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[Fifth Reprint]

ASSEMBLY, No. 2451

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED MARCH 3, 2008

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

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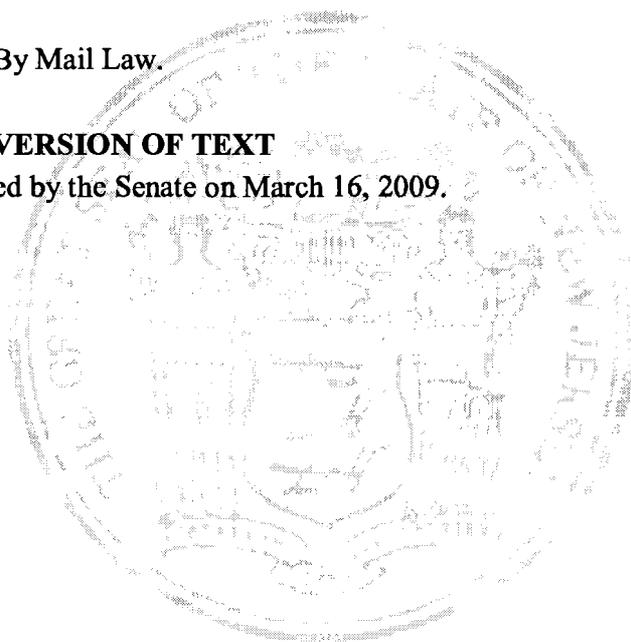
**Assemblywomen Wagner, Quijano, Senators Lesniak, Sweeney, Gordon
and B.Smith**

SYNOPSIS

The Vote By Mail Law.

CURRENT VERSION OF TEXT

As amended by the Senate on March 16, 2009.



(Sponsorship Updated As Of: 5/22/2009)

A2451 [5R] QUIGLEY, CONNERS

2

1 AN ACT providing for voting by mail, supplementing Title 19 of the
2 Revised Statutes, and revising various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known as and may be cited
8 as "The Vote By Mail Law ³[of 2008]³."

9

10 2. (New section) As used in this act, unless otherwise
11 indicated by the context:

12 "Election," "general election," "primary election for the general
13 election," "presidential primary election," "municipal election,"
14 "school election," and "special election" means, respectively, such
15 elections as defined in R.S.19:1-1 et seq.

16 "Family member" means an adult who is a spouse, parent, child,
17 grandparent, grandchild or sibling of a voter, whether by adoption
18 or natural relationship. It shall also include any adult occupant
19 regularly living with a voter in any residential building or part of a
20 building intended for the use of no more than one family.

21 "Mail-in ballot" means any ballot used by a mail-in voter to vote
22 by mail in any election.

23 "Mail-in voter" means any qualified and registered voter of this
24 State who wants to vote in any election using a mail-in ballot under
25 the provisions of this act.

26

27 3. (New section) a. A qualified voter shall be entitled to vote
28 using a mail-in ballot in any election held in this State.

29 b. Not less than seven days before an election in which a voter
30 wants to vote by mail, the voter may apply to the person designated
31 in section 5 of P.L. , c. (C.)(pending before the legislature as
32 this bill), for a mail-in ballot. The application shall be in writing,
33 shall be signed by the applicant and shall state the applicant's place
34 of voting residence and the address to which the ballot shall be sent.
35 The Secretary of State shall prepare a mail-in application form and
36 shall have the authority to promulgate any rules and regulations the
37 secretary deems necessary to effectuate the purposes of this
38 subsection.

39 c. Any voter wanting to vote by mail in any election ³[, or any
40 relative or friend of such a voter who believes that the voter will
41 desire to vote in any election,]³ may apply to the person designated
42 in section 5 of P.L. , c. (C.)(pending before the Legislature

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASG committee amendments adopted March 6, 2008.

²Assembly floor amendments adopted May 19, 2008.

³Senate floor amendments adopted December 15, 2008.

⁴Senate SSG committee amendments adopted February 2, 2009.

⁵Senate floor amendments adopted March 16, 2009.

1 as this bill) for a mail-in ballot to be sent to the voter. A voter who
2 is a member of the armed forces of the United States may use a
3 federal postcard application form to apply for a mail-in ballot.

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

8 e. ³(1)³ A voter who wishes to vote only by mail-in ballot in all
9 future general elections in which the voter is eligible to vote, and
10 who states that on an application for a mail-in ballot, shall be
11 furnished such a ballot by the county clerk without further request
12 on the part of the voter and until the voter requests that the voter no
13 longer be sent a mail-in ballot. A voter shall also have the option to
14 indicate on an application for a mail-in ballot that the voter would
15 like to receive such a ballot for each election that takes place during
16 the remainder of the calendar year in which the application is
17 completed and submitted. A voter who exercises this option shall
18 be furnished with a mail-in ballot for each election that takes place
19 during the remainder of the calendar year without further request by
20 the voter. A person voting by mail-in ballot who registered by mail
21 after January 1, 2003, who did not provide personal identification
22 information when registering pursuant to section 16 of P.L.1974,
23 c.30 (C.19:31-6.4) and is voting for the first time in his or her
24 current county of residence following registration shall include
25 copies of the required identification information with the mail-in
26 ballot. Failure to include such information with the mail-in ballot
27 shall result in its rejection.

28 ³(2) In the event that a voter who has requested a mail-in ballot
29 for all general elections does not complete and return such a ballot
30 for canvassing for the fourth general election following the general
31 election at which the voter last voted, the county clerk shall send a
32 notice to that voter to ascertain whether he or she continues to
33 reside at the address from which that voter is registered to vote and
34 continues to be eligible to vote. If the notice is not completed and
35 returned by the voter to the clerk before the 40th day prior to the
36 next general election, a mail-in ballot shall not be sent to the voter
37 for that election. The ability of such a voter to receive a mail-in
38 ballot for all future general elections shall be suspended until the
39 voter submits a new application for such a ballot that indicates that
40 the voter wishes to receive the ballot for all future general elections.

41 (3) The county clerk shall not transmit a mail-in ballot to any
42 person who is deemed by a county commissioner of registration to
43 be an inactive voter or whose registration file has been transferred
44 to the deleted file pursuant to R.S.19:31-19.³

45
46 4. (New section) a. A qualified voter is entitled apply for and
47 obtain a mail-in ballot by authorized messenger ²[or bearer]², who
48 shall be so designated over the signature of the voter and whose

1 printed name and address shall appear on the application in the
2 space provided. The authorized messenger ²[or bearer]² shall be a
3 family member or a registered voter of the county in which the
4 application is made and shall place his or her signature on the
5 application in the space so provided in the presence of the county
6 clerk or the designee thereof. ⁵No person shall serve as an
7 authorized messenger for more than 10 qualified voters in an
8 election.⁵ No person who is a candidate in the election for which
9 the voter requests a mail-in ballot shall be permitted to serve as an
10 authorized messenger or bearer. The authorized messenger ²[or
11 bearer]² shall show a photo identification card to the county clerk,
12 or the designee thereof, at the time the messenger ²[or bearer]²
13 submits the application form. The county clerk or the designee
14 thereof shall authenticate the signature of the authorized messenger
15 ²[or bearer]² in the event such a person is other than a family
16 member, by comparing it with the signature of the person appearing
17 on a State of New Jersey driver's license, or other identification
18 issued or recognized as official by the federal government, the
19 State, or any of its political subdivisions, providing the
20 identification carries the full address and signature of the person.
21 After the authentication of the signature on the application, the
22 county clerk or the designee thereof is authorized to deliver to the
23 authorized messenger ²[or bearer]² a ballot to be delivered to the
24 qualified voter.

25 b. The Secretary of State shall cause to be prepared a standard
26 authorized messenger application form, which may be included with
27 the mail-in ballot application forms. The authorized messenger
28 section of the application shall contain the following language
29 above the signature of the authorized messenger ²[or bearer]²: "I
30 do hereby certify that I will deliver the mail-in ballot directly to the
31 voter and no other person, under penalty of law."
32

33 5. (New section) In the case of any election, the application for
34 a mail-in ballot shall be made to the county clerk. The county clerk
35 shall stamp thereon the date on which the application was received
36 in the clerk's office.

37 In the case of applications for overseas federal election voter
38 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
39 application shall be refused on the grounds that it was submitted too
40 early.
41

42 6. (New section) a. The county clerk, in the case of any
43 Statewide election, countywide election, or school election in a
44 regional or other school district comprising more than one
45 municipality; the municipal clerk, in the case of any municipal
46 election or school election in a school district comprising a single
47 municipality; and the commissioners or other governing or

1 administrative body of the district, in the case of any election to be
2 held in any fire district or other special district, other than a
3 municipality, created for specified public purposes within one or
4 more municipalities, shall publish the following notice in
5 substantially the following form:

6 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

7 If you are a qualified and registered voter of the State who wants
8 to vote by mail in the..... (school, municipal, primary,
9 presidential primary, general, or other) election to be held
10 on..... (date of election) complete the application form
11 below and send to the undersigned, or write or apply in person to
12 the undersigned at once requesting that a mail-in ballot be
13 forwarded to you. The request must state your home address and
14 the address to which the ballot should be sent. The request must be
15 dated and signed with your signature.

