

19:59-2 to 19:59-12 et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 72

NJSA: 19:59-2 to 19:59-12 et al
(Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return.)

BILL NO: A3929 (Substituted for S2899 (1R))

SPONSOR(S) Raj Mukherji and others

DATE INTRODUCED: 5/9/2022

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

SENATE: State Government, Wagering, Tourism & Historic Preservation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/29/2022

SENATE: 6/29/2022

DATE OF APPROVAL: 7/28/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

A3929

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

COMMITTEE STATEMENT: **ASSEMBLY:** Yes State & Local Gov.

SENATE: Yes State Gov, Wagering, Tourism
& Hist. Preserv.

(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: No

S2899 (1R)

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

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VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

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 72, *approved July 28, 2022*
Assembly, No. 3929 (*Second Reprint*)

1 AN ACT concerning voting in New Jersey elections while residing
2 overseas and amending various parts of the statutory law.

3

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

6

7 1. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as
8 follows:

9 2. As used in this act:

10 a. "United States" means each of the several states, the District
11 of Columbia, Commonwealth of Puerto Rico, Guam, American
12 Samoa and the United States Virgin Islands; the term does not mean
13 or include the Canal Zone or any other territory or possession of the
14 United States.

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

16 c. "Federal election" means any general, special or primary
17 held for the purpose of nominating or electing any candidate for the
18 office of President or Vice President of the United States,
19 Presidential elector, United States Senator or member of the United
20 States House of Representatives.

21 d. "Election" shall have the same meaning as defined in
22 R.S.19:1-1, and include any federal, State, or local election, and any
23 public question placed before the voters.

24 e. "Overseas voter" means any person in military service, or
25 that person's spouse, partner in civil union, domestic partner, or
26 dependent, who, by reason of the person's active duty or service, is,
27 in the case of the person, absent on the date of an election from the
28 place of residence in New Jersey where the person is or would be
29 qualified to vote, or in the case of the person's spouse, partner in
30 civil union, domestic partner, or dependent, absent on the date of an
31 election from the place of residence in New Jersey where that
32 spouse, partner in civil union, domestic partner, or dependent, is or
33 would be qualified to vote.

34 The term also means any citizen of the United States temporarily
35 residing abroad who (1) immediately prior to departure from the
36 United States was domiciled in New Jersey and (a) was last
37 registered to vote, or last eligible to register and vote, in New
38 Jersey; or (b) would have been eligible to register and vote in New
39 Jersey except that the citizen had not attained 18 years of age the
40 requirement of which has since been met; or (c) would have been
41 eligible to register and vote in New Jersey except that the citizen
42 had not met the residency requirement; (2) is not registered or

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

²Senate SSG committee amendments adopted June 23, 2022.

1 qualified to vote elsewhere in the United States; **[and]** (3) holds a
2 valid passport or passport card or other proof of citizenship issued
3 under authority of the Secretary of State of the United States;

4 ¹**[and]**¹ (4) ¹does not establish permanent residency in any other
5 state or country; and (5)¹ has the intent to return to New Jersey.

6 f. "Overseas federal election voter" means **[any citizen of the**
7 **United States residing abroad who does not intend to return or**
8 **whose intent to return is uncertain and who (1) immediately prior to**
9 **departure from the United States was domiciled in New Jersey and**
10 **(a) was last registered to vote, or last eligible to register and vote, in**
11 **New Jersey; or (b) would have been eligible to register and vote in**
12 **New Jersey except that the citizen had not attained 18 years of age**
13 **the requirement of which has since been met; or (c) would have**
14 **been eligible to register and vote in New Jersey except that the**
15 **citizen had not met the residency requirement; (2) is not registered**
16 **or qualified to vote elsewhere in the United States; and (3) holds a**
17 **valid passport or passport card or other proof of citizenship issued**
18 **under authority of the Secretary of State of the United States.**

19 The term also means **]** any citizen of the United States who was
20 born outside of the United States, is not **[described above]** an
21 “overseas voter” under subsection e. of this section or an “overseas
22 State and federal voter” under subsection l. of this section, and,
23 except for the residency requirement of New Jersey, otherwise
24 satisfies the State's voter eligibility requirements, if the last place
25 where a parent, legal guardian, spouse, partner in civil union, or
26 domestic partner of the voter was, or under P.L.1976, c.23
27 (C.19:59-1 et seq.) would have been, eligible to register and vote
28 before departure from the United States is within New Jersey and
29 the voter has not previously registered to vote elsewhere in the
30 United States.

31 g. "Electronic means" means any transmission made by an
32 electronic telefacsimile machine or a similar device or by any other
33 form of electronic transmission including, but not exclusive to
34 electronic mail, that transports an authentic copy of a document
35 from one user to another.

36 h. "Dependent" means an individual recognized as a dependent
37 by a military service.

38 i. "Federal postcard application" means the application
39 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.
40 s.1973ff(b)(2)).

41 j. "Federal write-in absentee ballot" means the ballot described
42 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

43 k. "Military service" means the active and reserve components
44 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the
45 United States; the Merchant Marine; the commissioned corps of the
46 Public Health Service or the commissioned corps of the National
47 Oceanic and Atmospheric Administration of the United States; or
48 the National Guard or State militia.

1 1. “Overseas State and federal voter” means any citizen of the
2 United States residing abroad who does not intend to return or
3 whose intent to return is uncertain and who (1) immediately prior to
4 departure from the United States was domiciled in New Jersey and
5 (a) was last registered to vote, or last eligible to register and vote, in
6 New Jersey; or (b) would have been eligible to register and vote in
7 New Jersey except that the citizen had not attained 18 years of age
8 the requirement of which has since been met; or (c) would have
9 been eligible to register and vote in New Jersey except that the
10 citizen had not met the residency requirement; (2) is not registered
11 or qualified to vote elsewhere in the United States; and (3) holds a
12 valid passport or passport card or other proof of citizenship issued
13 under authority of the Secretary of State of the United States.

14 m. “State election” means any general, special, or primary
15 election held for the purpose of nominating or electing the office of
16 the Governor, Lieutenant Governor, New Jersey State Senator, or a
17 member of the New Jersey General Assembly, or a State public
18 question placed before all voters of the State. “State election” shall
19 not include any local election or any local public question placed
20 before less than all voters of the State.

21 (cf: P.L.2017, c.39, s.1)

22

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

25 3. Upon compliance with the provisions of this act, P.L.1976,
26 c.23 (C.19:59-1 et seq.), as amended by P.L.2017, c.39: a. any
27 person meeting the qualifications of an overseas voter may register
28 to vote and may apply for and vote by mail-in ballot in any election
29 held in the election district of this State in which the voter was
30 formerly domiciled; **[and]** b. any person meeting the qualifications
31 of an overseas federal election voter may register to vote and may
32 apply for and vote by mail-in ballot in any federal election held in
33 the election district of this State in which the voter, or in the case of
34 an overseas federal election voter who was born outside of the
35 United States described in subsection f. of section 2 of P.L.1976,
36 c.23 (C.19:59-2), in which the voter's parent, legal guardian,
37 spouse, partner in civil union, or domestic partner was formerly
38 domiciled; and c. any person meeting the qualifications of an
39 overseas State and federal voter as described in subsection 1. of
40 section 2 of P.L.1976, c.23 (C.19:59-2) may register to vote and
41 may apply for and vote by mail in a State election described in
42 subsection m. of section 2 of P.L. 1976, c.23 (C.19:59-2) and a
43 federal election described in subsection c. of section 2 of P.L. 1976,
44 c.23 (C.19:59-2) held in the election district of this State in which
45 the voter was formerly domiciled.

46 (cf: P.L.2017, c.39, s.2)

47

48 3. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
49 as follows:

1 4. a. Requests for an application to vote in **[an]** any election
2 as an overseas voter or a federal election as an overseas federal
3 election voter or a State election or federal election as an overseas
4 State and federal election voter may be made by or on behalf of an
5 applicant to the county clerk of the county in which the applicant,
6 or in the case of an overseas federal election voter who was born
7 outside of the United States described in subsection f. of section 2
8 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal
9 guardian, spouse, partner in civil union, or domestic partner, was
10 formerly domiciled, or to the Secretary of State of New Jersey if the
11 applicant does not know the county of former domicile. All such
12 applications shall be forwarded to such voters by air mail or
13 electronic means, if so requested by the voter. Any overseas voter
14 or overseas federal election voter or overseas State and federal voter
15 requesting that an application for a ballot be sent to that voter by
16 electronic means shall supply in the request to the Secretary of State
17 or the county clerk, as appropriate, the telephone number and
18 location to which the application is to be sent or the electronic
19 address of the voter, as may be appropriate, and, if known, the
20 address where the voter, or the voter's parent, legal guardian,
21 spouse, partner in civil union, or domestic partner, as appropriate,
22 was domiciled before departure from the United States. To qualify
23 for a ballot to be sent by air mail, the applicant's completed
24 application shall be received by the appropriate county clerk or the
25 Secretary of State on or before the thirtieth day preceding the
26 election. To qualify for a ballot to be distributed by electronic
27 means, the applicant's completed application shall be received by
28 the appropriate county clerk or the Secretary of State on or before
29 the fourth day preceding the election.

30 b. An overseas voter or overseas federal election voter or
31 overseas State and federal voter may use the federal postcard
32 application form to register to vote or to apply for an overseas
33 ballot for any election in which the voter is eligible to vote. The
34 voter may send the form by air mail or electronic means to either
35 the appropriate county clerk or the Secretary of State and, in the
36 case of the use of a federal postcard application for a ballot, may
37 request that the ballot be sent by air mail or electronic means. **[Any**
38 voter sending the form by electronic means shall also mail
39 simultaneously the federal postcard application form to the
40 appropriate county clerk or the Secretary of State.] Any federal
41 postcard application for a ballot sent by an overseas voter or
42 overseas federal election voter or overseas State and federal voter
43 and received by a county clerk or the Secretary of State shall also
44 be considered a request for registration if that voter is not already
45 registered.

46 (cf: P.L.2017, c.39, s.3)

1 4. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as
2 follows:

3 5. a. Other than a federal postcard application, an application
4 for a ballot by an overseas voter or overseas federal election voter
5 or overseas State and federal election voter shall be in substantially
6 the following form:

7 I the undersigned, certify the following as a basis for an
8 application as citizen of the United States residing outside the
9 United States to receive a ballot to be voted at the election to be
10 held on (date of election) for (fill in elected office or
11 public question, or both):

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

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

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

17 4. I hold a:

18 a. valid U.S. Passport #, dated, or

19 b. valid U.S. Passport Card #, dated, or

20 c. valid Certificate of Citizenship, dated, or

21 d. other valid form of identification recognized as such under
22 federal or state law: (form of identification), dated

23 5. a. Immediately prior to taking up residence abroad I was
24 domiciled in New Jersey and resided at (street address),
25 (municipality), (county) (If formerly registered
26 to vote from that address check here ()), or

27 b. I was born outside of the United States and my parent, legal
28 guardian, spouse, partner in civil union, or domestic partner, before
29 leaving the United States, was last domiciled in New Jersey,
30 residing at (street address), (municipality),
31(county).

32 6. I am not registered, entitled or applying to vote in any state
33 other than New Jersey.

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

37 Applicant
38 (Signature)

39 Dated:.....Applicant
40 (Print or type name)

41 b. There shall also be sent to the applicant by air mail or
42 electronic means such instructions and portions of the law or
43 regulations as the Secretary of State shall direct.

44 c. Any overseas voter or overseas federal election voter or
45 overseas State and federal election voter requesting that a ballot be
46 sent to that voter by electronic means shall indicate on the
47 application for the ballot the telephone number and location to
48 which the ballot is to be sent or the electronic address of the voter,

1 as may be appropriate.
2 (cf: P.L.2017, c.39, s.4)

3
4 5. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read as
5 follows:

6 6. Each county clerk, upon receipt of an application for a ballot
7 by an overseas voter or overseas federal election voter or overseas
8 State and federal election voter, including a federal postcard
9 application, shall determine whether or not the applicant is qualified
10 to vote such a ballot, make a list of those applications approved and
11 disapproved, which list shall be open to inspection by election
12 officials and the public, and shall forward an overseas ballot to each
13 person whose application is approved. For each voter whose
14 application is approved, the county clerk shall deliver to the county
15 board of elections the completed application form for retention by
16 the board for signature comparison with that on the certificate on
17 the inner envelope containing the ballot upon its receipt.

