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Yes

"Corzine signs law expanding voting rights, The Trentonian, 8-13-08, p.10

"Corzine signs law for more voting options," Asbury Park Press, 8-13-08, p.A3

"Corzine signs legislation to ease absentee voting," Courier Post, 8-13-08, p. 7B

"State expands voting rights of deployed troops," The Star-Ledger, 8-13-08, p.13

LAW

P.L. 2008, CHAPTER 61, *approved August 12, 2008*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 2204

1 AN ACT concerning overseas absentee ballots and amending various
2 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 1 of P.L.1976, c.23 (C.19:59-1) is amended to read as
8 follows:

9 1. This act shall be known and may be cited as the "Overseas
10 Residents **[Federal Election]** Absentee Voting Law."
11 (cf: P.L.1976, c. 23, s.1)

12
13 2. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as
14 follows:

15 2. As used in this act:

16 a. "United States" means each of the several states, the District
17 of Columbia, Commonwealth of Puerto Rico, Guam, American
18 Samoa and the Virgin Islands; the term does not mean or include
19 the Canal Zone or any other territory or possession of the United
20 States.

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

22 c. "Federal election" means any general, special or primary held
23 for the purpose of nominating or electing any candidate for the
24 office of President or Vice President of the United States,
25 Presidential elector, United States Senator or member of the United
26 States House of Representatives.

27 d. "Overseas **[federal election]** voter" means any person in
28 military service who, by reason of active duty or service, is absent
29 on the date of an election from the place of residence in New Jersey
30 where the person is or would be qualified to vote, and any citizen of
31 the United States residing abroad who (1) immediately prior to his
32 departure from the United States was domiciled in New Jersey and
33 (a) was registered to vote, or had all the qualifications to register
34 and vote, in New Jersey; or (b) had all the qualifications to register
35 and vote in New Jersey other than having attained 18 years of age
36 but has since attained that age; or (c) would, but for residence, have
37 the qualifications to register and vote in New Jersey; (2) does not
38 maintain a residence in the United States and is not registered or
39 qualified to vote elsewhere in the United States; and (3) holds a

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:

¹ Senate floor amendments adopted May 22, 2008.

1 valid passport or card of identity and registration issued under
2 authority of the Secretary of State of the United States.

3 e. **["Fax"]** “Electronic means” means any transmission made by
4 an electronic telefacsimile machine or a similar device or by any
5 other form of electronic transmission **[device which]** including, but
6 not exclusive to electronic mail, that transports an authentic copy of
7 a document from one user **[of the device]** to another.

8 (cf: P.L.1993, c.73, s.4)

9

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

12 3. Upon compliance with the provisions of this act, P.L.1976,
13 c.23 (C.19:59-1 et seq.), any person meeting the qualifications of an
14 "Overseas **[federal election]** voter" may register to vote and may
15 apply for and vote by absentee ballot in any **[federal]** election held
16 in the election district of this State in which **[he]** the voter was
17 formerly domiciled.

18 (cf: P.L.1993, c.73, s.5)

19

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

22 4. a. Requests for an application to vote in **[a federal]** an
23 election as an overseas **[federal election]** voter may be made by or
24 on behalf of an applicant to the county clerk of the county in which
25 the applicant was formerly domiciled or to the Secretary of State of
26 New Jersey if the applicant does not know the county of **[his]** the
27 applicant's former domicile. All such applications shall be
28 forwarded to such voters by air mail or **[by fax]** electronic means,
29 if so requested by the voter. Any overseas **[Federal election]** voter
30 requesting that an application for a ballot be sent to that voter by
31 **[fax]** electronic means shall supply to the Secretary of State or the
32 county clerk, as **[is]** appropriate, the telephone number and location
33 to which the application is to be sent or the electronic address of the
34 voter, as may be appropriate. To qualify an applicant to be sent a
35 ballot by air mail in order to vote in an election, the applicant's
36 completed application shall be received by the appropriate county
37 clerk on or before the thirtieth day preceding the election. To
38 qualify an applicant to be sent a ballot by **[fax]** electronic means in
39 order to vote in an election, the applicant's completed application
40 shall be received by the appropriate county clerk on or before the
41 fourth day preceding the election.

42 b. An overseas **[federal election]** voter may use **[a]** the federal
43 postcard application form to register to vote or to apply for an
44 overseas **[federal election voter]** ballot for a federal election. The
45 voter may send the form by air mail or **[by fax]** electronic means to
46 either the appropriate county clerk or the Secretary of State and, in

1 the case of an application for a ballot, may request that the ballot be
 2 sent by air mail or **[by fax]** electronic means. Any voter sending
 3 the form by **[fax]** electronic means shall also mail simultaneously
 4 the federal postcard application form to the appropriate county clerk
 5 or the Secretary of State. Any federal postcard application for a
 6 ballot sent by an overseas **[federal election]** voter and received by a
 7 county clerk or the Secretary of State shall also be considered a
 8 request for registration if that voter is not already registered.
 9 (cf: P.L.1995, c.195, s.1)

10

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

13 5. a. An application for an overseas **[federal election voter]**
14 ballot shall be in substantially the following form:

15 APPLICATION FOR AN OVERSEAS **[FEDERAL ELECTION**
16 **VOTER]** BALLOT

17

18 I, the undersigned, certify the following as a basis for an
19 application as citizen of the United States residing outside the
20 United States to receive a **[Federal election]** ballot to be voted at
21 the election to be held on (date of election) that is to say:

- 22 1. I am a citizen of the United States;
- 23 2. I presently reside at (if mail should be
24 addressed other than to my residence, also provide address for
25 mail);
- 26 3. I was born on (month, day, year)
- 27 4. a. I hold a valid U.S. Passport #, dated, or
- 28 b. I hold a United States Citizens Identity and Registration Card
29 (Form FS 225) dated issued by (name and
30 location of U.S. Embassy or Consulate).

31 5. Immediately prior to taking up residence abroad I was
32 domiciled in New Jersey and resided at (street address),
33 (municipality), (county) (If formerly registered
34 to vote from that address check here []).

35 6. I do not maintain a domicile in the United States and am not
36 registered, entitled or applying to vote in any state other than New
37 Jersey.

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

41 Applicant

42

43 (Signature)

44 Dated:..... Applicant

45

46 (Print or type name)

1 b. There shall also be sent to the applicant by air mail or **[by**
2 **fax]** electronic means such instructions and portions of the law or
3 regulations as the Secretary of State shall direct.

4 c. Any overseas **[federal election]** voter requesting that a ballot
5 be sent to that voter by **[fax]** electronic means shall indicate on the
6 application for the ballot the telephone number and location to
7 which the ballot is to be sent or the electronic address of the voter,
8 as may be appropriate.

9 (cf: P.L.1993, c.73, s.7)

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

13 6. Each county clerk, upon receipt of an application for an
14 overseas **[Federal election voter]** ballot, shall determine whether
15 or not the applicant is qualified to vote such a ballot, make a list of
16 those applications approved and disapproved, which list shall be
17 open to inspection by election officials and the public, and shall
18 forward an overseas **[Federal election voter]** ballot to each person
19 whose application is approved. **[As to]** For each voter whose
20 application is approved, the county clerk shall deliver to the county
21 board of elections the completed application form for retention by
22 the board for signature comparison with that on the certificate on
23 the inner envelope containing the ballot upon its receipt.

