how to vote in person by provisional ballot and affiliate with a political party at a polling place on the day of a primary election. The Secretary of State would prepare uniform language for the notifications. The commissioners of registration of the several counties and the clerks of the municipalities within such counties would distribute the notifications to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the inner envelope of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Currently, all unaffiliated voters receive both the Democrat and Republican ballots for primary elections, which requires county boards of elections to print an excess amount of ballots. Under the bill, unaffiliated mail-in voters are required to request one ballot rather than receive both ballots automatically. The OLS estimates that if counties do not send mail-in ballots to all unaffiliated voters, the county boards of elections may realize savings in election costs related to the printing and mailing of mail-in ballots.

The OLS also estimates that if the counties are required to send notices to unaffiliated mail-in voters that are listed to receive mail-in ballots for all future elections prior to a primary election, the counties will be required to pay the cost of the publication and distribution of the notices. The requirement for the counties to also publish a notice in each municipality of their respective counties in a newspaper or newspapers would not increase costs because counties are currently required to publish a notice for elections. This requirement adds another notice to be published in the newspapers with the existing notice requirements.

There is no information available to indicate the number of unaffiliated mail-in voters who would request to receive mail-in ballots for the primary of the political party they declare; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

Section: State Government

*Analyst: Nicolas Soto
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3820

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3820 (1R).

As amended, this bill requires election officials to provide an unaffiliated voter a political party affiliation declaration form and relevant information for voting in a primary election. This bill also prohibits mail-in ballot envelopes from containing a visible political affiliation or designation for certain elections.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill requires election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters.

The Secretary of State would prepare uniform language for the information provided to unaffiliated voters. The commissioners of registration of the several counties and the clerks of the municipalities within such counties would distribute the forms and information to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the envelopes of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior. This requirement would be for any election except for a primary election for the general election. The affiliation or designation on the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope would be required to be concealed from the public.

These measures would strengthen the integrity of elections by improving ballot security.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) require election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election;
- 2) clarify that the requirement to conceal the political affiliation designation on mail-in ballot envelopes does not apply to primary elections; and
- 3) clarify which types of envelopes the concealment of political affiliation or designation pertains to.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 3820**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3820 (2R), with committee amendments.

As amended, this bill requires election officials to provide an unaffiliated voter a political party affiliation declaration form and relevant information for voting in a primary election. This bill also prohibits mail-in ballot envelopes from containing a visible political affiliation or designation for certain elections.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill requires election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters.

The Secretary of State would prepare uniform language for the information provided to unaffiliated voters. The commissioners of registration of the several counties and the clerks of the municipalities within such counties would distribute the forms and information to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the envelopes of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior. This requirement would be for any election except for a primary election for the general election. The affiliation or designation on the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope would be required to be concealed from the public.

These measures would strengthen the integrity of elections by improving ballot security.

COMMITTEE AMENDMENTS:

The committee proposed amendments to:

(1) clarify that unaffiliated mail-in voters will not receive a mail-in ballot for a primary election; and

(2) require county clerks to distribute the required affiliation forms and informational notices, along with the commissioners of registration and the clerks of the municipalities.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 3820

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 16, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** Potential annual local cost impact.
- Agencies Affected:** Counties.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) estimates that if counties do not send mail-in ballots to unaffiliated mail-in voters for a primary election, the county boards of elections may realize savings in primary election costs related to the printing and mailing of mail-in ballots.
- The OLS further estimates that if the counties are required to send notices to unaffiliated mail-in voters that are listed to receive mail-in ballots for all future elections prior to a primary election and publish additional notices in newspapers, the counties will be required to pay the cost of the distribution and publication of the notices.
- There is no information available to indicate the savings for counties that do not send mail-in ballots to unaffiliated voters for a primary election and the cost for counties to distribute and publish the notices for unaffiliated voters; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

BILL DESCRIPTION

This bill prohibits an unaffiliated mail-in voter from receiving a mail-in ballot for a primary election. This bill also requires election officials to provide an unaffiliated voter a political party affiliation declaration form and relevant information for voting in a primary election. This bill also prohibits mail-in ballot envelopes from containing a visible political affiliation or designation for certain elections.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill states that mail-in voters who are not affiliated with a political party would not receive a mail-in ballot for a primary election. This bill also requires election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters.