18 (cf: P.L.2017, c.39, s.5)

19

20 6. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as
21 follows:

22 7. The county clerk shall prescribe the form of the ballot for
23 overseas voters and overseas federal election voters and overseas
24 State and federal election voters.

25 (cf: P.L.2017, c.39, s.6)

26

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

29 8. a. Each county clerk shall send by air mail, with each ballot
30 for an overseas voter or overseas federal election voter or overseas
31 State and federal election voter transmitted by such means,
32 appropriate printed instructions for its completion and return,
33 together with an inner and outer envelope similar to that required as
34 to civilian vote by mail ballots with a legend on the inner envelope
35 stating "Ballot for Overseas Voter," **【or】** "Ballot for Overseas
36 Federal Election Voter," or "Ballot for Overseas State and Federal
37 Election Voter," as appropriate.

38 b. Each county clerk shall send to each overseas voter or
39 overseas federal election voter or overseas State and federal
40 election voter requesting that a ballot be sent to that voter by
41 electronic means all appropriate printed instructions for its
42 completion and return. The printed instructions sent to each such
43 voter shall include a certificate substantially the same as provided
44 for in section 9 of P.L.1976, c.23 (C.19:59-9).

45 c. The printed instructions sent with each ballot to an overseas
46 voter or overseas federal election voter or overseas State and federal
47 election voter, including instructions sent by electronic means, shall
48 include a copy of the following notice:

49 PENALTY FOR FRAUDULENT VOTING

1 Any person who knowingly violates any of the provisions of the
2 Overseas Residents Absentee Voting Law, or who, not being
3 entitled to vote thereunder, fraudulently votes or attempts to vote
4 thereunder or enables or attempts to enable another person, not
5 entitled to vote thereunder, to vote fraudulently thereunder or who
6 prevents or attempts to prevent by fraud the voting of any person
7 legally entitled to vote under this act, shall be guilty of an indictable
8 offense, and upon conviction thereof shall be subject, in addition to
9 such other penalties as are authorized by law, to disenfranchisement
10 while serving a sentence of incarceration unless and until pardoned
11 or restored by law to the right of suffrage.

12 (cf: P.L.2019, c.270, s.9)

13

14 8. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to read
15 as follows:

16 12. Whenever a county clerk receives a request by electronic
17 means from an overseas voter or overseas federal election voter or
18 overseas State and federal election voter that a ballot be sent to that
19 person by electronic means, the county clerk shall verify the voter's
20 eligibility to vote as an overseas voter or overseas federal election
21 voter or overseas State and federal election voter in the State and
22 the county desired. If the overseas voter or overseas federal election
23 voter or overseas State and federal election voter is eligible to vote
24 therein, the county clerk shall send the appropriate ballot to the
25 voter at least 45 days before the day of the election and thereafter
26 by electronic means using the telephone number or electronic
27 address supplied by the voter for that purpose. If the overseas voter
28 or overseas federal election voter or overseas State and federal
29 election voter is not eligible to vote in the State or the county
30 desired, notice of noneligibility shall be provided to the voter by
31 electronic means as soon as practicable after the receipt of the
32 request.

33 (cf: P.L.2017, c.39, s.12)

34

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

37 9. Upon the margin of the flap of the inner envelope to be sent
38 to an overseas voter or overseas federal election voter or overseas
39 State and federal election voter shall be printed a certificate
40 substantially as follows:

41 I, the undersigned, residing at am the
42 person who applied for, received and voted the enclosed Ballot.

43 Dated:.....

44Voter (SIGNATURE)

45Voter (PRINT or type name)

46 (cf: P.L.2017, c.39, s.13)

47

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

1 10. a. For ballots sent to overseas voters or overseas federal
2 election voters or overseas State and federal election voters, other
3 than such ballots sent to the voter by electronic means, the
4 procedure for completing the ballot shall be as follows:

5 Upon completion of the ballot by indicating the voter's choice of
6 candidates for the offices named or the voter's choice regarding a
7 public question, or both, the ballot shall be placed in the inner
8 envelope and sealed. Upon completion and signing in the voter's
9 handwriting the certificate attached to the inner envelope, the inner
10 envelope shall be placed in the outer envelope, which when sealed
11 shall be mailed postage prepaid to the county board of elections
12 whose address is printed thereon.

13 b. For ballots sent to overseas voters or overseas federal
14 election voters or overseas State and federal election voters by
15 electronic means, the procedure for completing the ballot shall be as
16 follows:

17 After the ballot is received and completed by the voter by
18 indicating that person's choice of candidates for the offices named
19 or that person's choice regarding a public question, or both, the
20 ballot shall be placed in a secure envelope. Upon completion and
21 signing in the voter's handwriting of the certificate sent to the voter
22 pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be
23 placed in the same envelope as the voted ballot. The envelope shall
24 then be sealed securely and sent immediately by air mail to the
25 appropriate county board of elections in this State.

26 c. Notwithstanding the provisions of subsections a. and b. of
27 this section, a copy of an overseas voter's or overseas federal
28 election voter's or overseas State and federal election voter's ballot
29 may be transmitted by electronic means to the appropriate county
30 board of elections in this State. Such a ballot shall be subject to the
31 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and
32 C.19:59-15).

33 (cf: P.L.2017, c.39, s.6)

34
35 11. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to
36 read as follows:

37 11. Upon receipt of each ballot from an overseas voter or
38 overseas federal election voter or overseas State and federal
39 election voter, other than a ballot which had been sent by electronic
40 means to an overseas voter or overseas federal election voter or
41 overseas State and federal election voter, the signature on the
42 certificate on the inner envelope shall be compared to that on the
43 person's application. All ballots, whether originally sent to an
44 overseas voter or overseas federal election voter or overseas State
45 and federal election voter by air mail or electronic means, shall be
46 approved, disapproved, processed, counted and disputes in
47 connection therewith shall be handled in the same manner as is
48 applicable to other vote by mail ballots. No ballot received after the

1 time designated for the closing of the polls shall be counted.
2 (cf: P.L.2017, c.39, s.14)

3

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

6 12. An overseas voter or overseas federal election voter or
7 overseas State and federal election voter may request, on any
8 application form used, a ballot for all elections held during the
9 calendar year in which the request is made and in which the voter is
10 eligible to vote. Any instructions sent to an applicant pursuant to
11 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
12 that such a request may be made. If such a request is made, a ballot
13 shall be sent in a timely manner to the voter for all such elections in
14 which the voter is eligible to vote and by the transmission method
15 first requested by the voter unless the voter instructs otherwise.
16 (cf: P.L.2017, c.39, s.8)

17

18 13. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to
19 read as follows:

20 3. Notwithstanding any law, rule or regulation to the contrary, a
21 copy of an overseas voter's or overseas federal election voter's or
22 overseas State and federal election voter's voted ballot, or a voted
23 federal write-in absentee ballot, which is transmitted by electronic
24 means to the appropriate county board of elections in this State
25 shall be considered valid and counted if it:

- 26 a. is from a qualified voter;
- 27 b. has been transmitted to the appropriate county board of
28 elections no later than the time designated by law for the closing of
29 the polls on that day; and
- 30 c. is accompanied by the following statement, which shall be
31 certified by the voter's signature: "I understand that by transmitting
32 by electronic means a copy of my voted ballot I am voluntarily
33 waiving my right to a secret ballot. At the same time, I pledge to
34 place the original voted ballot in a secure envelope, together with
35 any other required certification, and send the documents
36 immediately by air mail to the appropriate county board of
37 elections."

38 (cf: P.L.2017, c.39, s.15)

39

40 14. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to
41 read as follows:

42 4. a. Immediately after a copy of an overseas voter's or
43 overseas federal election voter's or overseas State and federal
44 election voter's voted ballot, or a voted federal write-in absentee
45 ballot, has been transmitted by electronic means to the appropriate
46 county board of elections, as permitted pursuant to section 3 of
47 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal
48 election voter or overseas State and federal election voter shall
49 place the original voted ballot in a secure envelope, together with a

1 certificate substantially the same as provided for in section 9 of
2 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
3 the appropriate county board of elections.

4 b. All copies of voted ballots received by electronic means
5 shall be approved, disapproved, processed and counted, and
6 disputes in connection therewith shall be handled, in the same
7 manner as is applicable to other vote by mail ballots. No ballot
8 received after the time designated for the closing of the polls shall
9 be counted.

10 c. The county board of elections shall take all necessary
11 precautions to preserve the security of the ballot materials and
12 specifically shall ensure that the vote cast by a voter using a ballot
13 transmitted by electronic means is not revealed, except to the extent
14 necessary by law or judicial determination. Upon the completion of
15 all inspections of a ballot transmitted by electronic means required
16 by law, the board or any employee thereof acting under its direction
17 shall promptly separate the waiver certification from the ballot
18 transmitted by electronic means. Any person handling such a ballot
19 shall not identify the votes cast by any voter, except upon judicial
20 determination.

21 d. Prior to certification of the results of the election, the county
22 board shall:

23 (1) compare the information on the copy transmitted by
24 electronic means of each voted ballot with the same on the original
25 voted ballot sent by air mail by the voter who transmitted to the
26 county board a copy of the voted ballot by electronic means, and the
27 signature on the statement received by electronic means with the
28 signature on the certificate received by air mail; and

29 (2) ascertain whether an original voted ballot has been received
30 for each copy of a voted ballot received by electronic means and
31 counted.

32 Whenever the particulars of the copy of a voted ballot
33 transmitted by electronic means do not conform exactly with the
34 particulars of the original voted ballot sent by air mail to the county
35 board afterwards by that voter and whenever an original voted
36 ballot has not been received which corresponds to a copy of a voted
37 ballot transmitted by electronic means which has been received and
38 counted by the county board, those ballots and all other pertinent
39 documents and information relative to those ballots shall be turned
40 over to the superintendent of elections in counties having a
41 superintendent and the prosecutor in all other counties for further
42 investigation and action.

43 e. Within 30 days after the election, the county board shall
44 gather and keep together the copy of the voted ballot transmitted by
45 electronic means, the certified statement and the original voted
46 ballot sent by air mail of each voter who transmitted a copy of a
47 voted ballot by electronic means. Those ballots needed for an
48 investigation conducted by the superintendent of elections or the
49 county prosecutor, as the case may be, or by any other law

1 enforcement official shall be returned to the county board as soon
2 as practicable after the conclusion of the investigation. All ballots
3 and documents relative to a copy of a voted ballot transmitted by
4 electronic means and received by the county board shall be retained
5 by it for a period of one year following the day of the election. The
6 superintendent of elections in counties having a superintendent and
7 the prosecutor in all other counties shall have the authority to
8 impound all such documents whenever the superintendent or
9 prosecutor shall deem such action necessary.
10 (cf: P.L.2017, c.39, c.16)

11

12 15. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to
13 read as follows:

14 26. For the purpose of complying with the federal "Uniformed
15 and Overseas Citizens Absentee Voting Act," [42 U.S.C. s.1973ff-1
16 et seq.] 52 U.S.C. s.20301 et seq., the office of the Secretary of
17 State shall:

18 a. be designated as the single State office responsible for
19 providing information to all overseas voters and overseas federal
20 election voters and overseas State and federal election voters who
21 wish to register to vote or vote in any jurisdiction in the State with
22 respect to voter registration procedures and vote by mail procedures
23 to be used by overseas voters and overseas federal election voters or
24 overseas State and federal election voters for all elections in which
25 the voter is eligible to vote;

26 b. work with the federal Election Assistance Commission and
27 the federal Department of Defense to develop standards to report
28 data on the number of ballots transmitted and received by mail or
29 electronic means by overseas voters or overseas federal election
30 voters or overseas State and federal election voters pursuant to the
31 "Overseas Residents Absentee Voting Law," P.L.1976, c.23
32 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

33 c. provide such additional information relating to voting by
34 overseas voters and overseas federal election voters and overseas
35 State and federal election voters from this State as the Department
36 of Defense determines is necessary.