24 (cf: P.L.1976, c.23, s.6)

25
26 7. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as
27 follows:

28 7. The county clerk shall prescribe the form of the overseas
29 **[Federal election voter]** ballot **[which shall be of such a character**
30 **that it can be voted only for nominating or electing candidates for**
31 **the office of President or Vice President of the United States,**
32 **Presidential elector, United States Senator and member of the**
33 **United States House of Representatives, or such thereof as are to be**
34 **nominated or elected at the election].**

35 (cf: P.L.1976, c.23, s.7)

36
37 8. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read as
38 follows:

39 8. a. Each county clerk shall send by air mail, with each
40 overseas **[federal election voter]** ballot transmitted by such means,
41 appropriate printed instructions for its completion and return,
42 together with an inner and outer envelope similar to that required as
43 to civilian absentee ballots with a legend on the inner envelope
44 stating "Overseas **[Federal Election Voter]** Ballot."

45 b. Each county clerk shall send to each overseas **[federal**
46 **election]** voter requesting that an overseas **[federal election voter]**

1 ballot be sent to that voter by **[fax]** electronic means all appropriate
2 printed instructions for its completion and return. The printed
3 instructions sent to each such voter shall include a certificate
4 substantially the same as provided for in section 9 of P.L.1976, c.23
5 (C.19:59-9).

6 c. The printed instructions sent with each overseas **[federal**
7 **election voter]** ballot, including instructions sent by electronic
8 means, shall include a copy of the following notice:
9

10 PENALTY FOR FRAUDULENT VOTING

11

12 Any person who knowingly violates any of the provisions of the
13 Overseas Residents **[Federal Election]** Absentee Voting Law, or
14 who, not being entitled to vote thereunder, fraudulently votes or
15 attempts to vote thereunder or enables or attempts to enable another
16 person, not entitled to vote thereunder, to vote fraudulently
17 thereunder or who prevents or attempts to prevent by fraud the
18 voting of any person legally entitled to vote under this act, shall be
19 guilty of an indictable offense, and upon conviction thereof shall be
20 subject, in addition to such other penalties as are authorized by law,
21 to disenfranchisement unless and until pardoned or restored by law
22 to the right of suffrage.

23 (cf: P.L.1993, c.73, s.8)

24

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

27 12. Whenever a county clerk receives a request by **[fax]**
28 electronic means from an overseas **[federal election]** voter that an
29 overseas **[federal election voter]** ballot be sent to that person by
30 **[fax]** electronic means, the county clerk shall verify the voter's
31 eligibility to vote as an overseas **[federal election]** voter in the
32 State and the county desired. If the overseas **[federal]** voter is
33 eligible to vote therein, the county clerk shall send the ballot to the
34 voter as soon as practicable by **[fax]** electronic means using the
35 telephone number or electronic address supplied by the voter for
36 that purpose. If the overseas **[federal election]** voter is not eligible
37 to vote in the State or the county desired, notice of noneligibility
38 shall be provided to the voter by **[fax]** electronic means as soon as
39 practicable after the receipt of the request.

40 (cf: P.L.1993, c.73, s.12)

41

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

44 9. Upon the margin of the flap of the inner envelope to be sent
45 to an overseas **[Federal election]** voter shall be printed a certificate
46 substantially as follows:

1 I, the undersigned, residing at am the
2 person who applied for, received and voted the enclosed Overseas
3 **【Federal Election】** Ballot.

4 Dated:.....

5Voter (SIGNATURE)

6Voter (PRINT or type name)

7 (cf: P.L.1994, c.77, s.16)

8

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

11 10. a. For overseas **【federal election voter】** ballots other than
12 such ballots sent to the voter by **【fax】** electronic means, the
13 procedure for completing the ballot shall be as follows:

14 Upon completion of the ballot by indicating **【his】** the voter's
15 choice of candidates for the offices named, the ballot shall be
16 placed in the inner envelope and sealed. Upon completion and
17 signing in **【his】** the voter's handwriting the certificate attached to
18 the inner envelope, the inner envelope shall be placed in the outer
19 envelope, which when sealed shall be mailed postage prepaid to the
20 county board of elections whose address is printed thereon.

21 b. For overseas **【federal election voter】** ballots sent to the voter
22 by **【fax】** electronic means, the procedure for completing the ballot
23 shall be as 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 the ballot shall be placed in a secure envelope. Upon completion
27 and signing in the voter's handwriting of the certificate sent to the
28 voter pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be
29 placed in the same envelope as the voted ballot. The envelope shall
30 then be sealed securely and sent immediately by air mail to the
31 appropriate county board of elections in this State.

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

38 (cf: P.L.1995, c.195, s.2)

39

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

42 11. **【On】** Upon receipt of each overseas **【federal election voter】**
43 ballot, other than a ballot which had been sent by **【fax】** electronic
44 means to an overseas **【federal election】** voter, the signature on the
45 certificate on the inner envelope shall be compared to that on the
46 person's application. All ballots, whether originally sent to an

1 overseas **[federal election]** voter by air mail or **[by fax]** electronic
2 means, shall be approved, disapproved, processed, counted and
3 disputes in connection therewith shall be handled in the same
4 manner as is applicable to other absentee ballots. No ballot
5 received after the time designated for the closing of the polls shall
6 be counted.

7 (cf: P.L.1993, c.73, s.10)

8

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

11 12. An overseas **[federal election]** voter may request, on any
12 application form used, an overseas **[federal election voter]** ballot
13 for all **[federal]** elections held during the calendar year in which
14 the request is made. Any instructions sent to an applicant pursuant
15 to section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
16 that such a request may be made. If such a request is made, an
17 overseas **[federal election voter]** ballot shall be sent in a timely
18 manner to the voter for all such elections.

19 (cf: P.L.1993, c.73, s.11)

20

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

23 13. To effectuate the purposes of this act, P.L.1976, c.23
24 (C.19:59-1 et seq.), and its administration, the Secretary of State is
25 authorized to promulgate such rules and regulations as he deems
26 necessary and desirable.

27 (cf: P.L.1976, c.23, s.13)

28

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

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

36 a. is from a qualified voter;

37 b. has been transmitted to the appropriate county board of
38 elections no later than the time designated by law for the closing of
39 the polls on that day; and

40 c. is accompanied by the following statement, which shall be
41 certified by the voter's signature: "I understand that by **[faxing]**
42 transmitting by electronic means a copy of my voted ballot I am
43 voluntarily waiving my right to a secret ballot. At the same time, I
44 pledge to place the original voted ballot in a secure envelope,
45 together with any other required certification, and send the
46 documents immediately by air mail to the appropriate county board

1 of elections."
2 (cf: P.L.1995, c.195, s.3)

3
4 16. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to
5 read as follows:

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

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

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

33 d. Prior to certification of the results of the election, the county
34 board shall:

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

41 (2) ascertain whether an original voted ballot has been received
42 for each **【faxed】** copy of a voted ballot received by electronic
43 means and counted.

44 Whenever the particulars of the **【faxed】** copy of a voted ballot
45 **【of a voter】** transmitted by electronic means do not conform exactly
46 with the particulars of the original voted ballot sent by air mail to

1 the county board afterwards by that voter and whenever an original
2 voted ballot has not been received which corresponds to a **[faxed]**
3 copy of a voted ballot transmitted by electronic means which has
4 been received and counted by the county board, those ballots and all
5 other pertinent documents and information relative to those ballots
6 shall be turned over to the superintendent of elections in counties
7 having a superintendent and the prosecutor in all other counties for
8 further investigation and action.