The Secretary of State would prepare uniform language for the information provided to unaffiliated voters. The commissioners of registration and county clerks of the several counties and the clerks of the municipalities within such counties would distribute the forms and information to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the envelopes of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior. This requirement would be for any election except for a primary election for the general election. The affiliation or designation on the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope would be required to be concealed from the public.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Currently, all unaffiliated mail-in voters receive both the Democrat and Republican ballots for primary elections, which requires election officials to print an excess amount of ballots. Under the bill, no unaffiliated mail-in voter would receive a mail-in ballot for a primary election. The OLS estimates that if counties do not send mail-in ballots to unaffiliated voters, the county may realize savings in election costs related to the printing and mailing of mail-in ballots.

The OLS also estimates that if the counties are required to send political party affiliation declaration forms and relevant information for voting in a primary election to unaffiliated mail-in voters who are listed to receive mail-in ballots for all future elections prior to a primary election, the counties will be required to pay the cost of the publication and distribution of the notices. The requirement for the counties to also publish a notice in each municipality of their respective counties in a newspaper or newspapers may increase costs because the requirement adds another notice to be published in the newspapers with the existing notice requirements.

There is no information available to indicate the savings for counties that do not send mail-in ballots to unaffiliated voters for a primary election and the cost for counties to distribute and

publish the notices for unaffiliated voters; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

Section: State Government

*Analyst: Nicolas Soto
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

ASSEMBLY, No. 3820

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3820 (3R).

This bill prohibits an unaffiliated mail-in voter from receiving a mail-in ballot for a primary election. This bill also requires election officials to provide an unaffiliated voter a political party affiliation declaration form and relevant information for voting in a primary election. This bill also prohibits mail-in ballot envelopes from containing a visible political affiliation or designation for certain elections.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill states that mail-in voters who are not affiliated with a political party would not receive a mail-in ballot for a primary election. This bill also requires election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters.

The Secretary of State would prepare uniform language for the information provided to unaffiliated voters. The commissioners of registration and county clerks of the several counties and the clerks of the municipalities within such counties would distribute the forms and information to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the envelopes of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior. This requirement would be for any election except for a primary election for the general election. The affiliation or designation on the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope would be required to be concealed from the public.

These measures would strengthen the integrity of elections by improving ballot security.

As reported by the committee, Assembly Bill No. 3820 (3R) is identical to Senate Bill No. 2869 which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that if counties do not send mail-in ballots to unaffiliated mail-in voters for a primary election, the county boards of elections may realize savings in primary election costs related to the printing and mailing of mail-in ballots.

The OLS further estimates that if the counties are required to send notices to unaffiliated mail-in voters that are listed to receive mail-in ballots for all future elections prior to a primary election and publish additional notices in newspapers, the counties will be required to pay the cost of the distribution and publication of the notices.

There is no information available to indicate the savings for counties that do not send mail-in ballots to unaffiliated voters for a primary election and the cost for counties to distribute and publish the notices for unaffiliated voters; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

SENATE, No. 2869

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)

Co-Sponsored by:

Senator Pou

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning unaffiliated mail-in voters during a primary
2 election, political affiliation or designation on mail-in ballot
3 envelopes, and amending various parts of the statutory law.

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

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

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

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

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

37 Notwithstanding the provisions of this section, or any law, rule,
38 or regulation to the contrary, a voter who is listed to receive mail-in
39 ballots for all future elections, pursuant to the provisions of section
40 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72
41 (C.19:63-3.1), and who is not affiliated with any political party,
42 shall not receive a mail-in ballot for a primary election. Such
43 unaffiliated mail-in voters shall receive a political party affiliation
44 declaration form and information concerning how to affiliate with a
45 political party and how to vote in person at a polling place on the
46 day of a primary election. The Secretary of State shall cause to 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 prepared uniform language for such notifications. The
2 commissioners of registration and the county clerks of the several
3 counties and the clerks of the municipalities within such counties
4 shall distribute such forms and information to such registered
5 voters.

6 A member of the county committee of a political party and a
7 public official or public employee holding any office or public
8 employment to which **[he]** the person has been elected or appointed
9 as a member of a political party shall be deemed a member of such
10 political party.

11 A voter may declare the voter's party affiliation or change the
12 voter's party affiliation, or declare that the voter is unaffiliated with
13 any party regardless of any previously declared party affiliation, by
14 so indicating on a political party declaration form filed with the
15 municipal clerk or the county commissioner of registration. A voter
16 may also indicate that the voter wishes to declare a political party
17 affiliation or that the voter does not want to declare a political party
18 affiliation on a voter registration form filed at the time of initial
19 registration.