37 (cf: P.L.2017, c.39, s.9)

38

39 16. R.S.19:31-6 is amended to read as follows:

40 19:31-6. Any person qualified to vote in an election shall be
41 entitled to vote in the election if the person shall have registered to
42 vote on or before the 21st day preceding the election by:

43 a. registering in person at any offices designated by the
44 commissioner of registration for providing and receiving
45 registration forms;

46 b. completing a voter registration form while applying for a
47 motor vehicle driver's license from an agent of the New Jersey
48 Motor Vehicle Commission, as provided for in section 24 of
49 P.L.1994, c.182 (C.39:2-3.2);

1 c. completing and returning to the Secretary of State or having
2 returned thereto a voter registration form received from a voter
3 registration agency, as defined in subsection a. of section 26 of
4 P.L.1994, c.182 (C.19:31-6.11), while applying for services or
5 assistance or seeking a recertification, renewal or change of address
6 at an office of that agency;

7 d. completing and returning to the Secretary of State a voter
8 registration form obtained from a public agency, as defined in
9 subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

10 e. completing and returning to the Secretary of State or having
11 returned thereto a voter registration form received from a door-to-
12 door canvass or mobile registration drive, as provided for in section
13 19 of P.L.1974, c.30 (C.19:31-6.7);

14 f. completing and returning to the Secretary of State a federal
15 mail voter registration form, as prescribed in subsection (b) of
16 section 9 of the "National Voter Registration Act of 1993," (42
17 U.S.C. s. 1973gg et seq.);

18 g. completing and returning to the Secretary of State or the
19 appropriate county clerk an application for a federal postcard
20 application form to register to vote, as permitted pursuant to the
21 federal "Uniform and Overseas Citizens Absentee Voting Act" [(42
22 U.S.C. s. 1973ff-1 et seq.)] 52 U.S.C. s.120301 et seq.) and section
23 4 of P.L.1976, c.23 (C.19:59-4);

24 h. completing a provisional ballot affirmation statement and
25 voting the provisional ballot in the previous election, if the person
26 who submitted the provisional ballot in that election is determined
27 not to be a registered voter; or

28 i. completing and submitting an online voter registration form
29 available on the Secretary of State's Internet website, as provided
30 under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

31 When the commissioner has designated a place or places other
32 than his office for receiving registrations, the commissioner shall
33 cause to be published a notice in a newspaper circulated in the
34 municipality wherein such place or places of registration shall be
35 located. Such notice shall be published pursuant to R.S.19:12-7.

36 Any office designated by the commissioner of registration for
37 receiving registration forms shall have displayed, in a conspicuous
38 location, registration and voting instructions. These instructions
39 shall be the same as those provided for polling places under
40 R.S.19:9-2 and shall be provided by the commissioner
41 (cf: P.L.2019, c.382, s.2)

42
43 17. This act shall take effect immediately ²but shall apply only
44 to applicable elections occurring on or after November 8, 2022².
45
46
47

A3929 [2R]

13

- 1 Allows certain voters residing overseas to vote in certain
- 2 elections in this State depending on overseas residency or intent to
- 3 return.

ASSEMBLY, No. 3929

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning voting in New Jersey elections while residing
2 overseas and amending various parts of the statutory law.

3

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

6

7 1. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read
8 as follows:

9 2. As used in this act:

10 a. "United States" means each of the several states, the District
11 of Columbia, Commonwealth of Puerto Rico, Guam, American
12 Samoa and the United States Virgin Islands; the term does not mean
13 or include the Canal Zone or any other territory or possession of the
14 United States.

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

16 c. "Federal election" means any general, special or primary
17 held for the purpose of nominating or electing any candidate for the
18 office of President or Vice President of the United States,
19 Presidential elector, United States Senator or member of the United
20 States House of Representatives.

21 d. "Election" shall have the same meaning as defined in
22 R.S.19:1-1, and include any federal, State, or local election, and any
23 public question placed before the voters.

24 e. "Overseas voter" means any person in military service, or
25 that person's spouse, partner in civil union, domestic partner, or
26 dependent, who, by reason of the person's active duty or service, is,
27 in the case of the person, absent on the date of an election from the
28 place of residence in New Jersey where the person is or would be
29 qualified to vote, or in the case of the person's spouse, partner in
30 civil union, domestic partner, or dependent, absent on the date of an
31 election from the place of residence in New Jersey where that
32 spouse, partner in civil union, domestic partner, or dependent, is or
33 would be qualified to vote.

34 The term also means any citizen of the United States temporarily
35 residing abroad who (1) immediately prior to departure from the
36 United States was domiciled in New Jersey and (a) was last
37 registered to vote, or last eligible to register and vote, in New
38 Jersey; or (b) would have been eligible to register and vote in New
39 Jersey except that the citizen had not attained 18 years of age the
40 requirement of which has since been met; or (c) would have been
41 eligible to register and vote in New Jersey except that the citizen
42 had not met the residency requirement; (2) is not registered or
43 qualified to vote elsewhere in the United States; **[and]** (3) holds a
44 valid passport or passport card or other proof of citizenship issued
45 under authority of the Secretary of State of the United States; and
46 (4) has the intent to return to New Jersey.

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 f. "Overseas federal election voter" means **any** citizen of the
2 United States residing abroad who does not intend to return or
3 whose intent to return is uncertain and who (1) immediately prior to
4 departure from the United States was domiciled in New Jersey and
5 (a) was last registered to vote, or last eligible to register and vote, in
6 New Jersey; or (b) would have been eligible to register and vote in
7 New Jersey except that the citizen had not attained 18 years of age
8 the requirement of which has since been met; or (c) would have
9 been eligible to register and vote in New Jersey except that the
10 citizen had not met the residency requirement; (2) is not registered
11 or qualified to vote elsewhere in the United States; and (3) holds a
12 valid passport or passport card or other proof of citizenship issued
13 under authority of the Secretary of State of the United States.

14 The term also means **any** citizen of the United States who was
15 born outside of the United States, is not **described above** an
16 “overseas voter” under subsection e. of this section or an “overseas
17 State and federal voter” under subsection l. of this section, and,
18 except for the residency requirement of New Jersey, otherwise
19 satisfies the State's voter eligibility requirements, if the last place
20 where a parent, legal guardian, spouse, partner in civil union, or
21 domestic partner of the voter was, or under P.L.1976, c.23
22 (C.19:59-1 et seq.) would have been, eligible to register and vote
23 before departure from the United States is within New Jersey and
24 the voter has not previously registered to vote elsewhere in the
25 United States.

26 g. "Electronic means" means any transmission made by an
27 electronic telefacsimile machine or a similar device or by any other
28 form of electronic transmission including, but not exclusive to
29 electronic mail, that transports an authentic copy of a document
30 from one user to another.

31 h. "Dependent" means an individual recognized as a dependent
32 by a military service.

33 i. "Federal postcard application" means the application
34 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.
35 s.1973ff(b)(2)).

36 j. "Federal write-in absentee ballot" means the ballot described
37 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

38 k. "Military service" means the active and reserve components
39 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the
40 United States; the Merchant Marine; the commissioned corps of the
41 Public Health Service or the commissioned corps of the National
42 Oceanic and Atmospheric Administration of the United States; or
43 the National Guard or State militia.

44 l. “Overseas State and federal voter” means any citizen of the
45 United States residing abroad who does not intend to return or
46 whose intent to return is uncertain and who (1) immediately prior to

1 departure from the United States was domiciled in New Jersey and
2 (a) was last registered to vote, or last eligible to register and vote, in
3 New Jersey; or (b) would have been eligible to register and vote in
4 New Jersey except that the citizen had not attained 18 years of age
5 the requirement of which has since been met; or (c) would have
6 been eligible to register and vote in New Jersey except that the
7 citizen had not met the residency requirement; (2) is not registered
8 or qualified to vote elsewhere in the United States; and (3) holds a
9 valid passport or passport card or other proof of citizenship issued
10 under authority of the Secretary of State of the United States.

11 m. "State election" means any general, special, or primary
12 election held for the purpose of nominating or electing the office of
13 the Governor, Lieutenant Governor, New Jersey State Senator, or a
14 member of the New Jersey General Assembly, or a State public
15 question placed before all voters of the State. "State election" shall
16 not include any local election or any local public question placed
17 before less than all voters of the State.

18 (cf: P.L.2017, c.39, s.1)

19

20 2. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read
21 as follows:

22 3. Upon compliance with the provisions of this act, P.L.1976,
23 c.23 (C.19:59-1 et seq.), as amended by P.L.2017, c.39: a. any
24 person meeting the qualifications of an overseas voter may register
25 to vote and may apply for and vote by mail-in ballot in any election
26 held in the election district of this State in which the voter was
27 formerly domiciled; **[and]** b. any person meeting the qualifications
28 of an overseas federal election voter may register to vote and may
29 apply for and vote by mail-in ballot in any federal election held in
30 the election district of this State in which the voter, or in the case of
31 an overseas federal election voter who was born outside of the
32 United States described in subsection f. of section 2 of P.L.1976,
33 c.23 (C.19:59-2), in which the voter's parent, legal guardian,
34 spouse, partner in civil union, or domestic partner was formerly
35 domiciled; and c. any person meeting the qualifications of an
36 overseas State and federal voter as described in subsection l. of
37 section 2 of P.L.1976, c.23 (C.19:59-2) may register to vote and
38 may apply for and vote by mail in a State election described in
39 subsection m. of section 2 of P.L. 1976, c.23 (C.19:59-2) and a
40 federal election described in subsection c. of section 2 of P.L. 1976,
41 c.23 (C.19:59-2) held in the election district of this State in which
42 the voter was formerly domiciled.

43 (cf: P.L.2017, c.39, s.2)

44

45 3. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
46 as follows:

1 4. a. Requests for an application to vote in **[an]** any election
2 as an overseas voter or a federal election as an overseas federal
3 election voter or a State election or federal election as an overseas
4 State and federal election voter may be made by or on behalf of an
5 applicant to the county clerk of the county in which the applicant,
6 or in the case of an overseas federal election voter who was born
7 outside of the United States described in subsection f. of section 2
8 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal
9 guardian, spouse, partner in civil union, or domestic partner, was
10 formerly domiciled, or to the Secretary of State of New Jersey if the
11 applicant does not know the county of former domicile. All such
12 applications shall be forwarded to such voters by air mail or
13 electronic means, if so requested by the voter. Any overseas voter
14 or overseas federal election voter or overseas State and federal voter
15 requesting that an application for a ballot be sent to that voter by
16 electronic means shall supply in the request to the Secretary of State
17 or the county clerk, as appropriate, the telephone number and
18 location to which the application is to be sent or the electronic
19 address of the voter, as may be appropriate, and, if known, the
20 address where the voter, or the voter's parent, legal guardian,
21 spouse, partner in civil union, or domestic partner, as appropriate,
22 was domiciled before departure from the United States. To qualify
23 for a ballot to be sent by air mail, the applicant's completed
24 application shall be received by the appropriate county clerk or the
25 Secretary of State on or before the thirtieth day preceding the
26 election. To qualify for a ballot to be distributed by electronic
27 means, the applicant's completed application shall be received by
28 the appropriate county clerk or the Secretary of State on or before
29 the fourth day preceding the election.

30 b. An overseas voter or overseas federal election voter or
31 overseas State and federal voter may use the federal postcard
32 application form to register to vote or to apply for an overseas
33 ballot for any election in which the voter is eligible to vote. The
34 voter may send the form by air mail or electronic means to either
35 the appropriate county clerk or the Secretary of State and, in the
36 case of the use of a federal postcard application for a ballot, may
37 request that the ballot be sent by air mail or electronic means. **[Any**
38 voter sending the form by electronic means shall also mail
39 simultaneously the federal postcard application form to the
40 appropriate county clerk or the Secretary of State.] Any federal
41 postcard application for a ballot sent by an overseas voter or
42 overseas federal election voter or overseas State and federal voter
43 and received by a county clerk or the Secretary of State shall also
44 be considered a request for registration if that voter is not already
45 registered.