9 e. Within 30 days after the election, the county board shall
10 gather and keep together the **[faxed]** copy of the voted ballot
11 transmitted by electronic means, the certified statement and the
12 original voted ballot sent by air mail of each voter who transmitted
13 a copy of a voted ballot by **[fax]** electronic means. Those ballots
14 needed for an investigation conducted by the superintendent of
15 elections or the county prosecutor, as the case may be, or by any
16 other law enforcement official shall be returned to the county board
17 as soon as practicable after the conclusion of the investigation. All
18 ballots and documents relative to a **[faxed]** copy of a voted ballot
19 transmitted by electronic means and received by the county board
20 shall be retained by it for a period of one year following the day of
21 the election. The superintendent of elections in counties having a
22 superintendent and the prosecutor in all other counties shall have
23 the authority to impound all such documents whenever **[he]** the
24 superintendent or prosecutor shall deem such action necessary.
25 (cf: P.L.1995, c.195, s.4)

26
27 17. Section 6 of P.L.1953, c.211 (C.19:57-6) is amended to read
28 as follows:

29 6. In the case of any election, the application or request shall be
30 made to the county clerk of the county.

31 In the case of applications for civilian absentee ballots, the
32 county clerk shall stamp thereon the date on which said application
33 was received in his office. In the case of applications for military
34 service ballots, as defined in section 2 of P.L.1953, c.211 (C.19:57-
35 2) and overseas **[federal election voter]** ballots, as provided for in
36 P.L.1976, c.23 (C.19:59-1 et seq.), no application shall be refused
37 on the grounds that it was submitted too early.

38 (cf: P.L.2004, c.88, s.27)

39
40 18. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read
41 as follows:

42 7. a. The **[Attorney General]** Secretary of State, through the
43 Division of Elections in the Department of **[Law and Public Safety]**
44 State shall be responsible for providing all information regarding
45 military service ballots, as defined in section 2 of P.L.1953, c.211
46 (C.19:57-2), and overseas **[federal election voter]** ballots, as
47 provided for in P.L.1976, c.23 (C.19:59-1 et seq.). The division

1 shall also make available valid military service voter registration
2 applications, military service ballot applications and overseas
3 **【federal election voter】** registration and ballot applications to any
4 military service or overseas **【federal election】** voter who wishes to
5 register to vote or to vote in any jurisdiction in this State. The
6 division shall publish or cause to be published the following notice
7 in substantially the following form:

8 NOTICE TO MILITARY SERVICE VOTERS AND
9 TO THEIR RELATIVES AND FRIENDS

10 If you are in the military service, or the spouse or dependent of a
11 person in military service or are a patient in a veterans' hospital or a
12 civilian attached to or serving with the Armed Forces of the United
13 States, or the spouse or dependent of and accompanying or residing
14 with a civilian attached to or serving with the Armed Forces of the
15 United States, and desire to vote, or if you are a relative or friend of
16 any such person who, you believe, will desire to vote in
17 the..... (school, municipal, primary, presidential
18 primary, general or other) election to be held on.....
19 (date of election) kindly write to the undersigned at once making
20 application for a military service ballot to be voted in said election
21 to be forwarded to you, stating your name, age, serial number if you
22 are in military service, home address and the address at which you
23 are stationed or can be found, or if you desire the military service
24 ballot for a relative or friend then make application under oath for a
25 military service ballot to be forwarded to him, stating in your
26 application that he is over the age of 18 years and stating his name,
27 serial number if he is in military service, home address and the
28 address at which he is stationed or can be found.

29 Military service voters may also apply for a military service
30 ballot by sending a federal postcard application form to the
31 undersigned.

32 On the application for a military service ballot, military service
33 voters may request that a military service ballot be sent for all
34 subsequent elections through and including the next two regularly
35 scheduled general elections for federal office which take place after
36 the request is made.

37 (NOTE: MILITARY SERVICE VOTER CLAIMING
38 MILITARY STATION AS HOME ADDRESS FOR VOTING
39 PURPOSES MAY NOT USE MILITARY ABSENTEE BALLOT
40 UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY
41 WHERE SUCH STATION IS LOCATED.)

42 Forms of application other than federal postcard application
43 forms can be obtained from the undersigned.

44 Dated.....

45 (signature and title of Director of Division of Elections)

46

47 (address of Division of Elections)

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

13 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
14 BALLOTS

15 If you are a qualified and registered voter of the State who wants
16 to vote by absentee ballot in the..... (school, municipal,
17 primary, presidential primary, general, or other) election to be held
18 on..... (date of election) kindly complete the application
19 form below and send to the undersigned, or write or apply in person
20 to the undersigned at once requesting that a civilian absentee ballot
21 be forwarded to you. Such request must state your home address,
22 and the address to which said ballot should be sent, and must be
23 dated and signed with your signature. If any person has assisted
24 you to complete the absentee ballot application, the name, address
25 and signature of the assistor must be provided on the application.
26 Also, you must sign and date the application for it to be valid and
27 processed. No person who is a candidate in the election for which
28 the voter requests an absentee ballot may provide any assistance in
29 the completion of the ballot or may serve as an authorized
30 messenger. No civilian absentee ballot will be furnished or
31 forwarded to any applicant unless request therefor is received not
32 less than seven days prior to the election, and contains the foregoing
33 information.

34 Voters who are permanently and totally disabled, and any other
35 voters who wish to vote only by absentee ballot in a general
36 election, and who state that on their request shall, after their initial
37 request and without further action on their part, be forwarded an
38 absentee ballot application by the county clerk for future elections
39 in which they are eligible to vote and until the voter requests that he
40 or she no longer be sent an application. Permanently and totally
41 disabled voters also have the option of indicating on their absentee
42 ballot applications that they would prefer to receive absentee ballots
43 for each election that takes place during the remainder of this
44 calendar year. Permanently and totally disabled voters who
45 exercise this option will be furnished with absentee ballots for each
46 election that takes place during the remainder of this calendar year,
47 without further action on their part.

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

5 Dated.....

6 (signature and title of county clerk)

7

8 (address of county clerk)

9

10 (Telephone No. of county clerk)

11 APPLICATION FORM FOR CIVILIAN

12 ABSENTEE BALLOT

13 (Form to be prepared by the [Attorney General] Secretary of
14 State pursuant to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

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

22 d. Such notices as described in subsections a. and b. of this
23 section shall be separately published prior to the 50th day
24 immediately preceding the holding of any election.

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

34 (cf: P.L.2005, c.138, s.4)

35

36 19. Section 7 of P.L.2004, c.88 (C.19:61-7) is amended to read
37 as follows:

38 7. No later than the 90th day following the day of each regularly
39 scheduled general election of candidates for federal office
40 [occurring after January 1, 2004], each county board of elections
41 shall submit to the [Attorney General] Secretary of State for
42 transmittal to the Election Assistance Commission, established
43 pursuant to section 201 of Pub.L.107-252 (42 U.S.C. 15321), a
44 report on the combined number of absentee ballots transmitted to
45 military service voters and overseas [federal election] voters and
46 the combined number of such ballots which were returned by such
47 voters, judged to be valid, cast and canvassed. The report shall be

1 in the format developed by the commission. The [Attorney
2 General] Secretary of State shall make copies of each such report
3 available to the general public.

4 (cf: P.L.2004, c.88, s.7)

5

6 20. This act shall take effect ¹[on January 1 following the date
7 of enactment] immediately¹.

8

9

10

11

12 Permits use of overseas absentee ballots for all elections;
13 authorizes transmission of ballots by electronic means.

ASSEMBLY, No. 2204

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblyman Schaer

SYNOPSIS

Broadens methods of transmitting ballots used in federal elections to include electronic means.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the transmission of certain ballots used by
2 overseas voters voting in federal elections and amending various
3 parts of the statutory law.

4

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

7

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

10 2. As used in this act:

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

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

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

22 d. "Overseas federal election voter" means any person in
23 military service who, by reason of active duty or service, is absent
24 on the date of an election from the place of residence in New Jersey
25 where the person is or would be qualified to vote, and any citizen of
26 the United States residing abroad who (1) immediately prior to his
27 departure from the United States was domiciled in New Jersey and
28 (a) was registered to vote, or had all the qualifications to register
29 and vote, in New Jersey; or (b) had all the qualifications to register
30 and vote in New Jersey other than having attained 18 years of age
31 but has since attained that age; or (c) would, but for residence, have
32 the qualifications to register and vote in New Jersey; (2) does not
33 maintain a residence in the United States and is not registered or
34 qualified to vote elsewhere in the United States; and (3) holds a
35 valid passport or card of identity and registration issued under
36 authority of the Secretary of State of the United States.