20 Any person voting in the primary ballot box of any political
21 party in any primary election in contravention of the election law
22 shall be guilty of a disorderly persons offense, and any person who
23 aids or assists any such person in such violation by means of public
24 proclamation or order, or by means of any public or private
25 direction or suggestions, or by means of any help or assistance or
26 cooperation, shall likewise be guilty of a disorderly persons offense.
27 (cf: P.L.2011, c.134, s.27)

28
29 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
30 read as follows:

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

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

40 (a) no voter, except a newly registered voter at the first primary
41 at which **[he]** the voter is eligible to vote, or a voter who has not
42 previously voted in a primary election may vote in a primary
43 election of a political party unless **[he]** the voter was deemed to be
44 a member of that party on the 55th day next preceding such primary
45 election**].** It shall further inform the reader thereof that**];**

46 (b) a voter who is listed to receive mail-in ballots for all future
47 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
48 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who

1 is not affiliated with any political party shall not receive a mail-in
2 ballot for a primary election. Such unaffiliated mail-in voters shall
3 receive a political party affiliation declaration form and information
4 concerning how to affiliate with a political party and how to vote in
5 person at a polling place on the day of a primary election; and

6 (c) a voter who votes in the primary election of a political party,
7 or who signs and files with the municipal clerk or the county
8 commissioner of registration a declaration that **【he】** the voter
9 desires to vote in the primary election of a political party, or who
10 indicates on a voter registration form the voter's choice of political
11 party affiliation and submits the form to the commissioner of
12 registration of the county wherein the voter resides, to the
13 employees or agents of a public agency, as defined in subsection a.
14 of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration
15 agency, as defined in subsection a. of section 26 of P.L.1994, c.182
16 (C.19:31-6.11) or to the Secretary of State, shall be deemed to be a
17 member of that party until the voter signs and files with the
18 municipal clerk or the commissioner of registration a declaration
19 that **【he】** the voter desires to vote in the primary election of another
20 political party, at which time **【he】** the voter shall be deemed to be a
21 member of such other political party, or that the voter chooses not
22 to be affiliated with any political party.

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

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

27

28 3. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
29 as follows:

30 2. If an election by mail is authorized pursuant to section 1 of
31 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

32 a. publish, in advance of the election and pursuant to rules and
33 regulations promulgated by the Secretary of State, official notice
34 that the election shall be conducted by mail together with such other
35 information regarding the conduct of the election as shall be
36 deemed necessary by the Secretary of State;

37 b. mail a ballot, including an outer envelope and an inner
38 envelope substantially similar to the envelopes provided for mail-in
39 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
40 and C.19:63-13), not sooner than the 20th day prior to the day of
41 the election nor later than the 14th day prior to the day of the
42 election, to each person registered to vote in the municipality at that
43 election, ensuring that, except for a primary election for the general
44 election, the delivery envelope, which is the envelope that is used to
45 mail the blank ballot, the outer envelope, and the inner envelope to
46 each voter shall not contain any political affiliation or designation
47 visible to the public on the envelope's exterior;

- 1 c. designate the county clerk's office or the municipal clerk's
2 office as the places to obtain a replacement ballot pursuant to
3 section 5 of P.L.2005, c.148 (C.19:62-5);
- 4 d. designate, after consultation with the county board of
5 elections and pursuant to criteria established by the Secretary of
6 State, places within the county or municipality that shall be
7 available for the deposit of voted ballots for the election;
- 8 e. make a provisional ballot available at the office of the
9 county clerk and the office of the municipal clerk so that each
10 person who has been a resident of the county or municipality in
11 which the person seeks to register and vote at least 21 days prior to
12 the day of the election and has moved to a location within the
13 municipality after that 21st day and prior to the day of the election
14 may vote;
- 15 f. suspend distribution to each registered voter in the
16 municipality of samples of the official ballot of any election, but
17 distribute to each registered voter in the municipality with each
18 ballot a copy of the voter information notice provided for in section
19 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
20 by the Secretary of State as deemed appropriate for use in
21 municipalities conducting elections by mail, and such instruction
22 about the completion of the ballot as deemed necessary by the
23 Secretary of State;
- 24 g. make certain that all qualified voters in the municipality
25 requesting a mail-in ballot between the 45th day and the 21st day
26 prior to the day of an election receive such ballot after the 20th day
27 prior to the day of an election and voters requesting a ballot on or
28 before the seventh day prior to the date of the election shall receive
29 a ballot authorized pursuant to this section; and
- 30 h. establish, after consultation with the county board of
31 elections and in accordance with rules and regulations adopted by
32 the Secretary of State, the time by which all ballots must be
33 received by the board on the day of an election to be considered
34 valid and counted.
35 (cf: P.L.2011, c.37, s.29)