16 If any person has assisted you to complete the mail-in ballot
17 application, the name, address and signature of the assistor must be
18 provided on the application and, you must sign and date the
19 application for it to be valid and processed. ⁵No person shall serve
20 as an authorized messenger for more than 10 qualified voters in an
21 election.⁵ No person who is a candidate in the election for which
22 the voter requests a mail-in ballot may provide any assistance in the
23 completion of the ballot or may serve as an authorized messenger or
24 bearer.

25 No mail-in ballot will be provided to any applicant ²who submits
26 a request therefor by mail² unless the request ²[for it]² is received
27 at least seven days before the election and contains the requested
28 information. ²A voter may, however, request an application in
29 person from the county clerk up to 3 p.m. of the day before the
30 election.²

31 Voters who want to vote only by mail in all future general
32 elections in which they are eligible to vote, and who state that on
33 their application shall, after their initial request and without further
34 action on their part, be provided a mail-in ballot by the county clerk
35 until the voter requests that the voter no longer be sent such a
36 ballot. ³A voter's failure to vote in the fourth general election
37 following the general election at which the voter last voted may
38 result in the suspension of that voter's ability to receive a mail-in
39 ballot for all future general elections unless a new application is
40 completed and filed with the county clerk.³

41 Voters also have the option of indicating on their mail-in ballot
42 applications that they would prefer to receive mail-in ballots for
43 each election that takes place during the remainder of this calendar
44 year. Voters who exercise this option will be furnished with mail-in
45 ballots for each election that takes place during the remainder of
46 this calendar year, 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 (phone no. of county clerk)

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

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

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

1 d. The notice provided for in subsection a. of this section shall
2 be published before the 50th day immediately preceding the holding
3 of any election.

4 Notices relating to any Statewide or countywide election shall be
5 published in at least two newspapers published in each county. All
6 officials charged with the duty of publishing such notices shall
7 publish the same in at least one newspaper published in each
8 municipality or district in which the election is to be held, or if no
9 newspaper is published in the municipality or district, then in a
10 newspaper published in the county and circulating in the
11 municipality or district. All such notices shall be display
12 advertisements.

13
14 7. (New section) a. Each county clerk shall have printed
15 sufficient mail-in ballots for each presidential primary election,
16 primary election for the general election, and for the general
17 election. Along with such ballots the clerk shall also furnish inner
18 and outer envelopes and printed directions for the preparation and
19 transmitting of such ballots used in the election in the county.

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

24
25 8. (New section) Upon receipt of a request for a mail-in ballot,
26 the county clerk shall, with the cooperation of the commissioner of
27 registration, cause the signature of the applicant to be compared
28 with the signature of the person appearing on the permanent
29 registration form, or the digitalized image of the voter's signature
30 stored in the Statewide voter registration system, to determine from
31 such examination, and any other available information, if the
32 applicant is a voter qualified to cast a ballot in the election in which
33 the voter wants to vote, and determine in case of a primary election
34 the political party primary in which the voter is entitled to vote.
35 The commissioner of registration, or the superintendent of elections
36 in counties having a superintendent of elections ²[,]² may ², at the
37 request of the county clerk,² investigate any application or request
38 for a mail-in ballot.

39 If, after such examination, the county clerk is satisfied that the
40 applicant is entitled to a ballot, the clerk shall mark on the
41 application "Approved." If, after such examination the county clerk
42 determines that the applicant is not entitled to a ballot, the clerk
43 shall mark on the application "Disapproved" and shall so notify the
44 applicant, stating the reason therefor, as required by section 5 of
45 P.L.2004, c.88 (C.19:61-5).

46
47 9. (New section) a. Starting on the 40th day before the day an
48 election is held, each county clerk shall forward mail-in ballots by

1 first-class postage or hand delivery to each mail-in voter whose
2 request therefor has been approved. Mail-in ballots that have been
3 approved before the 40th day before an election shall be forwarded
4 or delivered no later than the third business day following that 40th
5 day. Hand delivery of a mail-in ballot shall be made by the county
6 clerk or the clerk's designee only to the voter, or the voter's
7 authorized messenger ²[or bearer]², who must appear in person.
8 ⁵No person shall serve as an authorized messenger for more than 10
9 qualified voters in an election.⁵ Ballots that have not been hand
10 delivered shall be addressed to the voter at the forwarding address
11 given in the application.

12 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
13 mail-in voter between the 40th day and the 13th day before the day
14 of an election, the ballot shall be transmitted within three business
15 days of the receipt of the application.

16 (2) Whenever the clerk forwards a mail-in ballot by mail to a
17 mail-in voter between the ⁴[14th] 12th⁴ day and the ³[fourth]
18 seventh³ day before the day of an election, the ballot shall be
19 transmitted within two business days of the receipt of the
20 application.

21 c. Whenever a mail-in ballot is mailed to a voter for use in any
22 annual school or regional school district election pursuant to an
23 application therefor, and thereafter a special district school election
24 is called pursuant to section 2 of P.L.1995, c.278 (C.19:60-2), the
25 county clerk shall cause the mail-in ballot used in the election to be
26 mailed to the voter without any further application for any such
27 ballot.

28
29 10. (New section) a. Each county clerk, after processing the
30 applications for mail-in ballots requiring approval under section 8
31 of P.L. , c. (C.) (pending before the Legislature as this bill)
32 and furnishing the applicants with a mail-in ballot pursuant to that
33 act, shall forward such requests, including those disapproved, to the
34 county board of elections. Each clerk shall also keep one list of the
35 requests received by the clerk and another list of the applicants
36 whose applications were approved and sent mail-in ballots. Each
37 list shall include the name and street address of each person
38 requesting or receiving a mail-in ballot. The clerk shall update the
39 lists each business day and they shall be made available to the
40 public and transmitted to all election officials charged with the duty
41 of administering this act.

42 b. Each county board of elections shall keep a list of the name
43 and street address of each person who returns a voted mail-in ballot
44 and the name and street address of each person who delivers the
45 ballot personally to the board. The board shall update the list each
46 business day and it shall be accessible to the public and transmitted

1 to all elections officials charged with the duty of administering this
2 act.

3 The county clerk and the county board of elections shall keep the
4 lists required by this section starting no later than the 14th day
5 before the day of the election and continue to do so until the day of
6 the election.

7

8 11. (New section) a. Each mail-in ballot to be used at any
9 election shall conform generally to the ballot to be used at the
10 election in the voter's district but the ballots shall be clearly marked
11 "Official Mail-In Ballot."

12 At the top of every mail-in ballot there shall be printed or
13 stamped in a prominent size the following:

14 To protect your vote:

15 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
16 THE VOTER TO MARK OR INSPECT THIS BALLOT.

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

18 b. Each mail-in ballot to be used pursuant to this act shall be
19 printed entirely in black ink. In addition to conforming generally to
20 the ballot used in the election, the mail-in ballot shall be so
21 prepared that the voter may indicate on it the voter's choice of the
22 candidates for the offices to be filled, and the public questions to be
23 voted on at the election by the voters of the entire State, county or
24 municipality in which the voter is a resident, as known on the 48th
25 day preceding the election. Sufficient space shall be provided on
26 the ballot for the voter to write in the name of and vote for any
27 candidate for, or the voter's personal choice for, any public office to
28 be voted for at the election in the voter's election district. A list of
29 the candidates for the offices to be filled in each election district in
30 the county, whose names are known on the day on which the ballot
31 is forwarded but do not appear on the ballot, with a statement of the
32 office for which each is a candidate, shall be forwarded with such
33 ballot.

34 When mail-in ballots are prepared, the name of any candidate
35 who has been nominated for any office shall be placed on the ballot
36 to be used in the general election to be held in the year in each
37 election district in which he is a candidate, whether or not such
38 candidate has accepted nomination prior to when the ballot was
39 prepared, provided that the candidate has not declined the
40 nomination before the ballot was prepared.

41 c. Each mail-in ballot to be used at any presidential primary
42 election or primary election for the general election shall, except as
43 otherwise provided, conform to the ballot to be used at the election
44 in the voter's election district and to the form herein prescribed for
45 mail-in ballots to be used in such general elections. It shall be
46 prepared so that the voter may indicate the voter's choice of the
47 candidates of one political party for each of the officers to be voted
48 on at the election by the voters of the election district and shall be

1 separated into party ballots, which shall be printed upon one sheet
2 when the voting system so allows.

3 Each such mail-in ballot shall be plainly marked to indicate that
4 only one party ballot is to be voted by each voter and that the party
5 ballot voted by the voter must conform to the name of the political
6 party indicated by the county clerk.

7 If the county clerk has determined by investigating a voter's
8 registration record that the voter is qualified to vote only in the
9 primary of a particular party, the clerk shall so note on the primary
10 ballot the primary party in which the voter is entitled to vote.

11 In the case where the county clerk has ascertained through
12 investigating the voter's registration record that such applicant is
13 requesting a ballot to vote in the first primary for which the voter is
14 eligible after registration, the clerk shall note on the primary ballot
15 that the voter can vote in the primary of any political party.

16 d. Any county may adopt a system of electronic scanning, or
17 other mechanical or electronic device if the system has been
18 approved previously by the Secretary of State to count or canvass
19 mail-in ballots. The county clerk in any county adopting such a
20 system may prepare and use mail-in ballots that do not conform
21 generally to the ballot to be used at the election to the extent that
22 such nonconformance is necessary in the operation of the electronic
23 or mechanical canvassing system.