37 e. **["Fax"]** "Electronic means" means any transmission made by
38 an electronic telefacsimile machine or a similar device, or by any
39 other form of electronic transmission **[device which]** including, but
40 not exclusive to electronic mail, that transports an authentic copy of
41 a document from one user **[of the device]** to another.

42 (cf: P.L.1993, c.73, s.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 2. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read as
2 follows:

3 4. a. Requests for an application to vote in a federal election as
4 an overseas federal election voter may be made by or on behalf of
5 an applicant to the county clerk of the county in which the applicant
6 was formerly domiciled or to the Secretary of State of New Jersey if
7 the applicant does not know the county of his former domicile. All
8 such applications shall be forwarded to such voters by air mail or
9 **[by fax]** electronic means, if so requested by the voter. Any
10 overseas Federal election voter requesting that an application for a
11 ballot be sent to that voter by **[fax]** electronic means shall supply to
12 the Secretary of State or the county clerk, as is appropriate, the
13 telephone number and location to which the application is to be sent
14 or the electronic address of the voter, as may be appropriate. To
15 qualify an applicant to be sent a ballot by air mail in order to vote in
16 an election, the applicant's completed application shall be received
17 by the appropriate county clerk on or before the thirtieth day
18 preceding the election. To qualify an applicant to be sent a ballot
19 by **[fax]** electronic means in order to vote in an election, the
20 applicant's completed application shall be received by the
21 appropriate county clerk on or before the fourth day preceding the
22 election.

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

36 (cf: P.L.1995, c.195, s.1)

37

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

40 5. a. An application for an overseas federal election voter ballot
41 shall be in substantially the following form:

42 APPLICATION FOR AN OVERSEAS FEDERAL ELECTION
43 VOTER BALLOT

44 I, the undersigned, certify the following as a basis for an
45 application as citizen of the United States residing outside the
46 United States to receive a Federal election ballot to be voted at the
47 election to be held on (date of election) that is to say:

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- 1 1. I am a citizen of the United States;
- 2 2. I presently reside at (if mail should be
- 3 addressed other than to my residence, also provide address for
- 4 mail);
- 5 3. I was born on (month, day, year)
- 6 4. a. I hold a valid U.S. Passport #, dated, or
- 7 b. I hold a United States Citizens Identity and Registration
- 8 Card (Form FS 225) dated issued by (name and
- 9 location of U.S. Embassy or Consulate).
- 10 5. Immediately prior to taking up residence abroad I was
- 11 domiciled in New Jersey and resided at (street address),
- 12 (municipality), (county) (If formerly registered
- 13 to vote from that address check here []).
- 14 6. I do not maintain a domicile in the United States and am not
- 15 registered, entitled or applying to vote in any state other than New
- 16 Jersey.
- 17 7. I understand that any false statement knowingly made in this
- 18 application subjects me to the penalties provided by law for
- 19 fraudulent voting.

20 Applicant

21
22 (Signature)

23 Dated:..... Applicant

24
25 (Print or type name)

- 26
- 27 b. There shall also be sent to the applicant by air mail or by
- 28 **[fax]** electronic means such instructions and portions of the law or
- 29 regulations as the Secretary of State shall direct.
- 30 c. Any overseas federal election voter requesting that a ballot
- 31 be sent to that voter by **[fax]** electronic means shall indicate on the
- 32 application for the ballot the telephone number and location to
- 33 which the ballot is to be sent or the electronic address of the voter,
- 34 as may be appropriate.
- 35 (cf: P.L.1993, c.73, s.7)
- 36

37 4. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read as

38 follows:

- 39 8. a. Each county clerk shall send by air mail, with each
- 40 overseas federal election voter ballot transmitted by such means,
- 41 appropriate printed instructions for its completion and return,
- 42 together with an inner and outer envelope similar to that required as
- 43 to civilian absentee ballots with a legend on the inner envelope
- 44 stating "Overseas Federal Election Voter Ballot."
- 45 b. Each county clerk shall send to each overseas federal election
- 46 voter requesting that an overseas federal election voter ballot be
- 47 sent to that voter by **[fax]** electronic means all appropriate printed
- 48 instructions for its completion and return. The printed instructions

1 sent to each such voter shall include a certificate substantially the
2 same as provided for in section 9 of P.L.1976, c.23 (C.19:59-9).

3 c. The printed instructions sent with each overseas federal
4 election voter ballot, including instructions sent by electronic
5 means, shall include a copy of the following notice:

6 PENALTY FOR FRAUDULENT VOTING
7

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

19 (cf: P.L.1993, c.73, s.8)
20

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

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

36 (cf: P.L.1993, c.73, s.12)
37

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

40 10. a. For overseas federal election voter ballots other than such
41 ballots sent to the voter by **[fax]** electronic means, the procedure
42 for completing the ballot shall be as follows:

43 Upon completion of the ballot by indicating his choice of
44 candidates for the offices named, the ballot shall be placed in the
45 inner envelope and sealed. Upon completion and signing in his
46 handwriting the certificate attached to the inner envelope, the inner
47 envelope shall be placed in the outer envelope which when sealed

1 shall be mailed postage prepaid to the county board of elections
2 whose address is printed thereon.

3 b. For overseas federal election voter ballots sent to the voter
4 by **[fax]** electronic means, the procedure for completing the ballot
5 shall be as follows:

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

14 c. Notwithstanding the provisions of subsections a. and b. of
15 this section, a copy of a voted overseas federal election voter ballot
16 may be transmitted by **[fax]** electronic means to the appropriate
17 county board of elections in this State. Such a ballot shall be
18 subject to the provisions of sections 3 and 4 of P.L.1995, c.195
19 (C.19:59-14 and C.19:59-15).
20 (cf: P.L.1995, c.195, s.2)

21
22 7. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to read
23 as follows:

24 11. On receipt of each overseas federal election voter ballot,
25 other than a ballot which had been sent by **[fax]** electronic means
26 to an overseas federal election voter, the signature on the certificate
27 on the inner envelope shall be compared to that on the person's
28 application. All ballots, whether originally sent to an overseas
29 federal election voter by air mail or **[by fax]** electronic means, shall
30 be approved, disapproved, processed, counted and disputes in
31 connection therewith shall be handled in the same manner as is
32 applicable to other absentee ballots. No ballot received after the
33 time designated for the closing of the polls shall be counted.
34 (cf: P.L.1993, c.73, s.10)

35
36 8. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to read
37 as follows:

38 3. Notwithstanding any law, rule or regulation to the contrary,
39 a copy of a voted overseas federal election voter ballot or of a voted
40 federal write-in absentee ballot which is transmitted by **[fax]**
41 electronic means to the appropriate county board of elections in this
42 State shall be considered valid and counted if it:

- 43 a. is from a qualified voter;
- 44 b. has been transmitted to the appropriate county board of
45 elections no later than the time designated by law for the closing of
46 the polls on that day; and

1 c. is accompanied by the following statement, which shall be
2 certified by the voter's signature: "I understand that by **[faxing]**
3 transmitting by electronic means a copy of my voted ballot I am
4 voluntarily waiving my right to a secret ballot. At the same time, I
5 pledge to place the original voted ballot in a secure envelope,
6 together with any other required certification, and send the
7 documents immediately by air mail to the appropriate county board
8 of elections."