46 (cf: P.L.2017, c.39, s.3)

1 4. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as
2 follows:

3 5. a. Other than a federal postcard application, an application
4 for a ballot by an overseas voter or overseas federal election voter
5 or overseas State and federal election voter shall be in substantially
6 the following form:

7 I. the undersigned, certify the following as a basis for an
8 application as citizen of the United States residing outside the
9 United States to receive a ballot to be voted at the election to be
10 held on (date of election) for (fill in elected office or
11 public question, or both):

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

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

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

17 4. I hold a:

18 a. valid U.S. Passport #, dated, or

19 b. valid U.S. Passport Card #, dated, or

20 c. valid Certificate of Citizenship, dated, or

21 d. other valid form of identification recognized as such under
22 federal or state law: (form of identification), dated

23 5. a. Immediately prior to taking up residence abroad I was
24 domiciled in New Jersey and resided at (street address),
25 (municipality), (county) (If formerly registered
26 to vote from that address check here ()), or

27 b. I was born outside of the United States and my parent, legal
28 guardian, spouse, partner in civil union, or domestic partner, before
29 leaving the United States, was last domiciled in New Jersey,
30 residing at (street address), (municipality),
31(county).

32 6. I am not registered, entitled or applying to vote in any state
33 other than New Jersey.

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

37 Applicant
38 (Signature)

39 Dated:.....Applicant
40 (Print or type name)

41 b. There shall also be sent to the applicant by air mail or
42 electronic means such instructions and portions of the law or
43 regulations as the Secretary of State shall direct.

44 c. Any overseas voter or overseas federal election voter or
45 overseas State and federal election voter requesting that a ballot be
46 sent to that voter by electronic means shall indicate on the
47 application for the ballot the telephone number and location to

1 which the ballot is to be sent or the electronic address of the voter,
2 as may be appropriate.

3 (cf: P.L.2017, c.39, s.4)

4

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

7 6. Each county clerk, upon receipt of an application for a ballot
8 by an overseas voter or overseas federal election voter or overseas
9 State and federal election voter, including a federal postcard
10 application, shall determine whether or not the applicant is qualified
11 to vote such a ballot, make a list of those applications approved and
12 disapproved, which list shall be open to inspection by election
13 officials and the public, and shall forward an overseas ballot to each
14 person whose application is approved. For each voter whose
15 application is approved, the county clerk shall deliver to the county
16 board of elections the completed application form for retention by
17 the board for signature comparison with that on the certificate on
18 the inner envelope containing the ballot upon its receipt.

19 (cf: P.L.2017, c.39, s.5)

20

21 6. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as
22 follows:

23 7. The county clerk shall prescribe the form of the ballot for
24 overseas voters and overseas federal election voters and overseas
25 State and federal election voters.

26 (cf: P.L.2017, c.39, s.6)

27

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

30 8. a. Each county clerk shall send by air mail, with each ballot
31 for an overseas voter or overseas federal election voter or overseas
32 State and federal election voter transmitted by such means,
33 appropriate printed instructions for its completion and return,
34 together with an inner and outer envelope similar to that required as
35 to civilian vote by mail ballots with a legend on the inner envelope
36 stating "Ballot for Overseas Voter," **[or]** "Ballot for Overseas
37 Federal Election Voter," or "Ballot for Overseas State and Federal
38 Election Voter," as appropriate.

39 b. Each county clerk shall send to each overseas voter or
40 overseas federal election voter or overseas State and federal
41 election voter requesting that a ballot be sent to that voter by
42 electronic means all appropriate printed instructions for its
43 completion and return. The printed instructions sent to each such
44 voter shall include a certificate substantially the same as provided
45 for in section 9 of P.L.1976, c.23 (C.19:59-9).

1 c. The printed instructions sent with each ballot to an overseas
2 voter or overseas federal election voter or overseas State and federal
3 election voter, including instructions sent by electronic means, shall
4 include a copy of the following notice:

5 PENALTY FOR FRAUDULENT VOTING

6 Any person who knowingly violates any of the provisions of the
7 Overseas Residents Absentee Voting Law, or who, not being
8 entitled to vote thereunder, fraudulently votes or attempts to vote
9 thereunder or enables or attempts to enable another person, not
10 entitled to vote thereunder, to vote fraudulently thereunder or who
11 prevents or attempts to prevent by fraud the voting of any person
12 legally entitled to vote under this act, shall be guilty of an indictable
13 offense, and upon conviction thereof shall be subject, in addition to
14 such other penalties as are authorized by law, to disenfranchisement
15 while serving a sentence of incarceration unless and until pardoned
16 or restored by law to the right of suffrage.

17 (cf: P.L.2019, c.270, s.9)

18

19 8. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to read
20 as follows:

21 12. Whenever a county clerk receives a request by electronic
22 means from an overseas voter or overseas federal election voter or
23 overseas State and federal election voter that a ballot be sent to that
24 person by electronic means, the county clerk shall verify the voter's
25 eligibility to vote as an overseas voter or overseas federal election
26 voter or overseas State and federal election voter in the State and
27 the county desired. If the overseas voter or overseas federal election
28 voter or overseas State and federal election voter is eligible to vote
29 therein, the county clerk shall send the appropriate ballot to the
30 voter at least 45 days before the day of the election and thereafter
31 by electronic means using the telephone number or electronic
32 address supplied by the voter for that purpose. If the overseas voter
33 or overseas federal election voter or overseas State and federal
34 election voter is not eligible to vote in the State or the county
35 desired, notice of noneligibility shall be provided to the voter by
36 electronic means as soon as practicable after the receipt of the
37 request.

38 (cf: P.L.2017, c.39, s.12)

39

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

42 9. Upon the margin of the flap of the inner envelope to be sent
43 to an overseas voter or overseas federal election voter or overseas
44 State and federal election voter shall be printed a certificate
45 substantially as follows:

46 I, the undersigned, residing at am the
47 person who applied for, received and voted the enclosed Ballot.

1 Dated:.....
2Voter (SIGNATURE)
3Voter (PRINT or type name)
4 (cf: P.L.2017, c.39, s.13)
5

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

8 10. a. For ballots sent to overseas voters or overseas federal
9 election voters or overseas State and federal election voters, other
10 than such ballots sent to the voter by electronic means, the
11 procedure for completing the ballot shall be as follows:

12 Upon completion of the ballot by indicating the voter's choice of
13 candidates for the offices named or the voter's choice regarding a
14 public question, or both, the ballot shall be placed in the inner
15 envelope and sealed. Upon completion and signing in the voter's
16 handwriting the certificate attached to the inner envelope, the inner
17 envelope shall be placed in the outer envelope, which when sealed
18 shall be mailed postage prepaid to the county board of elections
19 whose address is printed thereon.

20 b. For ballots sent to overseas voters or overseas federal
21 election voters or overseas State and federal election voters by
22 electronic means, the procedure for completing the ballot shall be as
23 follows:

24 After the ballot is received and completed by the voter by
25 indicating that person's choice of candidates for the offices named
26 or that person's choice regarding a public question, or both, the
27 ballot shall be placed in a secure envelope. Upon completion and
28 signing in the voter's handwriting of the certificate sent to the voter
29 pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be
30 placed in the same envelope as the voted ballot. The envelope shall
31 then be sealed securely and sent immediately by air mail to the
32 appropriate county board of elections in this State.

33 c. Notwithstanding the provisions of subsections a. and b. of
34 this section, a copy of an overseas voter's or overseas federal
35 election voter's or overseas State and federal election voter's ballot
36 may be transmitted by electronic means to the appropriate county
37 board of elections in this State. Such a ballot shall be subject to the
38 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and
39 C.19:59-15).

40 (cf: P.L.2017, c.39, s.6)
41

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

44 11. Upon receipt of each ballot from an overseas voter or
45 overseas federal election voter or overseas State and federal
46 election voter, other than a ballot which had been sent by electronic
47 means to an overseas voter or overseas federal election voter or

1 overseas State and federal election voter, the signature on the
2 certificate on the inner envelope shall be compared to that on the
3 person's application. All ballots, whether originally sent to an
4 overseas voter or overseas federal election voter or overseas State
5 and federal election voter by air mail or electronic means, shall be
6 approved, disapproved, processed, counted and disputes in
7 connection therewith shall be handled in the same manner as is
8 applicable to other vote by mail ballots. No ballot received after the
9 time designated for the closing of the polls shall be counted.
10 (cf: P.L.2017, c.39, s.14)

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

14 12. An overseas voter or overseas federal election voter or
15 overseas State and federal election voter may request, on any
16 application form used, a ballot for all elections held during the
17 calendar year in which the request is made and in which the voter is
18 eligible to vote. Any instructions sent to an applicant pursuant to
19 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
20 that such a request may be made. If such a request is made, a ballot
21 shall be sent in a timely manner to the voter for all such elections in
22 which the voter is eligible to vote and by the transmission method
23 first requested by the voter unless the voter instructs otherwise.
24 (cf: P.L.2017, c.39, s.8)

25
26 13. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to read
27 as follows:

28 3. Notwithstanding any law, rule or regulation to the contrary, a
29 copy of an overseas voter's or overseas federal election voter's or
30 overseas State and federal election voter's voted ballot, or a voted
31 federal write-in absentee ballot, which is transmitted by electronic
32 means to the appropriate county board of elections in this State
33 shall be considered valid and counted if it:

- 34 a. is from a qualified voter;
- 35 b. has been transmitted to the appropriate county board of
36 elections no later than the time designated by law for the closing of
37 the polls on that day; and
- 38 c. is accompanied by the following statement, which shall be
39 certified by the voter's signature: "I understand that by transmitting
40 by electronic means a copy of my voted ballot I am voluntarily
41 waiving my right to a secret ballot. At the same time, I pledge to
42 place the original voted ballot in a secure envelope, together with
43 any other required certification, and send the documents
44 immediately by air mail to the appropriate county board of
45 elections."

46 (cf: P.L.2017, c.39, s.15)

1 14. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to
2 read as follows:

3 4. a. Immediately after a copy of an overseas voter's or
4 overseas federal election voter's or overseas State and federal
5 election voter's voted ballot, or a voted federal write-in absentee
6 ballot, has been transmitted by electronic means to the appropriate
7 county board of elections, as permitted pursuant to section 3 of
8 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal
9 election voter or overseas State and federal election voter shall
10 place the original voted ballot in a secure envelope, together with a
11 certificate substantially the same as provided for in section 9 of
12 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
13 the appropriate county board of elections.

14 b. All copies of voted ballots received by electronic means
15 shall be approved, disapproved, processed and counted, and
16 disputes in connection therewith shall be handled, in the same
17 manner as is applicable to other vote by mail ballots. No ballot
18 received after the time designated for the closing of the polls shall
19 be counted.

20 c. The county board of elections shall take all necessary
21 precautions to preserve the security of the ballot materials and
22 specifically shall ensure that the vote cast by a voter using a ballot
23 transmitted by electronic means is not revealed, except to the extent
24 necessary by law or judicial determination. Upon the completion of
25 all inspections of a ballot transmitted by electronic means required
26 by law, the board or any employee thereof acting under its direction
27 shall promptly separate the waiver certification from the ballot
28 transmitted by electronic means. Any person handling such a ballot
29 shall not identify the votes cast by any voter, except upon judicial
30 determination.

31 d. Prior to certification of the results of the election, the county
32 board shall:

33 (1) compare the information on the copy transmitted by
34 electronic means of each voted ballot with the same on the original
35 voted ballot sent by air mail by the voter who transmitted to the
36 county board a copy of the voted ballot by electronic means, and the
37 signature on the statement received by electronic means with the
38 signature on the certificate received by air mail; and

39 (2) ascertain whether an original voted ballot has been received
40 for each copy of a voted ballot received by electronic means and
41 counted.