24

25 12. (New section) Each county clerk shall send, with each mail-
26 in ballot, printed directions for the preparation and transmitting of
27 the ballots as required by this act. The directions shall be printed in
28 such manner and form as the Secretary of State shall require,
29 together with two envelopes of such sizes that one will contain the
30 other.

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

38 To protect your vote:

39 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
40 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
41 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
42 IS COMPLETED:

43 Ballot mailed or transported by
44 (signature of bearer)
45 (print name of bearer)
46 (address of bearer)

47 The reserve side of the outer envelope shall contain the
48 following:

1 REMINDER

2 For your vote to count, you must:

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

5 2) Seal the envelope.

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

8 4) If another person will be mailing your ballot or bringing it to
9 the board of elections, MAKE CERTAIN THAT PERSON
10 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
11 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
12 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
13 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
14 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS
15 ²[AN AUTHORIZED MESSENGER OR] ^A BEARER.

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

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

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

32 To protect your vote:

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

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

37 The reverse side of each inner envelope shall contain the
38 following statement:

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

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46 13. (New section) a. On the margin of the flap on the inner
47 envelopes to be sent to mail-in voters there shall be printed a
48 certificate in the following form:

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CERTIFICATE OF MAIL-IN VOTER

I,, whose home address is
(print your name clearly) (street
....., DO HEREBY CERTIFY,
address or R.D. number) (municipality)

Subject to the penalties for fraudulent voting, that I am the person
who applied for the enclosed ballot. I MARKED AND SEALED
THIS BALLOT AND CERTIFICATE IN SECRET. However, a
family member may assist me in doing so.

.....

(signature of voter)

Any person providing assistance shall complete the following:

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

.....

(signature of person providing
assistance)

.....

(printed name of person providing
assistance)

.....

(address of person providing
assistance)

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

CERTIFICATE OF MAIL-IN VOTER

I,....., whose home address is.....
(print your name clearly) (street
....., DO HEREBY CERTIFY,

subject to the penalties for fraudulent voting, that I am the person
who applied for the enclosed ballot for the primary election. I
MARKED AND SEALED THIS BALLOT AND CERTIFICATE
IN SECRET. However, a family member may assist me in doing
so.

.....

(signature of voter)

Any person providing assistance shall complete the following:

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

.....

(signature of person providing

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

10 14. (New section) Each county clerk shall, from time to time
 11 and prior to each election, certify in writing under oath to the
 12 commissioner of registration of the county, the names and addresses
 13 of the persons to whom mail-in ballots to be voted at such election
 14 have been delivered or forwarded pursuant to this act.

15
 16 15. (New section) The commissioner of registration upon
 17 receipt of the information from the county clerk required by section
 18 14 of P.L. , c. (C.) (pending before the Legislature as this
 19 bill) shall mark the applicant's record in the Statewide voter
 20 registration system and duplicate voting record appearing on the
 21 signature copy registers as follows.

22 Whenever the commissioner of registration receives from the
 23 county clerk notice that a mail-in ballot has been forwarded to a
 24 voter during the time when the signature copy registers are in the
 25 custody of other election officials pursuant to current law, or are in
 26 transit to or from such officials, the commissioner shall, prior to the
 27 opening of the polls on election day, forward to each polling place a
 28 list of all such voters to whom ballots have been sent but whose
 29 duplicate voting record has not been marked in the manner herein
 30 prescribed. Such lists may be prepared in the same manner as a
 31 challenge sheet and may be included therein together with other
 32 causes for challenge. ²[No polling place shall permit any] Any²
 33 person ²[to vote]² whose name appears on any list or notice
 34 furnished by the commissioner of registration to the effect that such
 35 voter has received a mail-in ballot ², but who wishes nevertheless to
 36 vote at the polls on the day of an election, shall be permitted to vote
 37 by provisional ballot after completing the affirmation statement
 38 attached to the envelope provided with the provisional ballot
 39 pursuant to P.L.1999, c.232 (C.19:53C-1)².

40 Whenever a mail-in ballot has been delivered to a voter less than
 41 seven days before an election and up to 3 p.m. of the day before the
 42 election, and the signature copy registers are in the custody of other
 43 election officials, or in transit to or from such officials, the county
 44 clerk shall prepare a master list of all such ballots, and the list shall
 45 be transmitted to the commissioner of registration in sufficient time
 46 to permit the commissioner to notify the appropriate municipal
 47 clerk. The clerk shall notify the judge of the polling place to mark
 48 the voter's record accordingly.

1 16. (New section) a. A mail-in voter shall be entitled to mark
2 any mail-in ballot forwarded to the voter for voting at any election
3 by indicating the voter's choice of candidates for the offices named,
4 and as to public questions, if any, stated thereon, in accordance with
5 current law. In the case of ballots to be voted for any presidential
6 primary election or primary election for the general election, as the
7 case may be, the voter's choice shall be limited to the candidates of
8 the voter's political party or to any person or persons whose names
9 are written thereon by the voter. When so marked, such ballot shall
10 be placed in the inner envelope, which shall then be sealed, and the
11 voter shall then fill in the form of certificate attached to the inner
12 envelope, at the end of which the voter shall sign and print the
13 voter's name. The inner envelope with the certificate shall then be
14 placed in the outer envelope, which shall then be sealed.

15 b. No mail-in voter shall permit any person in any way, except
16 as provided by this act, to unseal, mark or inspect the voter's ballot,
17 interfere with the secrecy of the voter's vote, complete or sign the
18 certificate, or seal the inner or outer envelope, nor shall any person
19 do so.

20 c. A mail-in voter shall be entitled to assistance from a family
21 member in performing any of the actions provided for in this
22 section. The family member or other person providing such
23 assistance shall certify that he or she assisted the voter and will
24 maintain the secrecy of the vote by both printing and signing his or
25 her name in the space provided on the certificate. In no event may a
26 candidate for election provide such assistance, nor may any person,
27 at the time of providing such assistance, campaign or electioneer on
28 behalf of any candidate.

29 d. (1) The sealed outer envelope with the inner envelope and
30 the ballot enclosed therein shall then either be mailed to the county
31 board of elections to which it is addressed or delivered personally
32 by the voter ²[, or authorized messenger]² or ²a² bearer designated
33 by the voter to the board. To be counted, the ballot must be
34 received by the board or its designee before the time designated by
35 R.S.19:15-2 or R.S.19:23-40 for the closing of the polls, as may be
36 appropriate, on the day of an election.

37 (2) Whenever a person delivers a ballot to the county board, that
38 person shall sign a record maintained by the county of all mail-in
39 ballots personally delivered to it.

40 (3) ⁵No person shall serve as an authorized messenger for more
41 than 10 qualified voters in an election.⁵ No person who is a
42 candidate in the election for which the voter requests a mail-in
43 ballot shall be permitted to serve as an authorized messenger or
44 bearer. The ²[messenger or]² bearer, by signing the certification
45 provided for in section 13 of P.L. , c. (C.) (pending before
46 the Legislature as this bill), certifies that he or she received a mail-
47 in ballot directly from the voter, and no other person, and is

1 authorized to deliver the ballot to the appropriate board of election
2 or designee on behalf of the voter.

3

4 17. (New section) The county board of elections shall, promptly
5 after receiving each mail-in ballot, remove the inner envelope
6 containing the ballot from the outer envelope and shall compare the
7 signature and the information contained on the flap of the inner
8 envelope with the signature and information contained in the
9 respective requests for mail-in ballots. In addition, as to mail-in
10 ballots issued less than seven days prior to an election, the county
11 board of elections shall also check to establish that the mail-in voter
12 did not vote in person. The county board shall reject such a ballot if
13 it is not satisfied, pursuant to a comparison with the Statewide voter
14 registration system, that the voter is legally entitled to vote and that
15 the ballot conforms with the requirements of this act.

16 In the case of a mail-in ballot to be voted at a presidential
17 primary election or a primary election for the general election, the
18 ballot shall be rejected if the mail-in voter has indicated in the
19 certificate the voter's intention to vote in a primary election of any
20 political party in which the voter is not entitled to vote in according
21 to the Statewide voter registration system, and if it shall appear
22 from the record that the voter is not entitled to vote in a primary
23 election of the political party which has been so indicated.

24 Any mail-in ballot which is received by a county board of
25 elections shall be rejected if both the inner and outer envelopes are
26 unsealed or if either envelope has a seal that has been tampered
27 with.

28 Disputes about the qualifications of a mail-in voter to vote or
29 about whether or not or how any mail-in ballot shall be counted in
30 such election shall be referred to the Superior Court for
31 determination.

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

42 The location at which a county board of elections determines
43 whether a mail-in ballot shall be accepted or rejected shall be
44 considered an election district for the purposes of appointment of
45 challengers.

1 18. (New section) The county board of elections shall count all
2 valid mail-in ballots received thereby prior to the time designated
3 by current law for the closing of the polls for each election.

4
5 19. (New section) No mail-in ballot shall be rejected or
6 declared invalid because it does not contain all of the names of the
7 candidates or all of the public questions to be voted for in the
8 election district in the election in which it is to be counted. A mail-
9 in ballot shall be counted in determining the result of the election as
10 to any office or public question, if the designation of the office and
11 the name of the candidate for election to the office or the answer to
12 such public question are indicated thereon to demonstrate the
13 voter's choice.