9 (cf: P.L.1995, c.195, s.3)

10
11 9. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to read
12 as follows:

13 4. a. Immediately after a copy of the voted overseas federal
14 election voter ballot or federal write-in absentee ballot has been
15 **[faxed]** transmitted by electronic means to the appropriate county
16 board of elections, as permitted pursuant to section 3 of P.L.1995,
17 c.195 (C.19:59-14), the overseas federal election voter shall place
18 the original voted ballot in a secure envelope, together with a
19 certificate substantially the same as provided for in section 9 of
20 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
21 the appropriate county board of elections.

22 b. All copies of voted ballots received by **[fax]** electronic
23 means shall be approved, disapproved, processed and counted, and
24 disputes in connection therewith shall be handled, in the same
25 manner as is applicable to other absentee ballots. No ballot
26 received after the time designated for the closing of the polls shall
27 be counted.

28 c. The county board of elections shall take all necessary
29 precautions to preserve the security of the ballot materials and
30 specifically shall ensure that the vote cast by a voter using a
31 **[faxed]** ballot transmitted by electronic means is not revealed,
32 except to the extent necessary by law or judicial determination.
33 Upon the completion of all inspections of a **[faxed]** ballot
34 transmitted by electronic means required by law, the board or any
35 employee thereof acting under its direction shall promptly separate
36 the waiver certification from the **[faxed]** ballot transmitted by
37 electronic means. Any person handling such a **[faxed]** ballot shall
38 not identify the votes cast by any voter, except upon judicial
39 determination.

40 d. Prior to certification of the results of the election, the county
41 board shall:

42 (1) compare the information on the **[faxed]** copy transmitted by
43 electronic means of each voted ballot with the same on the original
44 voted ballot sent by air mail by the voter who **[faxed]** transmitted
45 to the county board a copy of the voted ballot by electronic means,
46 and the signature on the statement received by **[fax]** electronic
47 means with the signature on the certificate received by air mail; and

1 (2) ascertain whether an original voted ballot has been received
2 for each **【faxed】** copy of a voted ballot received by electronic
3 means and counted.

4 Whenever the particulars of the **【faxed】** copy of a voted ballot
5 **【of a voter】** transmitted by electronic means do not conform exactly
6 with the particulars of the original voted ballot sent by air mail to
7 the county board afterwards by that voter and whenever an original
8 voted ballot has not been received which corresponds to a **【faxed】**
9 copy of a voted ballot transmitted by electronic means which has
10 been received and counted by the county board, those ballots and all
11 other pertinent documents and information relative to those ballots
12 shall be turned over to the superintendent of elections in counties
13 having a superintendent and the prosecutor in all other counties for
14 further investigation and action.

15 e. Within 30 days after the election, the county board shall
16 gather and keep together the **【faxed】** copy of the voted ballot
17 transmitted by electronic means, the certified statement and the
18 original voted ballot sent by air mail of each voter who transmitted
19 a copy of a voted ballot by **【fax】** electronic means. Those ballots
20 needed for an investigation conducted by the superintendent of
21 elections or the county prosecutor, as the case may be, or by any
22 other law enforcement official shall be returned to the county board
23 as soon as practicable after the conclusion of the investigation. All
24 ballots and documents relative to a **【faxed】** copy of a voted ballot
25 transmitted by electronic means and received by the county board
26 shall be retained by it for a period of one year following the day of
27 the election. The superintendent of elections in counties having a
28 superintendent and the prosecutor in all other counties shall have
29 the authority to impound all such documents whenever he shall
30 deem such action necessary.

31 (cf: P.L.1995, c.195, s.4)

32

33 10. This act shall take effect on January 1 following the date of
34 enactment.

35

36

37

STATEMENT

38

39 The purpose of this bill is to expand the methods of transmitting
40 ballots used by overseas voters who wish to vote in federal
41 elections. The bill does this by removing the term “fax” in those
42 section of law pertaining to this type of voting and replacing it with
43 the term “electronic means,” which is a broader term that
44 encompasses fax machines and any other form of electronic
45 transmission including, but not exclusively, electronic mail. Thus,
46 under the bill, a voter could request and receive information about
47 voting in a federal election by electronic mail and also complete

A2204 QUIGLEY, CONNERS

9

1 and return an electronic ballot that has been received by electronic
2 mail. Pursuant to current law, for such a vote to be considered
3 valid, the voter would still be required to complete a paper copy of
4 the ballot that would be sent to the appropriate county board of
5 elections after the electronic transmittal of the voted ballot.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2204

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2008

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2204.

This committee substitute permits overseas voters to vote by overseas absentee ballot in any election held in this State, including State and local elections, thereby allowing overseas voters greater participation in the electoral process. Under current law, an overseas voter, including an overseas voter in the military, can only vote by overseas absentee ballot in federal elections.

The committee substitute also expands the methods of transmitting ballots used by overseas voters who wish to vote. The substitute removes the term "fax" in those sections of law pertaining to this type of voting and replaces it with the term "electronic means," which term is defined to encompass fax machines and any other form of electronic transmission including, but not exclusively, electronic mail.

Under the committee substitute, an overseas voter could request and receive information about voting in any election by electronic mail and also complete and return an electronic ballot that has been received by electronic mail. Pursuant to current law, for such a vote to be considered valid, the voter would still be required to complete a paper copy of the ballot that would be sent to the appropriate county board of elections after the electronic transmittal of the voted ballot.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2204

STATE OF NEW JERSEY

DATED: MAY 8, 2008

The Senate State Government Committee reports favorably Assembly Committee Substitute for Assembly Bill, No. 2204.

This committee substitute permits overseas voters to vote by overseas absentee ballot in any election held in this State, including State and local elections, thereby allowing overseas voters greater participation in the electoral process. Under current law, an overseas voter, including an overseas voter in the military, can only vote by overseas absentee ballot in federal elections.

The committee substitute also expands the methods of transmitting ballots used by overseas voters who wish to vote. The substitute removes the term "fax" in those sections of law pertaining to this type of voting and replaces it with the term "electronic means," which term is defined to encompass fax machines and any other form of electronic transmission including, but not exclusively, electronic mail.

Under the committee substitute, an overseas voter could request and receive information about voting in any election by electronic mail and also complete and return an electronic ballot that has been received by electronic mail. Pursuant to current law, for such a vote to be considered valid, the voter would still be required to complete a paper copy of the ballot that would be sent to the appropriate county board of elections after the electronic transmittal of the voted ballot.

This bill is identical to Senate, No. 1460 of 2008.

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2204

with Senate Floor Amendments
(Proposed By Senators SACCO and ADLER)

ADOPTED: MAY 22, 2008

This Senate amendment changes the effective date of the bill from the January 1 following the date of enactment to immediately.

SENATE, No. 1460

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 6, 2008

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator JOHN H. ADLER

District 6 (Camden)

Co-Sponsored by:

Senators Vitale, Girgenti and Oroho

SYNOPSIS

Permits use of overseas absentee ballots for all elections; authorizes transmission of ballots by electronic means.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/23/2008)

S1460 SACCO, ADLER

2

1 AN ACT concerning overseas absentee ballots and amending various
2 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 1 of P.L.1976, c.23 (C.19:59-1) is amended to read as
8 follows:

9 1. This act shall be known and may be cited as the "Overseas
10 Residents **[Federal Election]** Absentee Voting Law."

11 (cf: P.L.1976, c. 23, s.1)

12

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

15 2. As used in this act:

16 a. "United States" means each of the several states, the District
17 of Columbia, Commonwealth of Puerto Rico, Guam, American
18 Samoa and the Virgin Islands; the term does not mean or include
19 the Canal Zone or any other territory or possession of the United
20 States.