42 Whenever the particulars of the copy of a voted ballot
43 transmitted by electronic means do not conform exactly with the
44 particulars of the original voted ballot sent by air mail to the county
45 board afterwards by that voter and whenever an original voted
46 ballot has not been received which corresponds to a copy of a voted
47 ballot transmitted by electronic means which has been received and

1 counted by the county board, those ballots and all other pertinent
2 documents and information relative to those ballots shall be turned
3 over to the superintendent of elections in counties having a
4 superintendent and the prosecutor in all other counties for further
5 investigation and action.

6 e. Within 30 days after the election, the county board shall
7 gather and keep together the copy of the voted ballot transmitted by
8 electronic means, the certified statement and the original voted
9 ballot sent by air mail of each voter who transmitted a copy of a
10 voted ballot by electronic means. Those ballots needed for an
11 investigation conducted by the superintendent of elections or the
12 county prosecutor, as the case may be, or by any other law
13 enforcement official shall be returned to the county board as soon
14 as practicable after the conclusion of the investigation. All ballots
15 and documents relative to a copy of a voted ballot transmitted by
16 electronic means and received by the county board shall be retained
17 by it for a period of one year following the day of the election. The
18 superintendent of elections in counties having a superintendent and
19 the prosecutor in all other counties shall have the authority to
20 impound all such documents whenever the superintendent or
21 prosecutor shall deem such action necessary.

22 (cf: P.L.2017, c.39, c.16)

23

24 15. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to
25 read as follows:

26 26. For the purpose of complying with the federal "Uniformed
27 and Overseas Citizens Absentee Voting Act," [42 U.S.C. s.1973ff-1
28 et seq.] 52 U.S.C. s.20301 et seq., the office of the Secretary of
29 State shall:

30 a. be designated as the single State office responsible for
31 providing information to all overseas voters and overseas federal
32 election voters and overseas State and federal election voters who
33 wish to register to vote or vote in any jurisdiction in the State with
34 respect to voter registration procedures and vote by mail procedures
35 to be used by overseas voters and overseas federal election voters or
36 overseas State and federal election voters for all elections in which
37 the voter is eligible to vote;

38 b. work with the federal Election Assistance Commission and
39 the federal Department of Defense to develop standards to report
40 data on the number of ballots transmitted and received by mail or
41 electronic means by overseas voters or overseas federal election
42 voters or overseas State and federal election voters pursuant to the
43 "Overseas Residents Absentee Voting Law," P.L.1976, c.23
44 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

45 c. provide such additional information relating to voting by
46 overseas voters and overseas federal election voters and overseas

1 State and federal election voters from this State as the Department
2 of Defense determines is necessary.

3 (cf: P.L.2017, c.39, s.9)

4

5 16. R.S.19:31-6 is amended to read as follows:

6 19:31-6. Any person qualified to vote in an election shall be
7 entitled to vote in the election if the person shall have registered to
8 vote on or before the 21st day preceding the election by:

9 a. registering in person at any offices designated by the
10 commissioner of registration for providing and receiving
11 registration forms;

12 b. completing a voter registration form while applying for a
13 motor vehicle driver's license from an agent of the New Jersey
14 Motor Vehicle Commission, as provided for in section 24 of
15 P.L.1994, c.182 (C.39:2-3.2);

16 c. completing and returning to the Secretary of State or having
17 returned thereto a voter registration form received from a voter
18 registration agency, as defined in subsection a. of section 26 of
19 P.L.1994, c.182 (C.19:31-6.11), while applying for services or
20 assistance or seeking a recertification, renewal or change of address
21 at an office of that agency;

22 d. completing and returning to the Secretary of State a voter
23 registration form obtained from a public agency, as defined in
24 subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

25 e. completing and returning to the Secretary of State or having
26 returned thereto a voter registration form received from a door-to-
27 door canvass or mobile registration drive, as provided for in section
28 19 of P.L.1974, c.30 (C.19:31-6.7);

29 f. completing and returning to the Secretary of State a federal
30 mail voter registration form, as prescribed in subsection (b) of
31 section 9 of the "National Voter Registration Act of 1993," (42
32 U.S.C. s. 1973gg et seq.);

33 g. completing and returning to the Secretary of State or the
34 appropriate county clerk an application for a federal postcard
35 application form to register to vote, as permitted pursuant to the
36 federal "Uniform and Overseas Citizens Absentee Voting Act" [(42
37 U.S.C. s. 1973ff-1 et seq.)] 52 U.S.C. s.120301 et seq.) and section
38 4 of P.L.1976, c.23 (C.19:59-4);

39 h. completing a provisional ballot affirmation statement and
40 voting the provisional ballot in the previous election, if the person
41 who submitted the provisional ballot in that election is determined
42 not to be a registered voter; or

43 i. completing and submitting an online voter registration form
44 available on the Secretary of State's Internet website, as provided
45 under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

1 When the commissioner has designated a place or places other
2 than his office for receiving registrations, the commissioner shall
3 cause to be published a notice in a newspaper circulated in the
4 municipality wherein such place or places of registration shall be
5 located. Such notice shall be published pursuant to R.S.19:12-7.

6 Any office designated by the commissioner of registration for
7 receiving registration forms shall have displayed, in a conspicuous
8 location, registration and voting instructions. These instructions
9 shall be the same as those provided for polling places under
10 R.S.19:9-2 and shall be provided by the commissioner
11 (cf: P.L.2019, c.382, s.2)

12

13 17. This act shall take effect immediately.

14

15

16

STATEMENT

17

18 Under current law, two categories of United States citizens living
19 outside the country are defined as “overseas federal election voters”
20 who are entitled to vote in this State for federal elections only,
21 using an overseas ballot. Under one category, the term means any
22 citizen of the United States residing abroad who does not intend to
23 return or whose intent to return is uncertain. Such “overseas federal
24 election voter” is permitted to vote if the voter (1) immediately
25 prior to departure from the United States was domiciled in New
26 Jersey and (a) was last registered to vote, or last eligible to register
27 and vote, in New Jersey; or (b) would have been eligible to register
28 and vote in New Jersey except that the citizen had not attained 18
29 years of age the requirement of which has since been met; or (c)
30 would have been eligible to register and vote in New Jersey except
31 that the citizen had not met the residency requirement; (2) is not
32 registered or qualified to vote elsewhere in the United States; and
33 (3) holds a valid passport or passport card or other proof of
34 citizenship issued under authority of the Secretary of State of the
35 United States. Under another category, “overseas federal election
36 voter” also means any citizen of the United States who was born
37 outside of the United States, is not described above, and, except for
38 the residency requirement of New Jersey, otherwise satisfies the
39 State's voter eligibility requirements, if the last place where a
40 parent, legal guardian, spouse, partner in civil union, or domestic
41 partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.)
42 would have been, eligible to register and vote before departure from
43 the United States is within New Jersey and the voter has not
44 previously registered to vote elsewhere in the United States.

45 This bill splits these two categories of voters by modifying the
46 definition of “overseas federal election voter” and adding a
47 definition of “overseas State and federal voter.”

1 Under the bill, an “*overseas federal election voter*” would be
2 permitted to vote in federal elections (but not in State or local
3 elections). The bill defines that term as any citizen of the United
4 States who was born outside of the United States, is not an
5 “overseas voter” or an “overseas State and federal voter” under the
6 bill, and, except for the residency requirement of New Jersey,
7 otherwise satisfies the State's voter eligibility requirements, if the
8 last place where a parent, legal guardian, spouse, partner in civil
9 union, or domestic partner of the voter was, or under N.J.S.A.19:59-
10 1 et seq. would have been, eligible to register and vote before
11 departure from the United States is within New Jersey and the voter
12 has not previously registered to vote elsewhere in the United States.

13 Under the bill, an “*overseas State and federal voter*” would be
14 permitted to vote in federal and State elections (but not in local
15 elections). The bill defines that term as any citizen of the United
16 States residing abroad who does not intend to return or whose intent
17 to return is uncertain and who (1) immediately prior to departure
18 from the United States was domiciled in New Jersey and (a) was
19 last registered to vote, or last eligible to register and vote, in New
20 Jersey; or (b) would have been eligible to register and vote in New
21 Jersey except that the citizen had not attained 18 years of age the
22 requirement of which has since been met; or (c) would have been
23 eligible to register and vote in New Jersey except that the citizen
24 had not met the residency requirement; (2) is not registered or
25 qualified to vote elsewhere in the United States; and (3) holds a
26 valid passport or passport card or other proof of citizenship issued
27 under authority of the Secretary of State of the United States.

28 This bill does not substantively change the definition of
29 “*overseas voter*” under current law, except for making a technical
30 clarification to explicitly add that the voter “has the intent to return
31 to New Jersey,” which is already required. “Overseas voters” would
32 continue to be eligible to vote in any local, State, and federal
33 election, and any public question placed before the voters in any
34 election.

35 Under the bill, the term “election” has the same meaning as
36 defined in R.S.19:1-1, and includes any federal, State, or local
37 election, and any public question placed before the voters in an
38 election. The bill defines “State election” as any general, special, or
39 primary election held for the purpose of nominating or electing the
40 office of the Governor, Lieutenant Governor, New Jersey State
41 Senator, or a member of the New Jersey General Assembly, or a
42 State public question placed before all voters of the State. “State
43 election” would not include any local election or any local public
44 question placed before less than all voters of the State.

45 The intent of this bill is to more closely mirror the selection
46 categories voters must choose from on the Federal Postcard
47 Application (FPCA), which determine the types of elections – local,

1 State, federal, or all – in which the U.S. citizen living outside of the
2 country is permitted to participate. Under the FPCA, the type of
3 election in which the voter is permitted to vote depends on whether
4 the voter indicates “I intend to return,” or “my intent to return is
5 uncertain,” or “I have never lived in the United States.” This bill
6 does not make any changes to the entry regarding voters who are on
7 active duty in the Uniformed Services or Merchant Marine, or their
8 eligible spouses or dependents.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3929

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. 3929.

Under current law, two categories of United States citizens living outside the country are defined as “overseas federal election voters” who are entitled to vote in this State for federal elections only, using an overseas ballot. Under one category, the term means any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain. Such “overseas federal election voter” is permitted to vote if the voter (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States. Under another category, “overseas federal election voter” also means any citizen of the United States who was born outside of the United States, is not described above, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.) would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States.

This bill splits these two categories of voters by modifying the definition of “overseas federal election voter” and adding a definition of “overseas State and federal voter.”

Under the bill, an “overseas federal election voter” would be permitted to vote in federal elections (but not in State or local elections). The bill defines that term as any citizen of the United States

who was born outside of the United States, is not an “overseas voter” or an “overseas State and federal voter” under the bill, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under N.J.S.A.19:59-1 et seq. would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States.

Under the bill, an “overseas State and federal voter” would be permitted to vote in federal and State elections (but not in local elections). The bill defines that term as any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain and who (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States.

As amended, this bill does not substantively change the definition of “overseas voter” under current law, except for making a technical clarification to explicitly add that the voter “does not establish a permanent residency in any other state or country” and “has the intent to return to New Jersey,” which is already required. “Overseas voters” would continue to be eligible to vote in any local, State, and federal election, and any public question placed before the voters in any election.

Under the bill, the term “election” has the same meaning as defined in R.S.19:1-1, and includes any federal, State, or local election, and any public question placed before the voters in an election. The bill defines “State election” as any general, special, or primary election held for the purpose of nominating or electing the office of the Governor, Lieutenant Governor, New Jersey State Senator, or a member of the New Jersey General Assembly, or a State public question placed before all voters of the State. “State election” would not include any local election or any local public question placed before less than all voters of the State.

The intent of this bill is to more closely mirror the selection categories voters must choose from on the Federal Postcard Application (FPCA), which determine the types of elections – local, State, federal, or all – in which the U.S. citizen living outside of the country is permitted to participate. Under the FPCA, the type of

election in which the voter is permitted to vote depends on whether the voter indicates “I intend to return,” or “my intent to return is uncertain,” or “I have never lived in the United States.” This bill does not make any changes to the entry regarding voters who are on active duty in the Uniformed Services or Merchant Marine, or their eligible spouses or dependents.