14
15 20. (New section) a. Any person who has applied for a mail-in
16 ballot and has had the mail-in ballot either delivered in person or
17 forwarded by mail, and voted and returned the voted ballot to the
18 county board ²[or a drop location]², shall not be permitted to vote
19 in person at the polling place in the voter's election district on the
20 day of the election.

21 b. Any person who: (1) has applied for ²[an absentee] a mail-
22 in² ballot and not received either the ballot or an explanation for not
23 receiving such a ballot pursuant to notification by the ²[county
24 board of elections] county clerk² or from the free-access system
25 established pursuant to section 5 of P.L.2004, c.88 (C.19:61-5) to
26 provide such information; or (2) has applied for and received a
27 mail-in ballot and has not transmitted it to the county board of
28 elections or given it to ²[an authorized messenger or] a² bearer for
29 delivery to the county board before the time for the opening of the
30 polls on the day of an election, shall be permitted to vote in person
31 by provisional ballot at the polling place in the voter's election
32 district on the day of the election.

33
34 21. (New section) Whenever the county board receives
35 evidence that a mail-in voter who has marked and forwarded a mail-
36 in ballot has died before the opening of the polls on the day of the
37 election, the ballot shall be rejected by the board and retained by it
38 in the same manner as provided by this act for other rejected
39 ballots.

40
41 22. (New section) On the day of each election each county
42 board of elections shall open in the presence of the commissioner of
43 registration, or the designee thereof, the inner envelopes that
44 contain the mail-in ballots with the votes cast for the election. The
45 inner envelopes containing the ballots that the board or the Superior
46 Court has rejected shall not be so opened, but shall be retained as
47 provided for by this act. The board shall then proceed to canvass

1 the votes cast on the mail-in ballots, but no such ballot shall be
2 counted in any presidential primary election or primary election for
3 the general election if the ballot of the political party marked for
4 voting thereon differs from the designation of the political party in
5 the primary election of which such ballot is intended to be voted as
6 marked on the envelope by the county board of elections.

7 Immediately after the canvass is completed, the respective
8 county boards of election shall certify the result of the canvass to
9 the county clerk or the municipal or district clerk or other
10 appropriate officer, as the case may be, showing the result of the
11 canvass by municipality and ward. The votes thus canvassed shall
12 be counted in determining the result of the election.

13 The county board of elections shall, immediately after the
14 canvass is completed for any primary election, certify the results of
15 the votes cast for members of the county committees to the
16 respective municipal clerks, and those votes shall be counted in
17 determining the result of the election.

18

19 23. (New section) As soon as practicable after each election, the
20 ²[commissioner of registration] board of elections² shall mark in
21 the Statewide voter registration system and all duplicate voting
22 records to show that mail-in ballots were delivered or forwarded to
23 the respective registered voters. For each mail-in ballot that has
24 been voted, received and counted, the ²[commissioner of
25 registration] board of elections² shall also, by reference to the
26 certificates removed from the inner envelopes of such ballots, place
27 the word "Voted" in the space provided in the Statewide voter
28 registration system and duplicate voting record for recording the
29 ballot number of the voter's ballot in the election. In the case of a
30 presidential primary election or the primary election for the general
31 election, the ²[commissioner] board² shall also cause to be noted in
32 the proper space of the Statewide voter registration system or other
33 record of voting form the first three letters of the name of the
34 political party primary in which such ballot was voted. The record
35 contained in the Statewide voter registration system and of voting
36 forms in the original permanent registration binders shall be
37 conformed to the foregoing entries in the duplicate forms.

38

39 24. (New section) The county board of elections shall keep, for
40 ²[one year] two years², all of the requests and applications for
41 mail-in ballots, all voted mail-in ballots, and all of the certificates
42 that have been detached or separated by them from the inner
43 envelopes. All inner envelopes together with their certificates, and
44 the contents of those envelopes not opened by order of the county
45 board or Superior Court, shall also be retained for the same period
46 by the board. The superintendent of elections in counties having a
47 superintendent of elections and the prosecutor in all other counties

1 shall have the authority to impound all mail-in ballots whenever the
2 superintendent or prosecutor, as may be appropriate, shall deem
3 such action to be necessary.

4
5 25. (New section) The county board of elections, the county
6 clerk, the superintendent of elections and the commissioner of
7 registration shall exercise the same powers over mail-in voting as
8 over other voting in elections, except as otherwise provided by law.

9
10 26. (New section) No election shall be held to be invalid due to
11 any irregularity or failure in the preparation or forwarding of any
12 mail-in ballots prepared or forwarded pursuant to the provisions of
13 P.L. , c. (C.) (pending before the Legislature as this bill).

14
15 27. (New section) No person shall take a mail-in ballot from a
16 voter or other person having custody of it for the purpose of
17 delivering it to the county board of elections or to a postal box or
18 post office, nor shall any voter permit any person to do so, unless
19 the ballot is sealed in the outer envelope and the person who
20 transports or delivers it first signs and prints his or her name on the
21 outer envelope. No other person shall attempt to do any of the
22 foregoing.

23
24 28. (New section) a. Any person who knowingly ³and with
25 intent to commit fraud³ violates any of the provisions of P.L. ,
26 c. (C.) (pending before the Legislature as this bill), or who,
27 not being entitled to vote thereunder, fraudulently votes or attempts
28 to vote thereunder, or enables or attempts to enable another person
29 not entitled to vote thereunder to vote fraudulently thereunder, or
30 who prevents or attempts to prevent by fraud the voting of any
31 person legally entitled to vote under this act, or who shall
32 knowingly certify falsely in any paper required under this act, or
33 who, at any time, tampers with any ballot or document used in an
34 election or interferes with the secrecy of the voting of any person, is
35 guilty of a crime of the third degree, and upon conviction thereof
36 shall be subject, in addition to such other penalties as are authorized
37 by law, to disenfranchisement, unless and until pardoned or restored
38 by law to the right of suffrage.

39 b. Any person who ³knowingly and with intent to commit
40 fraud³ aids and abets another in violating any of the provisions of
41 this section is guilty of a crime of the third degree and upon
42 conviction thereof shall be subject, in addition to such other
43 penalties as are authorized by law, to disenfranchisement, unless
44 and until pardoned or restored by law to the right of suffrage.

45
46 29. Section 2 of P.L.1991, c.429 (C.19:8-3.2) is amended to read
47 as follows:

1 2. The ²[Attorney General] Secretary of State² shall establish,
2 in accordance with the "Administrative Procedure Act," P.L.1968,
3 c.410 (C.52:14B-1 et seq.), the rules and regulations necessary to
4 ensure that in any election a voter who is elderly or has a disability
5 and is assigned to an inaccessible polling place will, upon advance
6 request of that voter, either be permitted to vote at the alternative,
7 accessible polling place nearest to that voter's residence which has a
8 common ballot or be provided with a [civilian absentee] mail-in
9 ballot, pursuant to section [4 of P.L.1953, c.211 (C.19:57-4)] 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill), as
11 an alternative means of casting a ballot on the day of the election.
12 (cf: P.L.2005, c.146, s.4)

13

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

16 1. a. A county board of elections shall have posted a voter
17 information notice, which shall be referred to as a voter's bill of
18 rights, in a conspicuous location in each polling place before the
19 opening of the polls on the day of any election.

20 The notice shall contain:

21 the date of the election and the hours during which polling places
22 will be open;

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

25 instruction for the use of the voting machine in that polling place
26 and an explanation of what instructions for voting are available at
27 the polling place for the voter;

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

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

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

34 an explanation of the right of the voter to vote in privacy,
35 regardless of the voter's physical abilities;

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

41 an explanation of the right of the voter to receive a replacement
42 ballot for a ballot that has been spoiled, destroyed, lost or never
43 received;

44 an explanation of the right of the voter to ask for and receive
45 assistance in voting;

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

1 an explanation of the right of the voter to bring written material
2 into the polling place for the voter's personal use in casting a vote;
3 instruction on how to contact the appropriate officials if a voter's
4 right to vote or right to otherwise participate in the electoral process
5 has been challenged or violated;

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

8 such other statement, instruction or explanation the [Attorney
9 General] Secretary of State may deem appropriate to ensure the full
10 and knowledgeable participation of the voter in the process.

11 The requirement to post this notice in each polling place shall
12 not replace, supersede or void any other requirement set forth in law
13 for the posting of information in each polling place apart from the
14 voter information notice.

15 b. The [Attorney General] Secretary of State shall prescribe
16 the form and specific content of the voter information notice, which
17 may be comprised of more than one page. If the notice is
18 comprised of more than one page, each page shall be posted
19 separately. For an election district in which the primary language
20 of 10 percent or more of the registered voters is a language other
21 than English, the [Attorney General] Secretary of State shall
22 prescribe an official version of the voter information notice in that
23 other language or languages for use in that election district. The
24 notice shall be posted in English and in the other language or
25 languages in the polling places in each such district. The alternate
26 language shall be determined based on information from the latest
27 federal decennial census.

28 c. A county board of elections may modify or supplement the
29 voter information notice used in a county or municipality to provide
30 additional information specific to that county or a municipality in
31 that county, provided, however, that any such modification or
32 supplementation shall be submitted to the [Attorney General]
33 Secretary of State for prior approval.

34 d. The voter information notice shall be printed on each sample
35 ballot, to the extent practicable, or if not practicable, information on
36 how to view or obtain a copy of the voter information notice shall
37 be printed on each sample ballot.