36
37 4. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended to read
38 as follows:

- 39 7. a. Each county clerk shall have printed sufficient mail-in
40 ballots for each primary election for the general election, and for
41 the general election. Along with such ballots the clerk shall also
42 furnish inner and outer envelopes and printed directions for the
43 preparation and transmitting of such ballots used in the election in
44 the county. Except for any primary election for the general election,
45 each county clerk shall ensure that the delivery envelope, which is
46 the envelope that is used to mail the blank ballot, the outer
47 envelope, and the inner envelope to each voter shall not contain any

1 political affiliation or designation visible to the public on the
2 envelope's exterior.

3 b. The mail-in ballots shall be printed on paper of a different
4 color from that used for any primary or general election ballot, but
5 in all other respects, shall be as nearly as possible facsimiles of the
6 election ballot to be voted at the election.
7 (cf: P.L.2011, c.134, s.51)

8
9 5. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to
10 read as follows:

11 12. Each county clerk shall send, with each mail-in ballot,
12 printed directions for the preparation and transmitting of the ballots
13 as required by this act. The directions shall be printed in such
14 manner and form as the Secretary of State shall require, together
15 with two envelopes of such sizes that one will contain the other.
16 The directions prepared by the Secretary of State shall inform the
17 voter that the status of the voter's mail-in ballot may be checked
18 using the free-access system provided in section 5 of P.L.2004, c.88
19 (C.19:61-5). Except for a primary election for the general election,
20 each county clerk shall ensure that the delivery envelope, which is
21 the envelope that is used to mail the blank ballot, the outer
22 envelope, and the inner envelope to each voter shall not contain any
23 political affiliation or designation visible to the public on the
24 envelope's exterior. The outer envelope shall be addressed to the
25 county board of elections of the county in which is located the
26 home address of the person to whom the mail-in ballot is sent, as
27 certified by the county clerk. At the discretion of the county clerk,
28 the outer envelope may be a postage paid return envelope. On the
29 outside and front of each outer envelope, there shall be printed or
30 stamped the following:

31 To protect your vote:

32 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
33 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
34 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
35 IS COMPLETED:

36 Ballot mailed or transported by
37 (signature of bearer)
38 (print name of bearer)
39 (address of bearer)

40 The reserve side of the outer envelope shall contain the
41 following:

42 REMINDER

43 For your vote to count, you must:

- 44 1) Vote your ballot and place it in the inner envelope with the
45 attached certificate.
- 46 2) Seal the envelope.
- 47 3) Place the envelope into the larger envelope addressed to the
48 board of elections and seal that envelope.

1 4) If another person will be mailing your ballot or bringing it to
2 the board of elections, MAKE CERTAIN THAT PERSON
3 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
4 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
5 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
6 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
7 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
8 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
9 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
10 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
11 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF
12 THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS
13 RESIDING IN THE SAME HOUSEHOLD AS THE BEARER.

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

17 The inner envelope shall be so designed that it can be sealed
18 after the mail-in ballot has been placed therein and the flap thereof
19 shall be of such length and size as to leave sufficient margin, after
20 sealing, for the printing thereon of the certificate hereinafter
21 described. The flap shall be so arranged that, after the inner
22 envelope has been sealed, the certificate can be contained, with the
23 inner envelope, in the outer envelope, and that the margin
24 containing the certificate can be detached without unsealing the
25 inner envelope.

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

30 To protect your vote:

31 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
32 THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS
33 BALLOT.

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

35 The reverse side of each inner envelope shall contain the
36 following statement:

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

43 (cf: P.L.2020, c.71, s.10)

44

45 6. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to
46 read as follows:

1 13. a. On the margin of the flap on the inner envelopes to be
2 sent to mail-in voters there shall be printed a certificate in the
3 following form:

4 CERTIFICATE OF MAIL-IN VOTER

5 I,, whose home address is
6 (print your name clearly) (street
7, DO HEREBY CERTIFY,
8 address or R.D. number) (municipality) subject to the penalties for
9 fraudulent voting, that I am the person who applied for the enclosed
10 ballot. I MARKED AND SEALED THIS BALLOT AND
11 CERTIFICATE IN SECRET. However, a family member may
12 assist me in doing so.