COMMITTEE AMENDMENT

The committee amended the bill to add to the definition of “overseas voter” that an “overseas voter” cannot establish permanent residency in any other state or country if they are to be considered an “overseas voter.”

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3929

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Assembly Bill No. 3929 (1R), with committee amendments.

Under current law, two categories of United States citizens living outside the country are defined as “overseas federal election voters” who are entitled to vote in this State for federal elections only, using an overseas ballot. Under one category, the term means any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain. Such “overseas federal election voter” is permitted to vote if the voter (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States. Under another category, “overseas federal election voter” also means any citizen of the United States who was born outside of the United States, is not described above, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.) would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States.

This bill splits these two categories of voters by modifying the definition of “overseas federal election voter” and adding a definition of “overseas State and federal voter.”

Under the bill, an “overseas federal election voter” would be permitted to vote in federal elections (but not in State or local elections). The bill defines that term as any citizen of the United States who was born outside of the United States, is not an “overseas voter” or an “overseas State and federal voter” under the bill, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under N.J.S.A.19:59-1 et seq. would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States.

Under the bill, an “overseas State and federal voter” would be permitted to vote in federal and State elections (but not in local elections). The bill defines that term as any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain and who (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States.

This bill does not substantively change the definition of “overseas voter” under current law, except for making a technical clarification to explicitly add that the voter “does not establish a permanent residency in any other state or country” and “has the intent to return to New Jersey,” which is already required. “Overseas voters” would continue to be eligible to vote in any local, State, and federal election, and any public question placed before the voters in any election.

Under the bill, the term “election” has the same meaning as defined in R.S.19:1-1, and includes any federal, State, or local election, and any public question placed before the voters in an election. The bill defines “State election” as any general, special, or primary election held for the purpose of nominating or electing the office of the Governor, Lieutenant Governor, New Jersey State Senator, or a member of the New Jersey General Assembly, or a State public question placed before all voters of the State. “State election” would not include any local election or any local public question placed before less than all voters of the State.

The intent of this bill is to more closely mirror the selection categories voters must choose from on the Federal Postcard Application (FPCA), which determine the types of elections – local,

State, federal, or all – in which the U.S. citizen living outside of the country is permitted to participate. Under the FPCA, the type of election in which the voter is permitted to vote depends on whether the voter indicates “I intend to return,” or “my intent to return is uncertain,” or “I have never lived in the United States.” This bill does not make any changes to the entry regarding voters who are on active duty in the Uniformed Services or Merchant Marine, or their eligible spouses or dependents.

Assembly Bill No. 3929 (2R) is identical to Senate Bill No. 2899 (1R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The committee amended the bill to change the effective date to apply only to applicable elections occurring on or after November 8, 2022.

SENATE, No. 2899

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 16, 2022

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senators Cryan, Diegnan, Johnson and Stack

SYNOPSIS

Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2022)

1 AN ACT concerning voting in New Jersey elections while residing
2 overseas and amending various parts of the statutory law.

3

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

6

7 1. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as
8 follows:

9 2. As used in this act:

10 a. "United States" means each of the several states, the District
11 of Columbia, Commonwealth of Puerto Rico, Guam, American
12 Samoa and the United States Virgin Islands; the term does not mean
13 or include the Canal Zone or any other territory or possession of the
14 United States.

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

16 c. "Federal election" means any general, special or primary
17 held for the purpose of nominating or electing any candidate for the
18 office of President or Vice President of the United States,
19 Presidential elector, United States Senator or member of the United
20 States House of Representatives.

21 d. "Election" shall have the same meaning as defined in
22 R.S.19:1-1, and include any federal, State, or local election, and any
23 public question placed before the voters.

24 e. "Overseas voter" means any person in military service, or
25 that person's spouse, partner in civil union, domestic partner, or
26 dependent, who, by reason of the person's active duty or service, is,
27 in the case of the person, absent on the date of an election from the
28 place of residence in New Jersey where the person is or would be
29 qualified to vote, or in the case of the person's spouse, partner in
30 civil union, domestic partner, or dependent, absent on the date of an
31 election from the place of residence in New Jersey where that
32 spouse, partner in civil union, domestic partner, or dependent, is or
33 would be qualified to vote.

34 The term also means any citizen of the United States temporarily
35 residing abroad who (1) immediately prior to departure from the
36 United States was domiciled in New Jersey and (a) was last
37 registered to vote, or last eligible to register and vote, in New
38 Jersey; or (b) would have been eligible to register and vote in New
39 Jersey except that the citizen had not attained 18 years of age the
40 requirement of which has since been met; or (c) would have been
41 eligible to register and vote in New Jersey except that the citizen
42 had not met the residency requirement; (2) is not registered or
43 qualified to vote elsewhere in the United States; **[and]** (3) holds a
44 valid passport or passport card or other proof of citizenship issued
45 under authority of the Secretary of State of the United States; (4)

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 does not establish permanent residency in any other state or
2 country; and (5) has the intent to return to New Jersey.

3 f. "Overseas federal election voter" means [any citizen of the
4 United States residing abroad who does not intend to return or
5 whose intent to return is uncertain and who (1) immediately prior to
6 departure from the United States was domiciled in New Jersey and
7 (a) was last registered to vote, or last eligible to register and vote, in
8 New Jersey; or (b) would have been eligible to register and vote in
9 New Jersey except that the citizen had not attained 18 years of age
10 the requirement of which has since been met; or (c) would have
11 been eligible to register and vote in New Jersey except that the
12 citizen had not met the residency requirement; (2) is not registered
13 or qualified to vote elsewhere in the United States; and (3) holds a
14 valid passport or passport card or other proof of citizenship issued
15 under authority of the Secretary of State of the United States.

16 The term also means] any citizen of the United States who was
17 born outside of the United States, is not [described above] an
18 “overseas voter” under subsection e. of this section or an “overseas
19 State and federal voter” under subsection l. of this section, and,
20 except for the residency requirement of New Jersey, otherwise
21 satisfies the State's voter eligibility requirements, if the last place
22 where a parent, legal guardian, spouse, partner in civil union, or
23 domestic partner of the voter was, or under P.L.1976, c.23
24 (C.19:59-1 et seq.) would have been, eligible to register and vote
25 before departure from the United States is within New Jersey and
26 the voter has not previously registered to vote elsewhere in the
27 United States.

28 g. "Electronic means" means any transmission made by an
29 electronic telefacsimile machine or a similar device or by any other
30 form of electronic transmission including, but not exclusive to
31 electronic mail, that transports an authentic copy of a document
32 from one user to another.

33 h. "Dependent" means an individual recognized as a dependent
34 by a military service.

35 i. "Federal postcard application" means the application
36 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.
37 s.1973ff(b)(2)).

38 j. "Federal write-in absentee ballot" means the ballot described
39 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

40 k. "Military service" means the active and reserve components
41 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the
42 United States; the Merchant Marine; the commissioned corps of the
43 Public Health Service or the commissioned corps of the National
44 Oceanic and Atmospheric Administration of the United States; or
45 the National Guard or State militia.

46 l. “Overseas State and federal voter” means any citizen of the
47 United States residing abroad who does not intend to return or
48 whose intent to return is uncertain and who (1) immediately prior to
49 departure from the United States was domiciled in New Jersey and

1 (a) was last registered to vote, or last eligible to register and vote, in
2 New Jersey; or (b) would have been eligible to register and vote in
3 New Jersey except that the citizen had not attained 18 years of age
4 the requirement of which has since been met; or (c) would have
5 been eligible to register and vote in New Jersey except that the
6 citizen had not met the residency requirement; (2) is not registered
7 or qualified to vote elsewhere in the United States; and (3) holds a
8 valid passport or passport card or other proof of citizenship issued
9 under authority of the Secretary of State of the United States.

10 m. "State election" means any general, special, or primary
11 election held for the purpose of nominating or electing the office of
12 the Governor, Lieutenant Governor, New Jersey State Senator, or a
13 member of the New Jersey General Assembly, or a State public
14 question placed before all voters of the State. "State election" shall
15 not include any local election or any local public question placed
16 before less than all voters of the State.

17 (cf: P.L.2017, c.39, s.1)

18
19 2. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read
20 as follows:

21 3. Upon compliance with the provisions of this act, P.L.1976,
22 c.23 (C.19:59-1 et seq.), as amended by P.L.2017, c.39: a. any
23 person meeting the qualifications of an overseas voter may register
24 to vote and may apply for and vote by mail-in ballot in any election
25 held in the election district of this State in which the voter was
26 formerly domiciled; **[and]** b. any person meeting the qualifications
27 of an overseas federal election voter may register to vote and may
28 apply for and vote by mail-in ballot in any federal election held in
29 the election district of this State in which the voter, or in the case of
30 an overseas federal election voter who was born outside of the
31 United States described in subsection f. of section 2 of P.L.1976,
32 c.23 (C.19:59-2), in which the voter's parent, legal guardian,
33 spouse, partner in civil union, or domestic partner was formerly
34 domiciled; and c. any person meeting the qualifications of an
35 overseas State and federal voter as described in subsection l. of
36 section 2 of P.L.1976, c.23 (C.19:59-2) may register to vote and
37 may apply for and vote by mail in a State election described in
38 subsection m. of section 2 of P.L. 1976, c.23 (C.19:59-2) and a
39 federal election described in subsection c. of section 2 of P.L. 1976,
40 c.23 (C.19:59-2) held in the election district of this State in which
41 the voter was formerly domiciled.

42 (cf: P.L.2017, c.39, s.2)

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

46 4. a. Requests for an application to vote in **[an]** any election
47 as an overseas voter or a federal election as an overseas federal
48 election voter or a State election or federal election as an overseas
49 State and federal election voter may be made by or on behalf of an

1 applicant to the county clerk of the county in which the applicant,
2 or in the case of an overseas federal election voter who was born
3 outside of the United States described in subsection f. of section 2
4 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal
5 guardian, spouse, partner in civil union, or domestic partner, was
6 formerly domiciled, or to the Secretary of State of New Jersey if the
7 applicant does not know the county of former domicile. All such
8 applications shall be forwarded to such voters by air mail or
9 electronic means, if so requested by the voter. Any overseas voter
10 or overseas federal election voter or overseas State and federal voter
11 requesting that an application for a ballot be sent to that voter by
12 electronic means shall supply in the request to the Secretary of State
13 or the county clerk, as appropriate, the telephone number and
14 location to which the application is to be sent or the electronic
15 address of the voter, as may be appropriate, and, if known, the
16 address where the voter, or the voter's parent, legal guardian,
17 spouse, partner in civil union, or domestic partner, as appropriate,
18 was domiciled before departure from the United States. To qualify
19 for a ballot to be sent by air mail, the applicant's completed
20 application shall be received by the appropriate county clerk or the
21 Secretary of State on or before the thirtieth day preceding the
22 election. To qualify for a ballot to be distributed by electronic
23 means, the applicant's completed application shall be received by
24 the appropriate county clerk or the Secretary of State on or before
25 the fourth day preceding the election.

26 b. An overseas voter or overseas federal election voter or
27 overseas State and federal voter may use the federal postcard
28 application form to register to vote or to apply for an overseas
29 ballot for any election in which the voter is eligible to vote. The
30 voter may send the form by air mail or electronic means to either
31 the appropriate county clerk or the Secretary of State and, in the
32 case of the use of a federal postcard application for a ballot, may
33 request that the ballot be sent by air mail or electronic means. **【**Any
34 voter sending the form by electronic means shall also mail
35 simultaneously the federal postcard application form to the
36 appropriate county clerk or the Secretary of State.**】** Any federal
37 postcard application for a ballot sent by an overseas voter or
38 overseas federal election voter or overseas State and federal voter
39 and received by a county clerk or the Secretary of State shall also
40 be considered a request for registration if that voter is not already
41 registered.