38 e. The voter information notice, including one modified or
39 supplemented pursuant to subsection c. of this section, shall be
40 made accessible on the official Internet site of the State by the
41 [Attorney General] Secretary of State and each county board of
42 elections shall ensure that the official Internet site of the county
43 contains a link to that notice.

44 f. The provisions of this section shall not give rise to a legal
45 cause of action.

46 g. The State shall be liable for the costs incurred by local
47 government entities for compliance with this section, and they shall

1 be reimbursed for those costs, upon application, by the State
2 Treasurer.

3 (cf: P.L.2005, c.149, s.1)

4

5 31. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to
6 read as follows:

7 2. The commissioner may eliminate the use of the duplicate
8 permanent registration binders and may authorize and direct the use
9 at the polls in place of such a binder, as a signature copy register for
10 the purposes of this Title and Title 40 of the Revised Statutes, of a
11 polling record which identifies on each page the election at which
12 the record is used, which indicates for each registrant the name,
13 address, and date of birth of the registrant and identifies the
14 municipality and the particular election district therein from which
15 the person is registered, and which includes adjacent to the
16 registrant's name and address an imprint of the digitalized image of
17 the registrant's signature and sufficient space, immediately to the
18 left or right of that imprint, for the registrant to sign the record,
19 which imprint and signature shall be used as the signature
20 comparison record as prescribed by this Title. The polling record
21 shall also include for each registrant the registrant's date of birth, an
22 indication of whether the registrant has applied for [an absentee] a
23 mail-in ballot in that election, and a place to indicate whether the
24 registrant has provided identification pursuant to R.S.19:15-17, if
25 such identification is required. The polling record shall also include
26 for each registrant sufficient space for the notation of remarks as
27 provided by R.S.19:15-23 and for the recording of any challenge
28 and the determination thereof by the district board as provided by
29 R.S.19:15-24, or by other elections officials charged with the same
30 duties as the district board in connection with the conduct of an
31 election. In the case of a primary election, the polling record shall
32 also indicate for each registrant the political party, if any, of which
33 the registrant is a member for the purpose of voting at that primary
34 election.

35 Polling records for each election shall be prepared by the
36 commissioner of registration not later than the 10th day preceding
37 the election. At each election, the delivery of the polling records to
38 the municipal clerk and to the district boards or other elections
39 officials charged with the same duties as the district board in
40 connection with the conduct of an election, and the return of those
41 records by the district boards or such other elections officials to the
42 commissioner of registration, shall be made in the manner
43 prescribed by the commissioner.

44 The commissioner of registration shall retain the polling records
45 for any election for a period of not less than six years following that
46 election.

47 (cf: P.L.2005, c.145, s.9)

1 32. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to
2 read as follows:

3 1. a. ~~【No later than January 1, 2006, there】~~ There shall be
4 established in the Department of ~~【Law and Public Safety】~~ State a
5 single Statewide voter registration system, as required pursuant to
6 section 303 of the federal "Help America Vote Act of 2002,"
7 Pub.L.107-252 (42U.S.C. s.15483). The principal computer
8 components of the system shall be under the direct control of the
9 ~~【Attorney General】~~ Secretary of State. The ~~【Attorney General】~~
10 Secretary of State shall be responsible for creating the network
11 necessary to maintain the system and providing the computer
12 software, hardware and security necessary to ensure that the system
13 is accessible only to those executive departments and State agencies
14 so designated by the ~~【Attorney General】~~ Secretary of State, each
15 county commissioner of registration, each county and municipal
16 clerk, and individuals under certain circumstances, as provided for
17 by this section. The system shall be the official State repository for
18 voter registration information for every legally registered voter in
19 this State, and shall serve as the official voter registration system
20 for the conduct of all elections in the State.

21 b. The Statewide voter registration system shall include, but
22 not be limited to, the following features:

23 (1) the name and registration information of every legally
24 registered voter in the State;

25 (2) the ability to assign a unique identifier to each legally
26 registered voter in the State;

27 (3) interactivity among appropriate State agencies so designated
28 by the ~~【Attorney General】~~ Secretary of State, each county
29 commissioner of registration, each county board of elections, and
30 each county clerk such that these entities shall have immediate
31 electronic access to all or selected records in the system, as
32 determined by the ~~【Attorney General】~~ Secretary of State, to receive
33 or transmit all or selected files in the system and to print or review
34 all or selected files in the system;

35 (4) the ability to permit any county commissioner of registration
36 to enter voter registration information on an expedited basis at the
37 time the information is provided thereto and to permit the ~~【Attorney~~
38 ~~General】~~ Secretary of State to provide technical support to do so
39 whenever needed;

40 (5) the ability to permit each municipal clerk to view or print
41 information in the system;

42 (6) the ability to permit an individual, by July 1, 2006, to verify
43 via the Internet whether that individual, and only that individual, is
44 included in the system as a legally registered voter, whether the
45 information pertaining to that individual required by subsection c.
46 of this section is correct, and if not, a means to notify the pertinent
47 county commissioner of registration of the corrections that must be

1 made and to so verify in a way that does not give one individual
2 access to the information required by subsection c. of this section
3 for any other individual;

4 (7) a Statewide street address index and map in electronic form
5 that can accurately identify the location of every legally registered
6 voter in this State; [and]

7 (8) the ability to record and monitor all requests for mail-in
8 ballots; to enable ²[county boards of election] the county clerk² to
9 verify the identity and signature of each person requesting a mail-in
10 ballot; to record the name and address of each voter determined to
11 be eligible to receive a mail-in ballot for a particular election and to
12 note when a mail-in ballot has been transmitted to that voter by mail
13 or hand delivery; and to make such information available to the
14 Secretary of State so that a voter can be notified whether the
15 application for such a ballot was accepted or rejected, and the
16 reason for the rejection, using the free-access system established by
17 section 4 of P.L.2004, c.88 (C.19:61-4); and

18 (9) any other functions required pursuant to Pub.L.107-252 (42
19 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that
20 may be deemed necessary by the [Attorney General] Secretary of
21 State.

22 c. The Statewide voter registration system shall include, but
23 not be limited to, the following information for every legally
24 registered voter in this State:

25 (1) last, first and middle name;

26 (2) street address at time of registration or rural route, box
27 number or apartment number, if any;

28 (3) city or municipality, and zip code;

29 (4) date of birth;

30 (5) telephone number, if provided on voter registration form;

31 (6) previous name or address if individual re-registered due to
32 change of name or address;

33 (7) ward and election district number, if either is available;

34 (8) (a) current and valid New Jersey driver's license number, or;

35 (b) if the registrant has not been issued a New Jersey driver's
36 license number, the last four digits of the registrant's social security
37 number; or

38 (c) unique identifying number for any individual who has not
39 been issued the information sought in subparagraph (a) or (b) of this
40 paragraph;

41 (9) notation that a copy of one of the following documents has
42 been submitted with the voter registration application, if required:
43 current and valid photo identification card; a current utility bill,
44 bank statement, government check, pay check or any other
45 government document showing the registrant's name and current
46 address;

1 (10) the method by which the individual registered and whether
2 that person needs to provide additional identification information to
3 vote using a voting machine instead of a provisional ballot;

4 (11) political party affiliation, if designated;

5 (12) digitalized signature;

6 (13) date of registration or re-registration;

7 (14) name and street address of the individual assisting in the
8 completion of the form, if the applicant for registration is unable to
9 do so;

10 (15) voting participation record for ten-year period; and

11 (16) any other information required pursuant to Pub.L.107-252
12 (42U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or
13 that the **[Attorney General]** Secretary of State determines is
14 necessary to assess the eligibility of an individual to be registered to
15 vote and to vote in this State.

16 (cf: P.L.2005, c.145, s.1)

17
18 33. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to
19 read as follows:

20 7. a. (1) The county clerk or the municipal clerk, in the case of
21 a municipal election, shall arrange for the preparation of a
22 provisional ballot packet for each election district. It shall include
23 the appropriate number of provisional ballots, the appropriate
24 number of envelopes with an affirmation statement, the appropriate
25 number of written notices to be distributed to voters who vote by
26 provisional ballot and one provisional ballot inventory form affixed
27 to the provisional ballot bag. The clerk shall arrange for the
28 preparation of and placement in each provisional ballot bag of a
29 provisional ballot packet and an envelope containing a numbered
30 seal. The envelope shall contain, on its face, the instructions for the
31 use of the seal, the number and the election district location of the
32 provisional ballot bag, and the identification numbers of the seal
33 placed in the envelope. Each provisional ballot bag shall be sealed
34 with a numbered security seal before being forwarded to the
35 appropriate election district.

36 (2) Each provisional ballot bag and the inventory of the contents
37 of each such bag shall be delivered to the designated polling place
38 no later than the opening of the polls on the day of an election.