13
14 (signature of voter)

15 Any person providing assistance shall complete the following:

16 I do hereby certify that I am the person who provided assistance
17 to this voter and declare that I will maintain the secrecy of this
18 ballot.

19
20 (signature of person providing
21 assistance)
22
23 (printed name of person providing
24 assistance)
25
26
27 (address of person providing
28 assistance)

29 b. On the margin of the flap on the inner envelope forwarded
30 with any mail-in ballot intended to be voted in any primary election
31 for the general election, as the case may be, there shall be printed a
32 certificate in the following form:

33 CERTIFICATE OF MAIL-IN VOTER

34 I,, whose home address is.....
35 (print your name clearly) (street address or R.D. number)
36 (municipality)
37, DO HEREBY CERTIFY,
38 subject to the penalties for fraudulent voting, that I am the person
39 who applied for the enclosed ballot for the primary election of the
40 political party. I MARKED AND SEALED THIS BALLOT
41 AND CERTIFICATE IN SECRET. However, a family member may
42 assist me in doing so.

43
44 (signature of voter)

45 Any person providing assistance shall complete the following:

46 I do hereby certify that I am the person who provided assistance
47 to this voter and declare that I will maintain the secrecy of this
48 ballot.

1
 2 (signature of person providing
 3 assistance)
 4
 5 (printed name of person
 6 providing assistance)
 7
 8
 9 (address of person providing
 10 assistance)

11 c. The clerk of each county shall be permitted to print on or
 12 affix to the margin of the flap on the inner envelope of the mail-in
 13 ballot transmitted thereby to a mail-in ballot voter an alternative
 14 certificate, substantially similar to the certificate provided for by
 15 subsection a. or b. of this section, that permits the voter to certify
 16 the correctness of the voter's name, street, mailing address or R.D.
 17 number, and municipality as it appears on the label of the mail-in
 18 ballot received by the voter.

19 d. The certificates specified under subsections a., b., and c. of
 20 this section shall also provide spaces for the voter's telephone
 21 number and email address, including language informing the voter
 22 that this contact information will be used to contact the voter
 23 concerning the acceptance or rejection of the ballot, and how the
 24 voter may cure a defect. A voter's telephone number and email
 25 address shall not be subject to public disclosure and shall not be
 26 considered a public record.

27 e. Except for a primary election for the general election, each
 28 county clerk shall ensure that any political affiliation or designation
 29 on the inner envelope provided to each voter shall not be visible to
 30 the public on the outer envelope's exterior.

31 (cf: P.L.2020, c.70, s.9)

32
 33 7. Sections 1 and 2 of this act shall take effect immediately and
 34 sections 3 through 6 shall take effect on January 1 next following
 35 the date of enactment.

36
 37

38 STATEMENT

39

40 This bill prohibits an unaffiliated mail-in voter from receiving a
 41 mail-in ballot for a primary election. This bill also requires election
 42 officials to provide an unaffiliated voter a political party affiliation
 43 declaration form and relevant information for voting in a primary
 44 election. This bill also prohibits mail-in ballot envelopes from
 45 containing a visible political affiliation or designation for certain
 46 elections.

47 Currently, unaffiliated voters listed to receive mail-in ballots
 48 receive both a Democrat and Republican primary ballot for a

1 primary election. If they choose, a voter may fill out one ballot and
2 return it, which would then designate them as an affiliated voter for
3 the appropriate party.

4 This bill states that mail-in voters who are not affiliated with a
5 political party would not receive a mail-in ballot for a primary
6 election. This bill also requires election officials to provide
7 unaffiliated voters a political party affiliation declaration form and
8 relevant information for voting in a primary election. This bill also
9 requires the county commissioner of registration in each county to
10 publish notice of the requirements for voting in primary elections
11 for unaffiliated voters.

12 The Secretary of State would prepare uniform language for the
13 information provided to unaffiliated voters. The commissioners of
14 registration and county clerks of the several counties and the clerks
15 of the municipalities within such counties would distribute the
16 forms and information to the appropriate voters.

17 This bill also requires each county clerk to ensure that any
18 political affiliation or designation on the envelopes of a voter's
19 mail-in ballot is not visible to the public on the outer envelope's
20 exterior. This requirement would be for any election except for a
21 primary election for the general election. The affiliation or
22 designation on the delivery envelope, which is the envelope that is
23 used to mail the blank ballot, the outer envelope, and the inner
24 envelope would be required to be concealed from the public.

25 These measures would strengthen the integrity of elections by
26 improving ballot security.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2869

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2869.