42 (cf: P.L.2017, c.39, s.3)

43

44 4. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as
45 follows:

46 5. a. Other than a federal postcard application, an application
47 for a ballot by an overseas voter or overseas federal election voter
48 or overseas State and federal election voter shall be in substantially
49 the following form:

1 I. the undersigned, certify the following as a basis for an
2 application as citizen of the United States residing outside the
3 United States to receive a ballot to be voted at the election to be
4 held on (date of election) for (fill in elected office or
5 public question, or both):

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

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

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

11 4. I hold a:

12 a. valid U.S. Passport #, dated, or

13 b. valid U.S. Passport Card #, dated, or

14 c. valid Certificate of Citizenship, dated, or

15 d. other valid form of identification recognized as such under
16 federal or state law: (form of identification), dated

17 5. a. Immediately prior to taking up residence abroad I was
18 domiciled in New Jersey and resided at (street address),
19 (municipality), (county) (If formerly registered
20 to vote from that address check here ()), or

21 b. I was born outside of the United States and my parent, legal
22 guardian, spouse, partner in civil union, or domestic partner, before
23 leaving the United States, was last domiciled in New Jersey,
24 residing at (street address), (municipality),
25(county).

26 6. I am not registered, entitled or applying to vote in any state
27 other than New Jersey.

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

31 Applicant
32 (Signature)

33 Dated:.....Applicant
34 (Print or type name)

35 b. There shall also be sent to the applicant by air mail or
36 electronic means such instructions and portions of the law or
37 regulations as the Secretary of State shall direct.

38 c. Any overseas voter or overseas federal election voter or
39 overseas State and federal election voter requesting that a ballot be
40 sent to that voter by electronic means shall indicate on the
41 application for the ballot the telephone number and location to
42 which the ballot is to be sent or the electronic address of the voter,
43 as may be appropriate.

44 (cf: P.L.2017, c.39, s.4)

45
46 5. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read as
47 follows:

48 6. Each county clerk, upon receipt of an application for a ballot
49 by an overseas voter or overseas federal election voter or overseas

1 State and federal election voter, including a federal postcard
2 application, shall determine whether or not the applicant is qualified
3 to vote such a ballot, make a list of those applications approved and
4 disapproved, which list shall be open to inspection by election
5 officials and the public, and shall forward an overseas ballot to each
6 person whose application is approved. For each voter whose
7 application is approved, the county clerk shall deliver to the county
8 board of elections the completed application form for retention by
9 the board for signature comparison with that on the certificate on
10 the inner envelope containing the ballot upon its receipt.

11 (cf: P.L.2017, c.39, s.5)

12

13 6. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as
14 follows:

15 7. The county clerk shall prescribe the form of the ballot for
16 overseas voters and overseas federal election voters and overseas
17 State and federal election voters.

18 (cf: P.L.2017, c.39, s.6)

19

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

22 8. a. Each county clerk shall send by air mail, with each ballot
23 for an overseas voter or overseas federal election voter or overseas
24 State and federal election voter transmitted by such means,
25 appropriate printed instructions for its completion and return,
26 together with an inner and outer envelope similar to that required as
27 to civilian vote by mail ballots with a legend on the inner envelope
28 stating "Ballot for Overseas Voter," **[or]** "Ballot for Overseas
29 Federal Election Voter," or "Ballot for Overseas State and Federal
30 Election Voter," as appropriate.

31 b. Each county clerk shall send to each overseas voter or
32 overseas federal election voter or overseas State and federal
33 election voter requesting that a ballot be sent to that voter by
34 electronic means all appropriate printed instructions for its
35 completion and return. The printed instructions sent to each such
36 voter shall include a certificate substantially the same as provided
37 for in section 9 of P.L.1976, c.23 (C.19:59-9).

38 c. The printed instructions sent with each ballot to an overseas
39 voter or overseas federal election voter or overseas State and federal
40 election voter, including instructions sent by electronic means, shall
41 include a copy of the following notice:

42 PENALTY FOR FRAUDULENT VOTING

43 Any person who knowingly violates any of the provisions of the
44 Overseas Residents Absentee Voting Law, or who, not being
45 entitled to vote thereunder, fraudulently votes or attempts to vote
46 thereunder or enables or attempts to enable another person, not
47 entitled to vote thereunder, to vote fraudulently thereunder or who
48 prevents or attempts to prevent by fraud the voting of any person
49 legally entitled to vote under this act, shall be guilty of an indictable

1 offense, and upon conviction thereof shall be subject, in addition to
2 such other penalties as are authorized by law, to disenfranchisement
3 while serving a sentence of incarceration unless and until pardoned
4 or restored by law to the right of suffrage.

5 (cf: P.L.2019, c.270, s.9)

6

7 8. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to read
8 as follows:

9 12. Whenever a county clerk receives a request by electronic
10 means from an overseas voter or overseas federal election voter or
11 overseas State and federal election voter that a ballot be sent to that
12 person by electronic means, the county clerk shall verify the voter's
13 eligibility to vote as an overseas voter or overseas federal election
14 voter or overseas State and federal election voter in the State and
15 the county desired. If the overseas voter or overseas federal
16 election voter or overseas State and federal election voter is eligible
17 to vote therein, the county clerk shall send the appropriate ballot to
18 the voter at least 45 days before the day of the election and
19 thereafter by electronic means using the telephone number or
20 electronic address supplied by the voter for that purpose. If the
21 overseas voter or overseas federal election voter or overseas State
22 and federal election voter is not eligible to vote in the State or the
23 county desired, notice of noneligibility shall be provided to the
24 voter by electronic means as soon as practicable after the receipt of
25 the request.

26 (cf: P.L.2017, c.39, s.12)

27

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

30 9. Upon the margin of the flap of the inner envelope to be sent
31 to an overseas voter or overseas federal election voter or overseas
32 State and federal election voter shall be printed a certificate
33 substantially as follows:

34 I, the undersigned, residing at am the
35 person who applied for, received and voted the enclosed Ballot.

36 Dated:.....

37Voter (SIGNATURE)

38Voter (PRINT or type name)

39 (cf: P.L.2017, c.39, s.13)

40

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

43 10. a. For ballots sent to overseas voters or overseas federal
44 election voters or overseas State and federal election voters, other
45 than such ballots sent to the voter by electronic means, the
46 procedure for completing the ballot shall be as follows:

47 Upon completion of the ballot by indicating the voter's choice of
48 candidates for the offices named or the voter's choice regarding a
49 public question, or both, the ballot shall be placed in the inner

1 envelope and sealed. Upon completion and signing in the voter's
2 handwriting the certificate attached to the inner envelope, the inner
3 envelope shall be placed in the outer envelope, which when sealed
4 shall be mailed postage prepaid to the county board of elections
5 whose address is printed thereon.

6 b. For ballots sent to overseas voters or overseas federal
7 election voters or overseas State and federal election voters by
8 electronic means, the procedure for completing the ballot shall be as
9 follows:

10 After the ballot is received and completed by the voter by
11 indicating that person's choice of candidates for the offices named
12 or that person's choice regarding a public question, or both, the
13 ballot shall be placed in a secure envelope. Upon completion and
14 signing in the voter's handwriting of the certificate sent to the voter
15 pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be
16 placed in the same envelope as the voted ballot. The envelope shall
17 then be sealed securely and sent immediately by air mail to the
18 appropriate county board of elections in this State.

19 c. Notwithstanding the provisions of subsections a. and b. of
20 this section, a copy of an overseas voter's or overseas federal
21 election voter's or overseas State and federal election voter's ballot
22 may be transmitted by electronic means to the appropriate county
23 board of elections in this State. Such a ballot shall be subject to the
24 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and
25 C.19:59-15).

26 (cf: P.L.2017, c.39, s.6)

27

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

30 11. Upon receipt of each ballot from an overseas voter or
31 overseas federal election voter or overseas State and federal
32 election voter, other than a ballot which had been sent by electronic
33 means to an overseas voter or overseas federal election voter or
34 overseas State and federal election voter, the signature on the
35 certificate on the inner envelope shall be compared to that on the
36 person's application. All ballots, whether originally sent to an
37 overseas voter or overseas federal election voter or overseas State
38 and federal election voter by air mail or electronic means, shall be
39 approved, disapproved, processed, counted and disputes in
40 connection therewith shall be handled in the same manner as is
41 applicable to other vote by mail ballots. No ballot received after the
42 time designated for the closing of the polls shall be counted.

43 (cf: P.L.2017, c.39, s.14)

44

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

47 12. An overseas voter or overseas federal election voter or
48 overseas State and federal election voter may request, on any
49 application form used, a ballot for all elections held during the

1 calendar year in which the request is made and in which the voter is
2 eligible to vote. Any instructions sent to an applicant pursuant to
3 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
4 that such a request may be made. If such a request is made, a ballot
5 shall be sent in a timely manner to the voter for all such elections in
6 which the voter is eligible to vote and by the transmission method
7 first requested by the voter unless the voter instructs otherwise.

8 (cf: P.L.2017, c.39, s.8)

9
10 13. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to
11 read as follows:

12 3. Notwithstanding any law, rule or regulation to the contrary, a
13 copy of an overseas voter's or overseas federal election voter's or
14 overseas State and federal election voter's voted ballot, or a voted
15 federal write-in absentee ballot, which is transmitted by electronic
16 means to the appropriate county board of elections in this State
17 shall be considered valid and counted if it:

- 18 a. is from a qualified voter;
19 b. has been transmitted to the appropriate county board of
20 elections no later than the time designated by law for the closing of
21 the polls on that day; and
22 c. is accompanied by the following statement, which shall be
23 certified by the voter's signature: "I understand that by transmitting
24 by electronic means a copy of my voted ballot I am voluntarily
25 waiving my right to a secret ballot. At the same time, I pledge to
26 place the original voted ballot in a secure envelope, together with
27 any other required certification, and send the documents
28 immediately by air mail to the appropriate county board of
29 elections."

30 (cf: P.L.2017, c.39, s.15)

31
32 14. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to
33 read as follows:

34 4. a. Immediately after a copy of an overseas voter's or
35 overseas federal election voter's or overseas State and federal
36 election voter's voted ballot, or a voted federal write-in absentee
37 ballot, has been transmitted by electronic means to the appropriate
38 county board of elections, as permitted pursuant to section 3 of
39 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal
40 election voter or overseas State and federal election voter shall
41 place the original voted ballot in a secure envelope, together with a
42 certificate substantially the same as provided for in section 9 of
43 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
44 the appropriate county board of elections.

45 b. All copies of voted ballots received by electronic means
46 shall be approved, disapproved, processed and counted, and
47 disputes in connection therewith shall be handled, in the same
48 manner as is applicable to other vote by mail ballots. No ballot

1 received after the time designated for the closing of the polls shall
2 be counted.

3 c. The county board of elections shall take all necessary
4 precautions to preserve the security of the ballot materials and
5 specifically shall ensure that the vote cast by a voter using a ballot
6 transmitted by electronic means is not revealed, except to the extent
7 necessary by law or judicial determination. Upon the completion of
8 all inspections of a ballot transmitted by electronic means required
9 by law, the board or any employee thereof acting under its direction
10 shall promptly separate the waiver certification from the ballot
11 transmitted by electronic means. Any person handling such a ballot
12 shall not identify the votes cast by any voter, except upon judicial
13 determination.

14 d. Prior to certification of the results of the election, the county
15 board shall:

16 (1) compare the information on the copy transmitted by
17 electronic means of each voted ballot with the same on the original
18 voted ballot sent by air mail by the voter who transmitted to the
19 county board a copy of the voted ballot by electronic means, and the
20 signature on the statement received by electronic means with the
21 signature on the certificate received by air mail; and

22 (2) ascertain whether an original voted ballot has been received
23 for each copy of a voted ballot received by electronic means and
24 counted.

25 Whenever the particulars of the copy of a voted ballot
26 transmitted by electronic means do not conform exactly with the
27 particulars of the original voted ballot sent by air mail to the county
28 board afterwards by that voter and whenever an original voted
29 ballot has not been received which corresponds to a copy of a voted
30 ballot transmitted by electronic means which has been received and
31 counted by the county board, those ballots and all other pertinent
32 documents and information relative to those ballots shall be turned
33 over to the superintendent of elections in counties having a
34 superintendent and the prosecutor in all other counties for further
35 investigation and action.