39 b. The county clerk or the municipal clerk, in the case of a
40 municipal election, shall arrange for the preparation of the
41 envelope, affirmation statement, and written notice that is to
42 accompany each provisional ballot. The envelope shall be of
43 sufficient size to accommodate the provisional ballot, and the
44 affirmation statement shall be affixed thereto in a manner that
45 enables it to be detached once completed and verified by the county
46 commissioner of registration. The statement shall require the voter
47 to provide the voter's name, and to indicate whether the voter is
48 registered to vote in a county but has moved within that county

1 since registering to vote; or is registered to vote in the election
2 district in which that polling place is located but the voter's
3 registration information is missing or otherwise deficient; or
4 indicate the voter has applied for ²[an absentee] a mail-in² ballot
5 and not received either the ballot or an explanation for not receiving
6 such a ballot pursuant to notification by the county ²[board of
7 elections] clerk² or from the free-access system, or has applied for
8 and received a mail-in ballot and has not transmitted it to the county
9 board of elections or given it to ²[an authorized messenger or] a²
10 bearer for delivery to the county board before the time for the
11 opening of the polls on the day of an election but wants,
12 nevertheless, to vote in the election. The statement shall further
13 require the voter to provide the voter's most recent prior voter
14 registration address and address on the day of the election and date
15 of birth. The statement shall include the statement: "I swear or
16 affirm, that the foregoing statements made by me are true and
17 correct and that I understand that any fraudulent voting may subject
18 me to a fine of up to \$15,000, imprisonment up to five years or
19 both, pursuant to R.S.19:34-11." It shall be followed immediately
20 by spaces for the voter's signature and printed name, and in the case
21 of a name change, the voter's printed old and new name and a
22 signature for each name, the date the statement was completed,
23 political party affiliation, if used in a primary election, and the
24 name of the person providing assistance to the voter, if applicable.
25 Each statement shall also note the number of the election district, or
26 ward, and name of the municipality at which the statement will be
27 used. The [Attorney General] Secretary of State shall prepare for
28 inclusion in the affirmation statement language for the voter to
29 submit the information required in the registration form described
30 in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the
31 county commissioner of registration to process the statement as a
32 voter registration application, which shall be valid for future
33 elections if the individual who submitted the provisional ballot is
34 determined not to be a registered voter. The [Attorney General]
35 Secretary of State shall also prepare and shall provide language for
36 any written instructions necessary to assure proper completion of
37 the statement.

38 The written notice shall contain information to be distributed to
39 each voter who votes by provisional ballot. The notice shall state
40 that, if the voter is a mail-in registrant voting for the first time in his
41 or her current county of residence following registration and was
42 given a provisional ballot because he or she did not provide
43 required personal identification information, the voter shall be
44 given until the close of business on the second day after the election
45 to provide identification to the applicable county commissioner of
46 registration, and the notice shall contain a telephone number at
47 which the commissioner may be contacted. The notice shall further

1 state that failure to provide the required personal identification
2 information within that time period shall result in the rejection of
3 the ballot. The notice shall state that pursuant to section 4 of
4 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional
5 ballot will be able to ascertain under a system established by the
6 State whether the ballot was accepted for counting, and if the vote
7 was not counted, the reason for the rejection of the ballot. The
8 notice shall include instructions on how to access such information.

9 c. For the primary for the general election, the provisional
10 ballots shall be printed in ink on paper of a color that matches the
11 color of the voting authority, which shall indicate the party primary
12 of the voter. The provisional ballots shall be uniform in size, quality
13 and type and of a thickness that the printing thereon cannot be
14 distinguished from the back of the paper, and without any mark,
15 device or figure on the front or back other than as provided in
16 P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall
17 include near the top thereof and in large type the designation
18 PROVISIONAL BALLOT. In all other respects, the provisional
19 ballots shall conform generally to the other ballots to be used in the
20 election district for the primary election.

21 The clerk of the county or municipality shall arrange for the
22 preparation of each provisional ballot package with an appropriate
23 number of provisional ballots for each political party, a
24 corresponding number of envelopes with affirmation statements,
25 and a corresponding number of written notices. Additional
26 provisional ballots, envelopes, and notices shall be available for
27 delivery to that election district on the day of the election, if
28 necessary.

29 d. For the general election the provisional ballots shall be
30 printed in ink. The provisional ballots shall be uniform in size,
31 quality and type and of a thickness that the printing thereon cannot
32 be distinguished from the back of the paper, and without any mark,
33 device or figure on the front or back other than as provided in this
34 act. Each such ballot shall include near the top thereof and in large
35 type the designation PROVISIONAL BALLOT. In all other
36 respects, the provisional ballots shall conform generally to the other
37 ballots to be used in the election district for the general election.

38 The clerk of the county or municipality shall arrange for the
39 preparation of each provisional ballot package with an appropriate
40 number of provisional ballots, a corresponding number of envelopes
41 with affirmation statements, and a corresponding number of written
42 notices. Additional provisional ballots, envelopes, and notices shall
43 be available for delivery to that election district on the day of the
44 election, if necessary.

45 e. For a school election the provisional ballots shall be printed
46 in ink. The provisional ballots shall be uniform in size, quality and
47 type and of a thickness that the printing thereon cannot be
48 distinguished from the back of the paper, and without any mark,

1 device or figure on the front or back other than as provided in this
2 act. Each such ballot shall include near the top thereof and in large
3 type the designation PROVISIONAL BALLOT. In all other
4 respects, the provisional ballots shall conform generally to the other
5 ballots to be used in the election district for the school election.

6 The clerk of the county shall arrange for the preparation of each
7 provisional ballot package with an appropriate number of
8 provisional ballots, a corresponding number of envelopes with
9 affirmation statements, and a corresponding number of written
10 notices. Additional provisional ballots, envelopes, and notices shall
11 be available for delivery to that election district on the day of the
12 election, if necessary.

13 f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et
14 al.), a provisional ballot that requires the voter to punch out a hole
15 in the ballot as a means of recording the voter's vote shall not be
16 used in any election in this State.

17 g. For the presidential primary election, the provisional ballots
18 shall be printed in ink on paper of a color that matches the color of
19 the voting authority, which shall indicate the party of the voter.
20 The provisional ballots shall be uniform in size, quality and type
21 and of a thickness that the printing thereon cannot be distinguished
22 from the back of the paper, and without any mark, device or figure
23 on the front or back other than as provided in P.L.1999, c.232
24 (C.19:53C-1 et al.). Each such ballot shall include near the top
25 thereof and in large type the designation PROVISIONAL BALLOT.
26 In all other respects, the provisional ballots shall conform generally
27 to the other ballots to be used in the election district for the primary
28 election for the general election.

29 The clerk of the county or municipality shall arrange for the
30 preparation of each provisional ballot package with an appropriate
31 number of provisional ballots for each political party and a
32 corresponding number of envelopes with affirmation statements.
33 Additional provisional ballots and envelopes shall be available for
34 delivery to that election district on the day of the election, if
35 necessary.

36 (cf: P.L.2005, c.154, s.56)

37

38 34. Section 9 of P.L.1999, c.232 (C.19:53C-3) is amended to
39 read as follows:

40 9. Whenever a voter enters a polling place to vote on the day of
41 an election and the circumstance of that voter matches the
42 circumstance of a voter described in subsection b. of R.S.19:31-11,
43 the district board shall query the voter and follow the appropriate
44 procedure herein described.

45 a. If, at any time, the voter has moved from one residence to
46 another in the same election district, the board shall permit the voter
47 to vote at that polling place in the same manner as other voters at

1 the polling place upon written affirmation by the voter to the district
2 board.

3 b. If the voter has moved within a municipality but currently
4 resides in an election district different from that listed for the voter
5 by the commissioner of registration, the district board shall direct
6 the voter to the appropriate election district and polling place for the
7 voter and inform that person that: (1) the person must go to that
8 polling place to vote; and (2) the person will be permitted to vote
9 thereat by provisional ballot after completing an affirmation
10 statement.

11 c. If the voter has moved within the county but currently
12 resides in a municipality different from that listed for the voter by
13 the commissioner of registration, the district board shall determine
14 the appropriate election district and polling place for the voter and
15 inform that person that: (1) the person must go to that polling place
16 to vote; and (2) the person will be permitted to vote thereat by
17 provisional ballot after completing an affirmation statement.

18 d. If, on or before the '[29th] 21st' day prior to the day of the
19 election, the voter has moved into the county from another county
20 or state and has not registered to vote in that county, the board shall
21 inform the voter that he is not eligible to vote in that county at that
22 election.

23 e. If, after the '[29th] 21st' day prior to the day of an election,
24 the voter has moved into the county from another county in this
25 State, the board shall inform the voter that: (1) the voter is not
26 eligible to vote in the county where he resides currently at that
27 election; and (2) the voter may be eligible to vote in the election
28 district where the voter resided prior to moving to the voter's
29 current residence.

30 f. If the voter's registration information has been marked by
31 the county commissioner of registration to indicate a problem
32 therewith, or if the voter's sample ballot has been returned as
33 undeliverable to the county or municipal clerk, as the case may be,
34 but the voter states that the voter has not moved prior to the day of
35 an election, but instead continues to reside at the same address the
36 voter resided at when voting previously, the voter shall be permitted
37 to vote in such election district in the same manner as other voters
38 at the polling place upon written affirmation to the district board of
39 that election district.

40 g. If the voter's registration information is missing, the voter
41 shall be permitted to vote by provisional ballot after completing the
42 affirmation statement attached to the envelope provided with the
43 provisional ballot.

44 h. In accordance with the requirements of subsection (c) of
45 section 302 of Pub.L.107-252 (42 U.S.C.15482), whenever a voter
46 is voting as a result of a federal or State court order or any other
47 order extending the time established for closing the polls in effect
48 10 days before the date of an election, the voter may vote only by

1 provisional ballot. Any such ballot shall be separated by the county
2 board from other provisional ballots cast at the election and the
3 results shall be canvassed and recorded separately in the official
4 canvas for the election.