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

22 c. "Federal election" means any general, special or primary held
23 for the purpose of nominating or electing any candidate for the
24 office of President or Vice President of the United States,
25 Presidential elector, United States Senator or member of the United
26 States House of Representatives.

27 d. "Overseas **[federal election]** voter" means any person in
28 military service who, by reason of active duty or service, is absent
29 on the date of an election from the place of residence in New Jersey
30 where the person is or would be qualified to vote, and any citizen of
31 the United States residing abroad who (1) immediately prior to his
32 departure from the United States was domiciled in New Jersey and
33 (a) was registered to vote, or had all the qualifications to register
34 and vote, in New Jersey; or (b) had all the qualifications to register
35 and vote in New Jersey other than having attained 18 years of age
36 but has since attained that age; or (c) would, but for residence, have
37 the qualifications to register and vote in New Jersey; (2) does not
38 maintain a residence in the United States and is not registered or
39 qualified to vote elsewhere in the United States; and (3) holds a
40 valid passport or card of identity and registration issued under
41 authority of the Secretary of State of the United States.

42 e. **["Fax"]** "Electronic means" means any transmission made by
43 an electronic telefacsimile machine or a similar device or by any
44 other form of electronic transmission **[device which]** including, but

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 not exclusive to electronic mail, that transports an authentic copy of
2 a document from one user **[of the device]** to another.

3 (cf: P.L.1993, c.73, s.4)

4

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

7 3. Upon compliance with the provisions of this act, P.L.1976,
8 c.23 (C.19:59-1 et seq.), any person meeting the qualifications of an
9 "Overseas **[federal election]** voter" may register to vote and may
10 apply for and vote by absentee ballot in any **[federal]** election held
11 in the election district of this State in which **[he]** the voter was
12 formerly domiciled.

13 (cf: P.L.1993, c.73, s.5)

14

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

17 4. a. Requests for an application to vote in **[a federal]** an
18 election as an overseas **[federal election]** voter may be made by or
19 on behalf of an applicant to the county clerk of the county in which
20 the applicant was formerly domiciled or to the Secretary of State of
21 New Jersey if the applicant does not know the county of **[his]** the
22 applicant's former domicile. All such applications shall be
23 forwarded to such voters by air mail or **[by fax]** electronic means,
24 if so requested by the voter. Any overseas **[Federal election]** voter
25 requesting that an application for a ballot be sent to that voter by
26 **[fax]** electronic means shall supply to the Secretary of State or the
27 county clerk, as **[is]** appropriate, the telephone number and location
28 to which the application is to be sent or the electronic address of the
29 voter, as may be appropriate. To qualify an applicant to be sent a
30 ballot by air mail in order to vote in an election, the applicant's
31 completed application shall be received by the appropriate county
32 clerk on or before the thirtieth day preceding the election. To
33 qualify an applicant to be sent a ballot by **[fax]** electronic means in
34 order to vote in an election, the applicant's completed application
35 shall be received by the appropriate county clerk on or before the
36 fourth day preceding the election.

37 b. An overseas **[federal election]** voter may use **[a]** the federal
38 postcard application form to register to vote or to apply for an
39 overseas **[federal election voter]** ballot for a federal election. The
40 voter may send the form by air mail or **[by fax]** electronic means to
41 either the appropriate county clerk or the Secretary of State and, in
42 the case of an application for a ballot, may request that the ballot be
43 sent by air mail or **[by fax]** electronic means. Any voter sending
44 the form by **[fax]** electronic means shall also mail simultaneously
45 the federal postcard application form to the appropriate county clerk
46 or the Secretary of State. Any federal postcard application for a

1 ballot sent by an overseas [federal election] voter and received by a
2 county clerk or the Secretary of State shall also be considered a
3 request for registration if that voter is not already registered.
4 (cf: P.L.1995, c.195, s.1)

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

8 5. a. An application for an overseas [federal election voter]
9 ballot shall be in substantially the following form:

10 APPLICATION FOR AN OVERSEAS [FEDERAL ELECTION
11 VOTER] BALLOT

12
13 I, the undersigned, certify the following as a basis for an
14 application as citizen of the United States residing outside the
15 United States to receive a [Federal election] ballot to be voted at
16 the election to be held on (date of election) that is to say:

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

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

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

22 4. a. I hold a valid U.S. Passport #, dated, or

23 b. I hold a United States Citizens Identity and Registration Card
24 (Form FS 225) dated issued by (name and
25 location of U.S. Embassy or Consulate).

26 5. Immediately prior to taking up residence abroad I was
27 domiciled in New Jersey and resided at (street address),
28 (municipality), (county) (If formerly registered
29 to vote from that address check here []).

30 6. I do not maintain a domicile in the United States and am not
31 registered, entitled or applying to vote in any state other than New
32 Jersey.

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

36 Applicant

37
38 (Signature)

39 Dated:.....Applicant

40
41 (Print or type name)

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

46 c. Any overseas [federal election] voter requesting that a ballot
47 be sent to that voter by [fax] electronic means shall indicate on the

1 application for the ballot the telephone number and location to
2 which the ballot is to be sent or the electronic address of the voter,
3 as may be appropriate.

4 (cf: P.L.1993, c.73, s.7)

5

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

8 6. Each county clerk, upon receipt of an application for an
9 overseas **【Federal election voter】** ballot , shall determine whether
10 or not the applicant is qualified to vote such a ballot, make a list of
11 those applications approved and disapproved , which list shall be
12 open to inspection by election officials and the public , and shall
13 forward an overseas **【Federal election voter】** ballot to each person
14 whose application is approved. **【As to】** 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.1976, c.23, s.6)

20

21 7. 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 overseas
24 **【Federal election voter】** ballot **【which shall be of such a character**
25 **that it can be voted only for nominating or electing candidates for**
26 **the office of President or Vice President of the United States,**
27 **Presidential elector, United States Senator and member of the**
28 **United States House of Representatives, or such thereof as are to be**
29 **nominated or elected at the election】.**

30 (cf: P.L.1976, c.23, s.7)

31

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

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

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

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

5 PENALTY FOR FRAUDULENT VOTING
6

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

18 (cf: P.L.1993, c.73, s.8)
19

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

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

35 (cf: P.L.1993, c.73, s.12)
36

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

39 9. Upon the margin of the flap of the inner envelope to be sent
40 to an overseas [Federal election] voter shall be printed a certificate
41 substantially as follows:

42 I, the undersigned, residing at am the
43 person who applied for, received and voted the enclosed Overseas
44 [Federal Election] Ballot.

45

46 Dated:.....

47Voter (SIGNATURE)

1Voter (PRINT or type name)
2 (cf: P.L.1994, c.77, s.16)

3
4 11. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to
5 read as follows:

6 10. a. For overseas **[federal election voter]** ballots other than
7 such ballots sent to the voter by **[fax]** electronic means, the
8 procedure for completing the ballot shall be as follows:

9 Upon completion of the ballot by indicating **[his]** the voter's
10 choice of candidates for the offices named, the ballot shall be
11 placed in the inner envelope and sealed. Upon completion and
12 signing in **[his]** the voter's handwriting the certificate attached to
13 the inner envelope, the inner envelope shall be placed in the outer
14 envelope, which when sealed shall be mailed postage prepaid to the
15 county board of elections whose address is printed thereon.