36 e. Within 30 days after the election, the county board shall
37 gather and keep together the copy of the voted ballot transmitted by
38 electronic means, the certified statement and the original voted
39 ballot sent by air mail of each voter who transmitted a copy of a
40 voted ballot by electronic means. Those ballots needed for an
41 investigation conducted by the superintendent of elections or the
42 county prosecutor, as the case may be, or by any other law
43 enforcement official shall be returned to the county board as soon
44 as practicable after the conclusion of the investigation. All ballots
45 and documents relative to a copy of a voted ballot transmitted by
46 electronic means and received by the county board shall be retained
47 by it for a period of one year following the day of the election. The
48 superintendent of elections in counties having a superintendent and
49 the prosecutor in all other counties shall have the authority to

1 impound all such documents whenever the superintendent or
2 prosecutor shall deem such action necessary.

3 (cf: P.L.2017, c.39, c.16)

4

5 15. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to
6 read as follows:

7 26. For the purpose of complying with the federal "Uniformed
8 and Overseas Citizens Absentee Voting Act," [42 U.S.C. s.1973ff-1
9 et seq.] 52 U.S.C. s.20301 et seq., the office of the Secretary of
10 State shall:

11 a. be designated as the single State office responsible for
12 providing information to all overseas voters and overseas federal
13 election voters and overseas State and federal election voters who
14 wish to register to vote or vote in any jurisdiction in the State with
15 respect to voter registration procedures and vote by mail procedures
16 to be used by overseas voters and overseas federal election voters or
17 overseas State and federal election voters for all elections in which
18 the voter is eligible to vote;

19 b. work with the federal Election Assistance Commission and
20 the federal Department of Defense to develop standards to report
21 data on the number of ballots transmitted and received by mail or
22 electronic means by overseas voters or overseas federal election
23 voters or overseas State and federal election voters pursuant to the
24 "Overseas Residents Absentee Voting Law," P.L.1976, c.23
25 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

26 c. provide such additional information relating to voting by
27 overseas voters and overseas federal election voters and overseas
28 State and federal election voters from this State as the Department
29 of Defense determines is necessary.

30 (cf: P.L.2017, c.39, s.9)

31

32 16. R.S.19:31-6 is amended to read as follows:

33 19:31-6. Any person qualified to vote in an election shall be
34 entitled to vote in the election if the person shall have registered to
35 vote on or before the 21st day preceding the election by:

36 a. registering in person at any offices designated by the
37 commissioner of registration for providing and receiving
38 registration forms;

39 b. completing a voter registration form while applying for a
40 motor vehicle driver's license from an agent of the New Jersey
41 Motor Vehicle Commission, as provided for in section 24 of
42 P.L.1994, c.182 (C.39:2-3.2);

43 c. completing and returning to the Secretary of State or having
44 returned thereto a voter registration form received from a voter
45 registration agency, as defined in subsection a. of section 26 of
46 P.L.1994, c.182 (C.19:31-6.11), while applying for services or
47 assistance or seeking a recertification, renewal or change of address
48 at an office of that agency;

- 1 d. completing and returning to the Secretary of State a voter
2 registration form obtained from a public agency, as defined in
3 subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);
- 4 e. completing and returning to the Secretary of State or having
5 returned thereto a voter registration form received from a door-to-
6 door canvass or mobile registration drive, as provided for in section
7 19 of P.L.1974, c.30 (C.19:31-6.7);
- 8 f. completing and returning to the Secretary of State a federal
9 mail voter registration form, as prescribed in subsection (b) of
10 section 9 of the "National Voter Registration Act of 1993," (42
11 U.S.C. s. 1973gg et seq.);
- 12 g. completing and returning to the Secretary of State or the
13 appropriate county clerk an application for a federal postcard
14 application form to register to vote, as permitted pursuant to the
15 federal "Uniform and Overseas Citizens Absentee Voting Act" [(42
16 U.S.C. s. 1973ff-1 et seq.)] 52 U.S.C. s.120301 et seq.) and section
17 4 of P.L.1976, c.23 (C.19:59-4);
- 18 h. completing a provisional ballot affirmation statement and
19 voting the provisional ballot in the previous election, if the person
20 who submitted the provisional ballot in that election is determined
21 not to be a registered voter; or
- 22 i. completing and submitting an online voter registration form
23 available on the Secretary of State's Internet website, as provided
24 under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

25 When the commissioner has designated a place or places other
26 than his office for receiving registrations, the commissioner shall
27 cause to be published a notice in a newspaper circulated in the
28 municipality wherein such place or places of registration shall be
29 located. Such notice shall be published pursuant to R.S.19:12-7.

30 Any office designated by the commissioner of registration for
31 receiving registration forms shall have displayed, in a conspicuous
32 location, registration and voting instructions. These instructions
33 shall be the same as those provided for polling places under
34 R.S.19:9-2 and shall be provided by the commissioner
35 (cf: P.L.2019, c.382, s.2)

36

37 17. This act shall take effect immediately.

38

39

40

STATEMENT

41

42

43 Under current law, two categories of United States citizens living
44 outside the country are defined as "overseas federal election voters"
45 who are entitled to vote in this State for federal elections only, using
46 an overseas ballot. Under one category, the term means any citizen of
47 the United States residing abroad who does not intend to return or
48 whose intent to return is uncertain. Such "overseas federal election
49 voter" is permitted to vote if the voter (1) immediately prior to

1 departure from the United States was domiciled in New Jersey and (a)
2 was last registered to vote, or last eligible to register and vote, in New
3 Jersey; or (b) would have been eligible to register and vote in New
4 Jersey except that the citizen had not attained 18 years of age the
5 requirement of which has since been met; or (c) would have been
6 eligible to register and vote in New Jersey except that the citizen had
7 not met the residency requirement; (2) is not registered or qualified to
8 vote elsewhere in the United States; and (3) holds a valid passport or
9 passport card or other proof of citizenship issued under authority of the
10 Secretary of State of the United States. Under another category,
11 “overseas federal election voter” also means any citizen of the United
12 States who was born outside of the United States, is not described
13 above, and, except for the residency requirement of New Jersey,
14 otherwise satisfies the State's voter eligibility requirements, if the last
15 place where a parent, legal guardian, spouse, partner in civil union, or
16 domestic partner of the voter was, or under P.L.1976, c.23 (C.19:59-1
17 et seq.) would have been, eligible to register and vote before departure
18 from the United States is within New Jersey and the voter has not
19 previously registered to vote elsewhere in the United States.

20 This bill splits these two categories of voters by modifying the
21 definition of “overseas federal election voter” and adding a definition
22 of “overseas State and federal voter.”

23 Under the bill, an “overseas federal election voter” would be
24 permitted to vote in federal elections (but not in State or local
25 elections). The bill defines that term as any citizen of the United States
26 who was born outside of the United States, is not an “overseas voter”
27 or an “overseas State and federal voter” under the bill, and, except for
28 the residency requirement of New Jersey, otherwise satisfies the
29 State's voter eligibility requirements, if the last place where a parent,
30 legal guardian, spouse, partner in civil union, or domestic partner of
31 the voter was, or under N.J.S.A.19:59-1 et seq. would have been,
32 eligible to register and vote before departure from the United States is
33 within New Jersey and the voter has not previously registered to vote
34 elsewhere in the United States.

35 Under the bill, an “overseas State and federal voter” would be
36 permitted to vote in federal and State elections (but not in local
37 elections). The bill defines that term as any citizen of the United
38 States residing abroad who does not intend to return or whose intent to
39 return is uncertain and who (1) immediately prior to departure from
40 the United States was domiciled in New Jersey and (a) was last
41 registered to vote, or last eligible to register and vote, in New Jersey;
42 or (b) would have been eligible to register and vote in New Jersey
43 except that the citizen had not attained 18 years of age the requirement
44 of which has since been met; or (c) would have been eligible to
45 register and vote in New Jersey except that the citizen had not met the
46 residency requirement; (2) is not registered or qualified to vote
47 elsewhere in the United States; and (3) holds a valid passport or
48 passport card or other proof of citizenship issued under authority of the
49 Secretary of State of the United States.

1 This bill does not substantively change the definition of “overseas
2 voter” under current law, except for making a technical clarification to
3 explicitly add that the voter “does not establish a permanent residency
4 in any other state or country” and “has the intent to return to New
5 Jersey,” which is already required. “Overseas voters” would continue
6 to be eligible to vote in any local, State, and federal election, and any
7 public question placed before the voters in any election.

8 Under the bill, the term “election” has the same meaning as
9 defined in R.S.19:1-1, and includes any federal, State, or local
10 election, and any public question placed before the voters in an
11 election. The bill defines “State election” as any general, special, or
12 primary election held for the purpose of nominating or electing the
13 office of the Governor, Lieutenant Governor, New Jersey State
14 Senator, or a member of the New Jersey General Assembly, or a State
15 public question placed before all voters of the State. “State election”
16 would not include any local election or any local public question
17 placed before less than all voters of the State.

18 The intent of this bill is to more closely mirror the selection
19 categories voters must choose from on the Federal Postcard
20 Application (FPCA), which determine the types of elections – local,
21 State, federal, or all – in which the U.S. citizen living outside of the
22 country is permitted to participate. Under the FPCA, the type of
23 election in which the voter is permitted to vote depends on whether the
24 voter indicates “I intend to return,” or “my intent to return is
25 uncertain,” or “I have never lived in the United States.” This bill does
26 not make any changes to the entry regarding voters who are on active
27 duty in the Uniformed Services or Merchant Marine, or their eligible
28 spouses or dependents.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 2899

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2899.

Under current law, two categories of United States citizens living outside the country are defined as “overseas federal election voters” who are entitled to vote in this State for federal elections only, using an overseas ballot. Under one category, the term means any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain. Such “overseas federal election voter” is permitted to vote if the voter (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States. Under another category, “overseas federal election voter” also means any citizen of the United States who was born outside of the United States, is not described above, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.) would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States.

This bill splits these two categories of voters by modifying the definition of “overseas federal election voter” and adding a definition of “overseas State and federal voter.”

Under the bill, an “overseas federal election voter” would be permitted to vote in federal elections (but not in State or local

elections). The bill defines that term as any citizen of the United States who was born outside of the United States, is not an “overseas voter” or an “overseas State and federal voter” under the bill, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under N.J.S.A.19:59-1 et seq. would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States.

Under the bill, an “overseas State and federal voter” would be permitted to vote in federal and State elections (but not in local elections). The bill defines that term as any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain and who (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States.

This bill does not substantively change the definition of “overseas voter” under current law, except for making a technical clarification to explicitly add that the voter “does not establish a permanent residency in any other state or country” and “has the intent to return to New Jersey,” which is already required. “Overseas voters” would continue to be eligible to vote in any local, State, and federal election, and any public question placed before the voters in any election.

Under the bill, the term “election” has the same meaning as defined in R.S.19:1-1, and includes any federal, State, or local election, and any public question placed before the voters in an election. The bill defines “State election” as any general, special, or primary election held for the purpose of nominating or electing the office of the Governor, Lieutenant Governor, New Jersey State Senator, or a member of the New Jersey General Assembly, or a State public question placed before all voters of the State. “State election” would not include any local election or any local public question placed before less than all voters of the State.

The intent of this bill is to more closely mirror the selection categories voters must choose from on the Federal Postcard Application (FPCA), which determine the types of elections – local, State, federal, or all – in which the U.S. citizen living outside of the country is permitted to participate. Under the FPCA, the type of

election in which the voter is permitted to vote depends on whether the voter indicates “I intend to return,” or “my intent to return is uncertain,” or “I have never lived in the United States.” This bill does not make any changes to the entry regarding voters who are on active duty in the Uniformed Services or Merchant Marine, or their eligible spouses or dependents.

Senate Bill No. 2899 (1R) is identical to Assembly Bill No. 3929 (1R) of the 2022-2023 session.

COMMITTEE AMENDMENTS:

The committee amended the bill to change the effective date to apply only to applicable elections occurring on or after November 8, 2022.

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, Danielsens/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 Danielsens, 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.”