5 i. Any person who, pursuant to subsection b. of R.S.19:15-17,
6 votes by provisional ballot at the polling place because of his or her
7 failure to provide required personal identification information shall
8 be given until the close of business on the second day after the
9 election to provide the applicable county commissioner of
10 registration with the identification information. Failure to provide
11 the required personal identification information within that time
12 period shall result in the rejection of the ballot.

13 j. If the voter (1) has applied for ²[an absentee] a mail-in²
14 ballot and not received either the ballot or an explanation for not
15 receiving such a ballot pursuant to notification by the county
16 ²[board of elections] clerk² or from the free-access system
17 established pursuant to section 5 of P.L.2004, c.88 (C.19:61-5) to
18 provide such information; or (2) has applied for and received a
19 mail-in ballot and has not transmitted it to the county board of
20 elections or given it to ²[an authorized messenger or] a² bearer for
21 delivery to the county board before the time for the opening of the
22 polls on the day of an election, the voter shall be permitted to vote
23 at that election by provisional ballot after completing the
24 affirmation statement attached to the envelope provided with the
25 provisional ballot.

26 (cf: P.L.2004, c.88, s.23)

27
28 35. Section 5 of P.L.2004, c.88 (C.19:61-5) is amended to read
29 as follows:

30 5. The ~~Attorney General~~ Secretary of State shall establish a
31 free-access system, such as a toll-free telephone number, an Internet
32 website or any combination thereof, that any individual who casts
33 ~~an absentee~~ a mail-in ballot may access to ascertain: (1) whether
34 an application for a mail-in ballot has been approved and if not, the
35 reason for its rejection; and (2) whether the mail-in ballot [of that
36 individual] was accepted for counting and, if the ballot was not
37 counted, the reason for the rejection of the ballot. The system shall
38 at all times preserve the confidentiality of each [voter] person who
39 has requested an application to vote by mail-in ballot or who has
40 voted by mail-in ballot, and shall ensure that no person, other than
41 the individual who requested or cast the ballot, may discover
42 whether or not that individual's application or ballot was accepted[
43 for counting], unless so informed by the voter. This system may be
44 the same one used for provisional ballots, established pursuant to
45 section 4 of P.L.2004, c.88 (C.19:61-4).

46 (cf: P.L.2004, c.88, s.5)

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

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

5 a. publish, in advance of the election and pursuant to rules and
6 regulations promulgated by the [Attorney General] Secretary of
7 State, official notice that the election shall be conducted by mail
8 together with such other information regarding the conduct of the
9 election as shall be deemed necessary by the [Attorney General]
10 Secretary of State;

11 b. mail a ballot, including an outer envelope and an inner
12 envelope substantially similar to the envelopes provided for
13 [absentee] mail-in ballots pursuant to [section 16] sections 11 and
14 12 of [P.L.1953, c.211 (C.19:57-16)] P.L. , c. (C.)(pending
15 before the Legislature as this bill), not sooner than the 20th day
16 prior to the day of the election nor later than the 14th day prior to
17 the day of the election, to each person registered to vote in the
18 municipality at that election;

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

22 d. designate, after consultation with the county board of
23 elections and pursuant to criteria established by the [Attorney
24 General] Secretary of State, places within the county or
25 municipality that shall be available for the deposit of voted ballots
26 for the election;

27 e. make a provisional ballot available at the office of the
28 county clerk and the office of the municipal clerk so that each
29 person who has been a resident of the county or municipality in
30 which the person seeks to register and vote at least ¹[29] 21¹ days
31 prior to the day of the election and has moved to a location within
32 the municipality after that ¹[29th] 21st¹ day and prior to the day of
33 the election may vote;

34 f. suspend distribution to each registered voter in the
35 municipality samples of the official ballot of any election, but
36 distribute to each registered voter in the municipality with each
37 ballot a copy of the voter information notice provided for in section
38 1 of P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented
39 by the [Attorney General] Secretary of State as deemed appropriate
40 for use in municipalities conducting elections by mail, and such
41 instruction about the completion of the ballot as deemed necessary
42 by the [Attorney General] Secretary of State;

43 g. make certain that all qualified voters in the municipality
44 requesting [an absentee] a mail-in ballot between the 40th day and
45 the 21st day prior to the day of an election receive such ballot after
46 the 20th day prior to the day of an election and voters requesting a

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31

1 ballot on or before the seventh day prior to the date of the election
2 shall receive a ballot authorized pursuant to this section; and

3 h. establish, after consultation with the county board of
4 elections and in accordance with rules and regulations adopted by
5 the **[Attorney General]** Secretary of State, the time by which all
6 ballots must be received by the board on the day of an election to be
7 considered valid and counted.

8 (cf: P.L.2005, c.148, s.2)

9

10 37. The following sections are repealed:

11 Sections 1 through 40 of P.L.1953, c.211 (C.19:57-1 through
12 40);

13 Section 17 of P.L.1977, c.47 (C.19:57-4.1);

14 Section 1 of P.L.1967, c.148 (C.19:57-11.1);

15 Section 1 of P.L.1972, c.87 (C.19:57-15.1); and

16 Sections 12 and 11 of P.L.1981, c.390 (C.19:57-24.1 and 37.1).

17

18 38. This act shall take effect on ⁴**[January 1 next following the**
19 **date of enactment]** July 1, 2009⁴.

1 Sections 1 through 40 of P.L.1953, c.211 (C.19:57-1 through
2 40);
3 Section 17 of P.L.1977, c.47 (C.19:57-4.1);
4 Section 1 of P.L.1967, c.148 (C.19:57-11.1);
5 Section 1 of P.L.1972, c.87 (C.19:57-15.1); and
6 Sections 12 and 11 of P.L.1981, c.390 (C.19:57-24.1 and 37.1).

7

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

10

11

12 SPONSOR'S STATEMENT

13

14 This bill establishes the procedures to be used by qualified voters
15 who want to vote by mail and the procedures to be used to prepare,
16 count and canvass mail-in ballots. Entitled "The Vote By Mail Law
17 of 2008," this bill repeals all existing absentee ballot statutes to
18 simplify the steps voters are to follow to vote using this method and
19 for elections administrators to execute the law.

20 Specifically, the bill:

21 1) removes references to civilian and military absentee ballots,
22 which were essentially similar versions of the same type of ballot,
23 and provides instead for a voter to vote using a mail-in ballot if the
24 voter wishes to vote by mail and not at his or her assigned polling
25 place on the day of any election;

26 2) permits any qualified voter who wishes to vote only by mail-
27 in ballot in all future general elections in which the voter is eligible
28 to vote to notify the county board of elections that he or she wishes
29 to receive such a mail-in ballot automatically and permits the voter
30 to receive the ballot without the need for further requests;

31 3) permits any qualified voter who wishes to be able to vote only
32 by mail-in ballot for each election that occurs during the remainder
33 of the calendar year in which the request is made to so notify the
34 county board of elections and the receive the ballot without the
35 need for further requests;

36 4) requires the Secretary of State to undertake a program to
37 inform voters about their eligibility to vote by mail pursuant to this
38 bill;

39 5) requires each county clerk to forward to voters mail-in ballots
40 that have been approved before the 40th day before an election no
41 later than the third business day following that 40th day and
42 requires that when the mail-in ballot is forwarded between the 40th
43 and 13th day before an election, the ballot must be transmitted
44 within three business days of the receipt of the application for the
45 ballot;

46 6) provides that a voter who has applied for and not received an
47 application for a mail-in ballot, or an explanation why that
48 application was rejected, and a voter who has received a mail-in

1 ballot but has not submitted it to the county board of elections
2 before the day of an election would be permitted to vote on the day
3 of an election by using a provisional ballot; and

4 7) provides that the Statewide voter registration system in use in
5 this State must have the ability to record and monitor all requests
6 for mail-in ballots; to enable county boards of election to verify the
7 identity and signature of each person requesting a mail-in ballot; to
8 record the name and address of each voter determined to be eligible
9 to receive a mail-in ballot for a particular election and to note when
10 a mail-in ballot has been transmitted to that voter by mail or hand
11 delivery; and to make such information available to the Secretary of
12 State so that a voter can be notified whether the application for such
13 a ballot was accepted or rejected, and the reason for the rejection,
14 using the free-access system established by current law.

15 The bill also amends sections of current law to shift
16 responsibility for the administration of certain elections procedures
17 from the Attorney General to the Secretary of State in conformity
18 with section 1 of P.L.2007, c.254 (C.52:16A-98), which effectuated
19 that change.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2451

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2008

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 2451.

As amended, this bill establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, count and canvass mail-in ballots. Entitled "The Vote By Mail Law of 2008," this bill repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day and requires that when the mail-in ballot is forwarded between the 40th and 13th day before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

The bill also amends sections of current law in recognition of the shift of responsibility for the administration of certain elections procedures from the Attorney General to the Secretary of State, pursuant to P.L.2007, c.254.

COMMITTEE AMENDMENTS

To reflect current law, the committee amended the bill to change from 29 to 21 references to the number of days after which a voter who has moved is eligible to vote under certain circumstances.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[Third Reprint]

ASSEMBLY, No. 2451

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2009

The Senate State Government Committee reports favorably and with committee amendments Assembly, No. 2451 (3R).