16 b. For overseas **[federal election voter]** ballots sent to the voter
17 by **[fax]** electronic means, the procedure for completing the ballot
18 shall be as follows:

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

27 c. Notwithstanding the provisions of subsections a. and b. of this
28 section, a copy of a voted overseas **[federal election voter]** ballot
29 may be transmitted by **[fax]** electronic means to the appropriate
30 county board of elections in this State. Such a ballot shall be
31 subject to the provisions of sections 3 and 4 of P.L.1995, c.195
32 (C.19:59-14 and C.19:59-15).
33 (cf: P.L.1995, c.195, s.2)

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

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

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

3 (cf: P.L.1993, c.73, s.10)

4

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

7 12. An overseas **【federal election】** voter may request, on any
8 application form used, an overseas **【federal election voter】** ballot
9 for all **【federal】** elections held during the calendar year in which
10 the request is made. Any instructions sent to an applicant pursuant
11 to 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, an
13 overseas **【federal election voter】** ballot shall be sent in a timely
14 manner to the voter for all such elections.

15 (cf: P.L.1993, c.73, s.11)

16

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

19 13. To effectuate the purposes of this act, P.L.1976, c.23
20 (C.19:59-1 et seq.), and its administration, the Secretary of State is
21 authorized to promulgate such rules and regulations as he deems
22 necessary and desirable.

23 (cf: P.L.1976, c.23, s.13)

24

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

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

32 a. is from a qualified voter;

33 b. has been transmitted to the appropriate county board of
34 elections no later than the time designated by law for the closing of
35 the polls on that day; and

36 c. is accompanied by the following statement, which shall be
37 certified by the voter's signature: "I understand that by **【faxing】**
38 transmitting by electronic means a copy of my voted ballot I am
39 voluntarily waiving my right to a secret ballot. At the same time, I
40 pledge to place the original voted ballot in a secure envelope,
41 together with any other required certification, and send the
42 documents immediately by air mail to the appropriate county board
43 of elections."

44 (cf: P.L.1995, c.195, s.3)

45

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

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

10 b. All copies of voted ballots received by [fax] electronic
11 means shall be approved, disapproved, processed and counted, and
12 disputes in connection therewith shall be handled, in the same
13 manner as is applicable to other absentee ballots. No ballot
14 received after the time designated for the closing of the polls shall
15 be counted.

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

28 d. Prior to certification of the results of the election, the county
29 board shall:

30 (1) compare the information on the [faxed] copy transmitted by
31 electronic means of each voted ballot with the same on the original
32 voted ballot sent by air mail by the voter who [faxed] transmitted
33 to the county board a copy of the voted ballot by electronic means,
34 and the signature on the statement received by [fax] electronic
35 means with the signature on the certificate received by air mail; and

36 (2) ascertain whether an original voted ballot has been received
37 for each [faxed] copy of a voted ballot received by electronic
38 means and counted.

39 Whenever the particulars of the [faxed] copy of a voted ballot
40 [of a voter] transmitted by electronic means do not conform exactly
41 with the particulars of the original voted ballot sent by air mail to
42 the county board afterwards by that voter and whenever an original
43 voted ballot has not been received which corresponds to a [faxed]
44 copy of a voted ballot transmitted by electronic means which has
45 been received and counted by the county board, those ballots and all
46 other pertinent documents and information relative to those ballots

1 shall be turned over to the superintendent of elections in counties
2 having a superintendent and the prosecutor in all other counties for
3 further investigation and action.

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

20 (cf: P.L.1995, c.195, s.4)

21

22 17. Section 6 of P.L.1953, c.211 (C.19:57-6) is amended to read
23 as follows:

24 6. In the case of any election, the application or request shall be
25 made to the county clerk of the county.

26 In the case of applications for civilian absentee ballots, the
27 county clerk shall stamp thereon the date on which said application
28 was received in his office. In the case of applications for military
29 service ballots, as defined in section 2 of P.L.1953, c.211 (C.19:57-
30 2) and overseas **[federal election voter]** ballots, as provided for in
31 P.L.1976, c.23 (C.19:59-1 et seq.), no application shall be refused
32 on the grounds that it was submitted too early.

33 (cf: P.L.2004, c.88, s.27)

34

35 18. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read
36 as follows:

37 7. a. The **[Attorney General]** Secretary of State, through the
38 Division of Elections in the Department of **[Law and Public Safety]**
39 State shall be responsible for providing all information regarding
40 military service ballots, as defined in section 2 of P.L.1953, c.211
41 (C.19:57-2), and overseas **[federal election voter]** ballots, as
42 provided for in P.L.1976, c.23 (C.19:59-1 et seq.). The division
43 shall also make available valid military service voter registration
44 applications, military service ballot applications and overseas
45 **[federal election voter]** registration and ballot applications to any
46 military service or overseas **[federal election]** voter who wishes to
47 register to vote or to vote in any jurisdiction in this State. The

1 division shall publish or cause to be published the following notice
2 in substantially the following form:

3 NOTICE TO MILITARY SERVICE VOTERS AND
4 TO THEIR RELATIVES AND FRIENDS

5 If you are in the military service, or the spouse or dependent of a
6 person in military service or are a patient in a veterans' hospital or a
7 civilian attached to or serving with the Armed Forces of the United
8 States, or the spouse or dependent of and accompanying or residing
9 with a civilian attached to or serving with the Armed Forces of the
10 United States, and desire to vote, or if you are a relative or friend of
11 any such person who, you believe, will desire to vote in
12 the..... (school, municipal, primary, presidential
13 primary, general or other) election to be held on.....
14 (date of election) kindly write to the undersigned at once making
15 application for a military service ballot to be voted in said election
16 to be forwarded to you, stating your name, age, serial number if you
17 are in military service, home address and the address at which you
18 are stationed or can be found, or if you desire the military service
19 ballot for a relative or friend then make application under oath for a
20 military service ballot to be forwarded to him, stating in your
21 application that he is over the age of 18 years and stating his name,
22 serial number if he is in military service, home address and the
23 address at which he is stationed or can be found.

24 Military service voters may also apply for a military service
25 ballot by sending a federal postcard application form to the
26 undersigned.

27 On the application for a military service ballot, military service
28 voters may request that a military service ballot be sent for all
29 subsequent elections through and including the next two regularly
30 scheduled general elections for federal office which take place after
31 the request is made.

32 (NOTE: MILITARY SERVICE VOTER CLAIMING
33 MILITARY STATION AS HOME ADDRESS FOR VOTING
34 PURPOSES MAY NOT USE MILITARY ABSENTEE BALLOT
35 UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY
36 WHERE SUCH STATION IS LOCATED.)

37 Forms of application other than federal postcard application
38 forms can be obtained from the undersigned.

39 Dated.....

40 (signature and title of Director of Division of Elections)

41

42 (address of Division of Elections)

43 b. The county clerk of the county, in the case of any Statewide
44 election, countywide election, or school election in a regional or
45 other school district comprising more than one municipality; the
46 clerk of the municipality, in the case of any municipal election or
47 school election in a school district comprising a single municipality;
48 and the commissioners or other governing or administrative body of

1 the district, in the case of any election to be held in any fire district,
2 road district, sewerage district, street lighting district, water supply
3 district or other special district, other than a municipality, created
4 for specified public purposes within one or more municipalities,
5 shall publish or cause to be published the following notice in
6 substantially the following form:

7 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
8 BALLOTS

9 If you are a qualified and registered voter of the State who wants
10 to vote by absentee ballot in the..... (school, municipal,
11 primary, presidential primary, general, or other) election to be held
12 on..... (date of election) kindly complete the application
13 form below and send to the undersigned, or write or apply in person
14 to the undersigned at once requesting that a civilian absentee ballot
15 be forwarded to you. Such request must state your home address,
16 and the address to which said ballot should be sent, and must be
17 dated and signed with your signature. If any person has assisted
18 you to complete the absentee ballot application, the name, address
19 and signature of the assistor must be provided on the application.
20 Also, you must sign and date the application for it to be valid and
21 processed. No person who is a candidate in the election for which
22 the voter requests an absentee ballot may provide any assistance in
23 the completion of the ballot or may serve as an authorized
24 messenger. No civilian absentee ballot will be furnished or
25 forwarded to any applicant unless request therefor is received not
26 less than seven days prior to the election, and contains the foregoing
27 information.