This bill prohibits an unaffiliated mail-in voter from receiving a mail-in ballot for a primary election. This bill also requires election officials to provide an unaffiliated voter a political party affiliation declaration form and relevant information for voting in a primary election. This bill also prohibits mail-in ballot envelopes from containing a visible political affiliation or designation for certain elections.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill states that mail-in voters who are not affiliated with a political party would not receive a mail-in ballot for a primary election. This bill also requires election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters.

The Secretary of State would prepare uniform language for the information provided to unaffiliated voters. The commissioners of registration and county clerks of the several counties and the clerks of the municipalities within such counties would distribute the forms and information to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the envelopes of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior. This requirement would be for any election except for a primary election for the general election. The affiliation or designation on the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope would be required to be concealed from the public.

These measures would strengthen the integrity of elections by improving ballot security.

As reported by the committee, Senate Bill No. 2869 is identical to Assembly Bill No. 3820 (3R) which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that if counties do not send mail-in ballots to unaffiliated mail-in voters for a primary election, the county boards of elections may realize savings in primary election costs related to the printing and mailing of mail-in ballots.

The OLS further estimates that if the counties are required to send notices to unaffiliated mail-in voters that are listed to receive mail-in ballots for all future elections prior to a primary election and publish additional notices in newspapers, the counties will be required to pay the cost of the distribution and publication of the notices.

There is no information available to indicate the savings for counties that do not send mail-in ballots to unaffiliated voters for a primary election and the cost for counties to distribute and publish the notices for unaffiliated voters; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2869
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 29, 2022

SUMMARY

- Synopsis:** 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.
- Type of Impact:** Potential annual local cost impact.
- Agencies Affected:** Counties.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) estimates that if counties do not send mail-in ballots to unaffiliated mail-in voters for a primary election, the county boards of elections may realize savings in primary election costs related to the printing and mailing of mail-in ballots.
- The OLS further estimates that if the counties are required to send notices to unaffiliated mail-in voters that are listed to receive mail-in ballots for all future elections prior to a primary election and publish additional notices in newspapers, the counties will be required to pay the cost of the distribution and publication of the notices.
- There is no information available to indicate the savings for counties that do not send mail-in ballots to unaffiliated voters for a primary election and the cost for counties to distribute and publish the notices for unaffiliated voters; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

BILL DESCRIPTION

This bill prohibits an unaffiliated mail-in voter from receiving a mail-in ballot for a primary election. This bill also requires election officials to provide an unaffiliated voter a political party affiliation declaration form and relevant information for voting in a primary election. This bill

also prohibits mail-in ballot envelopes from containing a visible political affiliation or designation for certain elections.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill states that mail-in voters who are not affiliated with a political party would not receive a mail-in ballot for a primary election. This bill also requires election officials to provide unaffiliated voters a political party affiliation declaration form and relevant information for voting in a primary election. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters.

The Secretary of State would prepare uniform language for the information provided to unaffiliated voters. The commissioners of registration and county clerks of the several counties and the clerks of the municipalities within such counties would distribute the forms and information to the appropriate voters.

This bill also requires each county clerk to ensure that any political affiliation or designation on the envelopes of a voter's mail-in ballot is not visible to the public on the outer envelope's exterior. This requirement would be for any election except for a primary election for the general election. The affiliation or designation on the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope would be required to be concealed from the public.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Currently, all unaffiliated mail-in voters receive both the Democrat and Republican ballots for primary elections, which requires election officials to print an excess amount of ballots. Under the bill, no unaffiliated mail-in voter would receive a mail-in ballot for a primary election. The OLS estimates that if counties do not send mail-in ballots to unaffiliated voters, the county may realize savings in election costs related to the printing and mailing of mail-in ballots.

The OLS also estimates that if the counties are required to send political party affiliation declaration forms and relevant information for voting in a primary election to unaffiliated mail-in voters who are listed to receive mail-in ballots for all future elections prior to a primary election, the counties will be required to pay the cost of the publication and distribution of the notices. The requirement for the counties to also publish a notice in each municipality of their respective counties in a newspaper or newspapers may increase costs because the requirement adds another notice to be published in the newspapers with the existing notice requirements.

There is no information available to indicate the savings for counties that do not send mail-in ballots to unaffiliated voters for a primary election and the cost for counties to distribute and publish the notices for unaffiliated voters; thus, a specific estimate of the potential cost or savings for the counties cannot be made at this time.

Section: State Government

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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.”