28 Voters who are permanently and totally disabled, and any other
29 voters who wish to vote only by absentee ballot in a general
30 election, and who state that on their request shall, after their initial
31 request and without further action on their part, be forwarded an
32 absentee ballot application by the county clerk for future elections
33 in which they are eligible to vote and until the voter requests that he
34 or she no longer be sent an application. Permanently and totally
35 disabled voters also have the option of indicating on their absentee
36 ballot applications that they would prefer to receive absentee ballots
37 for each election that takes place during the remainder of this
38 calendar year. Permanently and totally disabled voters who
39 exercise this option will be furnished with absentee ballots for each
40 election that takes place during the remainder of this calendar year,
41 without further action on their part.

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

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

1 (address of county clerk)

2

3 (Telephone No. of county clerk)

4 APPLICATION FORM FOR CIVILIAN

5 ABSENTEE BALLOT

6 (Form to be prepared by the **【Attorney General】** Secretary of
7 State pursuant to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

8 c. The absentee ballot materials shall contain a notice that any
9 person voting by absentee ballot who registers by mail after January
10 1, 2003, who did not provide personal identification information
11 when registering and is voting for the first time in his or her current
12 county of residence following registration shall include the required
13 identification information with the absentee ballot, and that failure
14 to include such information shall result in the rejection of the ballot.

15 d. Such notices as described in subsections a. and b. of this
16 section shall be separately published prior to the 50th day
17 immediately preceding the holding of any election.

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

27 (cf: P.L.2005, c.138, s.4)

28

29 19. Section 7 of P.L.2004, c.88 (C.19:61-7) is amended to read
30 as follows:

31 7. No later than the 90th day following the day of each regularly
32 scheduled general election of candidates for federal office
33 **【occurring after January 1, 2004】**, each county board of elections
34 shall submit to the **【Attorney General】** Secretary of State for
35 transmittal to the Election Assistance Commission, established
36 pursuant to section 201 of Pub.L.107-252 (42 U.S.C.15321), a
37 report on the combined number of absentee ballots transmitted to
38 military service voters and overseas **【federal election】** voters and
39 the combined number of such ballots which were returned by such
40 voters, judged to be valid, cast and canvassed. The report shall be
41 in the format developed by the commission. The **【Attorney**
42 **General】** Secretary of State shall make copies of each such report
43 available to the general public.

44 (cf: P.L.2004, c.88, s.7)

45

46 20. This act shall take effect on January 1 following the date of
47 enactment.

STATEMENT

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21

This bill permits overseas voters to vote by overseas absentee ballot in any election held in this State, including State and local elections, thereby allowing overseas voters greater participation in the electoral process. Under current law, an overseas voter, including an overseas voter in the military, can only vote by overseas absentee ballot in federal elections.

The bill also expands the methods of transmitting ballots used by overseas voters who wish to vote. The bill removes the term “fax” in those sections of law pertaining to this type of voting and replaces it with the term “electronic means,” a term defined to encompass fax machines and any other form of electronic transmission including, but not exclusively, electronic mail.

Under the bill, an overseas voter could request and receive information about voting in any election by electronic mail and also complete and return an electronic ballot that has been received by electronic mail. Pursuant to current law, for such a vote to be considered valid, the voter would still be required to complete a paper copy of the ballot that would be sent to the appropriate county board of elections after the electronic transmittal of the voted ballot.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1460

STATE OF NEW JERSEY

DATED: MAY 8, 2008

The Senate State Government Committee reports favorably Senate, No. 1460.

This bill permits overseas voters to vote by overseas absentee ballot in any election held in this State, including State and local elections, thereby allowing overseas voters greater participation in the electoral process. Under current law, an overseas voter, including an overseas voter in the military, can only vote by overseas absentee ballot in federal elections.

The bill also expands the methods of transmitting ballots used by overseas voters who wish to vote. The bill removes the term “fax” in those sections of law pertaining to this type of voting and replaces it with the term “electronic means,” a term defined to encompass fax machines and any other form of electronic transmission including, but not exclusively, electronic mail.

Under the bill, an overseas voter could request and receive information about voting in any election by electronic mail and also complete and return an electronic ballot that has been received by electronic mail. Pursuant to current law, for such a vote to be considered valid, the voter would still be required to complete a paper copy of the ballot that would be sent to the appropriate county board of elections after the electronic transmittal of the voted ballot.

This bill is identical to an Assembly Committee Substitute for Assembly, No. 2204 of 2008.

STATEMENT TO

SENATE, No. 1460

with Senate Floor Amendments
(Proposed By Senators SACCO and ADLER)

ADOPTED: MAY 22, 2008

This Senate amendment changes the effective date of the bill from the January 1 following the date of enactment to immediately.



THE STATE OF NEW JERSEY OFFICE OF THE GOVERNOR

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Sean Darcy

Jim Gardner

Phone: 609-777-2600

Governor Corzine Signs Legislation to Expand Voting Rights

Allows Deployed Military Personnel to Vote in State Elections

TRENTON - Governor Jon S. Corzine today signed legislation to expand voting rights for military personnel and New Jersey citizens overseas to include state and local elections. Previously overseas voters, including military personnel, could only vote by overseas absentee ballot in federal elections. This new legislation corrects a fundamental flaw in the law and will now allow for greater participation in the electoral process

"The right to vote is the most fundamental element of any democracy," Governor Jon S. Corzine said. "I could not

be more proud to sign this legislation to ensure that those who have sacrificed so much to protect our rights have the opportunity to participate fully in the electoral process.”

In addition to expanding voting rights, the bill also expands the methods of transmitting ballots used by overseas voters who wish to vote. Currently the law only allows for votes to be transmitted by fax, but this legislation will expand the law to include any other form of electronic communication, including e-mail. In order to ensure the integrity of the voting process, a paper copy of the ballot must also be submitted for verification purposes after the transmittal of the electronic ballot.

“In a society powered by technology, it is only logical to make proper use of all the tools at our disposal,” said Governor Corzine. “In signing this legislation, we are giving realistic access to our democratic system to the people who have taken on the responsibility of defending it overseas.”

The Legislation (A2204/S1460) was sponsored in the Assembly by Assemblypersons Joan M. Quigley, Jack Connors, Vincent Prieto, Gary S. Schaer and Caroline Casagrande and Jay Webber. It was sponsored in the Senate by Nicholas J. Sacco, and John H. Adler.

“The act of voting should not be a daunting or impossible task simply because a person is an ocean away from home,” said Assemblywoman Joan M. Quigley (D-Hudson). “It’s past time that we streamlined the process to account for the near-global connectivity afforded us by the advent of the Internet and e-mail.” “Our election laws must be reflective of the times so that the act of voting, even for someone overseas or at war, is as simple as possible,” said Assemblyman Jack Connors (D-Camden), a former Army National Guardsman and Army Reservist.

“For too long, New Jersey’s election laws have lagged far behind the state of current technology,” said Senator Sacco, D-Hudson and Bergen. “With the prevalence of e-mail and other forms of electronic transmission, State election regulators can easily and cheaply communicate with potential voters, wherever they are in the world. Thanks to this new law, we can increase participation in the democratic process in New Jersey, particularly for those in our military serving overseas.” “We must give our brave men and women from New Jersey that are serving in the Armed Forces overseas every opportunity to have a voice in their government,” said Senator Adler, D-Cherry Hill. “By making it easier for State residents overseas to vote electronically, we can guarantee that our soldiers who have sacrificed so much for their country aren’t forced to sacrifice their right to vote.”

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