This bill establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, count and canvass mail-in ballots. Entitled "The Vote By Mail Law of 2008," this bill repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day and requires that when the mail-in ballot is forwarded between the 40th and 13th day before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

The bill also amends sections of current law in recognition of the shift of responsibility for the administration of certain elections procedures from the Attorney General to the Secretary of State, pursuant to P.L.2007, c.254.

This bill is identical to SCS for Senate, No. 1380 (2R) of 2008.

COMMITTEE AMENDMENTS

The committee amended the bill to: 1) designate the 12th day before the day of an election as the start of the period when a mail-in ballot is sent to a voter no later than two days after the receipt of an application for such a ballot; 2) provide that at the discretion of the county clerk, the outer envelope, which contains the inner envelope and the voted ballot, may be a postage paid return envelope; and 3) change the bill's effective date from January 1 next following the date of enactment to July 1, 2009.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2451

with Assembly Floor Amendments
(Proposed By Assemblywoman QUIGLEY and Assemblyman CONNERS)

ADOPTED: MAY 19, 2008

The purpose of these Assembly amendments are to: 1) distinguish more clearly the different roles of the authorized messenger and the bearer in the vote by mail process; 2) state explicitly in the required public notice that a voter may request a mail-in ballot application from the county clerk up to 3 p.m. of the day before an election; 3) make clear that a voter whose name appears on a list of voters requesting to vote by mail-in ballot, but who wishes nevertheless to vote at the polls on the day of an election, is permitted to vote by provisional ballot; 4) substitute the Secretary of State for the Attorney General in certain statutes in recognition of the shift of responsibility for the administration of certain elections procedures from the Attorney General to the Secretary of State, pursuant to P.L.2007, c.254; 5) provide that the county boards of elections are to keep all requests for mail-in ballots for two years instead of one; 6) transfer certain responsibilities from the county board of elections to the county clerk, and the reverse, to correct certain erroneous transfers in the bill; and 7) clarify the standards of proof for certain fraudulent voting practices that are punishable under the bill as third degree crimes.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2451

with Senate Floor Amendments
(Proposed By Senator LESNIAK)

ADOPTED: DECEMBER 15, 2008

These Senate amendments: 1) delete reference to the year 2008 in the title of the bill; 2) delete the provision that permits a relative or a friend of a voter to request a mail-in ballot for a voter; 3) provide that when a mail-in voter does not return a mail-in ballot for the fourth general election following the general election at which the voter last voted, the county clerk is to send that voter a notice confirming that the voter continues to reside at the address at which the voter is registered and that the failure of the voter to complete and return the notice would mean that the voter's ability to receive a mail-in ballot would be suspended until a new application to receive such a ballot is submitted; 4) provide that the county clerk must not transmit a mail-in ballot to any person who is deemed by a county commissioner of registration to be an inactive voter or whose registration file has been transferred to the deleted file pursuant to N.J.S.A.19:31-19; and 5) change the standard for being penalized for committing a violation of the bill to knowingly and with intent to commit fraud.

STATEMENT TO
[Fourth Reprint]
ASSEMBLY, No. 2451

with Senate Floor Amendments
(Proposed by Senator LESNIAK)

ADOPTED: MARCH 16, 2009

These Senate amendments provide that no person can serve as an authorized messenger for more than 10 qualified voters in an election.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 2451

STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JUNE 20, 2008

SUMMARY

Synopsis: The Vote By Mail Law of 2008.

Type of Impact: Indeterminate impact on election administration costs.

Agencies Affected: County Clerks, County Boards of Elections, Department of State.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
Local Cost	Indeterminate - See comments below		

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if Assembly Bill No. 2451 (2R) is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State, because it is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, and the cost incurred by the clerks and boards to administer the mail-in ballot will be about the same as the costs incurred currently by those entities to administer absentee voting.

BILL DESCRIPTION

Assembly Bill No. 2451 (2R) of 2008 establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law of 2008," this bill repeals all existing

absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election, would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that if Assembly Bill No. 2451 (2R) is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. This is because the bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the preparation, transmission, counting and canvassing of

such ballots. It is likely, therefore, that the cost incurred by the clerks and county boards to administer the mail-in ballot will be about the same as the costs incurred currently by those entities to administer absentee voting.

The OLS notes that the bill may make voting easier using this procedure and therefore more qualified voters may opt for this voting method in place of voting in person on the day of an election. If this occurs, there will be a corresponding increase in the cost of acquiring and transmitting the ballots and of processing them by the county boards of election. Yet the extent of the fiscal impact will depend entirely on how great the increase will be, which is not possible to quantify at this time. Also, the extent of the increase will probably depend on the type of election being held, as some elections, such as those held on the school budget and school board members, usually result in low voter turn out, while other elections, such as those electing Statewide or federal officeholders, usually result in greater voter turn out. It is also not possible to quantify the cost of the program to inform voters about the vote by mail option that the Secretary of State is required to undertake, as it is completely dependent on the money that is provided for that purpose by the Legislature.

A review of the costs of issuing and receiving absentee ballots in eight counties (specifically, Burlington, Camden, Essex, Hunterdon, Ocean, Passaic, Union and Warren) may provide some frame of reference for the costs to the counties of the vote by mail procedure if, Assembly, No, 2451 (2R) is enacted. The OLS estimates that there were approximately 553,788 absentee ballots issued and received for school board, nonpartisan, primary, and general elections in 2007 and the presidential primary election in 2008 in all 21 counties of the State. The estimated cost to the counties was approximately \$219,220. Of the counties surveyed, the smallest number of ballots issued and received was 7,460 in Warren County, with an attendant cost of \$3,058. The largest number of ballots issued and received was 39,080 in Ocean County, with an attendant cost of \$16,022.

Section: State Government
Analyst: Frank J. Parisi
Principal Research Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Fourth Reprint]

ASSEMBLY, No. 2451

STATE OF NEW JERSEY 213th LEGISLATURE

DATED: MARCH 30, 2009

SUMMARY

Synopsis: The Vote By Mail Law.

Type of Impact: Indeterminate impact on election administration costs.

Agencies Affected: County Clerks, County Boards of Elections, Department of State.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
Local Cost	Indeterminate - See comments below		

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State. Because the bill replaces an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, costs incurred by the clerks and boards to administer the mail-in ballot should be about the same as the costs incurred currently by those entities to administer absentee voting. There may be modest additional costs incurred by counties, depending on choices made to foster the use of the mail-in option by voters, and by the State, depending upon the design of the voter information program required by the bill.

BILL DESCRIPTION

Assembly Bill No. 2451 (4R) of 2008 establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law" this bill repeals all existing absentee

ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election, would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. The bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the preparation, transmission, counting and canvassing of such ballots. It is likely, therefore, that the cost incurred by the clerks and county boards to administer the mail-in ballot will be about the

same as the costs incurred currently by those entities to administer absentee voting. However, there may be some additional, indeterminate mail-in ballot costs, to the counties, if the County Clerks choose to include postage paid return envelopes, as provided for in the bill.

The OLS notes that the bill may make voting easier and therefore more qualified voters may opt for this voting method in place of voting in person on the day of an election. If this occurs, there will be a corresponding increase in the cost of acquiring and transmitting the ballots and of processing them by the county boards of election. The extent of the fiscal impact will depend entirely on how great the increase will be, which is not possible to quantify at this time. Also, the extent of the increase will probably depend on the type of election being held, as some elections, such as those held on the school budget and school board members, usually result in low voter turn out, while other elections, such as those electing Statewide or federal officeholders, usually result in greater voter turn out. It is also not possible to quantify the cost of the program to inform voters about the vote by mail option that the Secretary of State is required to undertake, as it is completely dependent on the method that is chosen to communicate with voters.

A review of the costs of issuing and receiving absentee ballots in eight counties (specifically, Burlington, Camden, Essex, Hunterdon, Ocean, Passaic, Union and Warren) may provide some frame of reference for the costs to the counties of the vote by mail procedure if this bill is enacted. The OLS estimates that there were approximately 553,788 absentee ballots issued and received for school board, nonpartisan, primary, and general elections in 2007 and the presidential primary election in 2008 in all 21 counties of the State. The estimated cost to the counties was approximately \$219,220. Of the counties surveyed, the smallest number of ballots issued and received was 7,460 in Warren County, with an attendant cost of \$3,058. The largest number of ballots issued and received was 39,080 in Ocean County, with an attendant cost of \$16,022.

Section: State Government
Analyst: Kimberly Anne McCord
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Fifth Reprint]

ASSEMBLY, No. 2451

STATE OF NEW JERSEY

213th LEGISLATURE

DATED: MAY 26, 2009

SUMMARY

- Synopsis:** The Vote By Mail Law.
- Type of Impact:** Indeterminate impact on election administration costs.
- Agencies Affected:** County Clerks, County Boards of Elections, Department of State.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate - See comments below	
Local Cost		Indeterminate - See comments below	

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State. Because the bill replaces an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, costs incurred by the clerks and boards to administer the mail-in ballot should be about the same as the costs incurred currently by those entities to administer absentee voting. There may be modest additional costs incurred by counties, depending on choices made to foster the use of the mail-in option by voters, and by the State, depending upon the design of the voter information program required by the bill.

BILL DESCRIPTION

Assembly Bill No. 2451 (5R) of 2008 establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law" this bill repeals all existing absentee

ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election, would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. The bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the preparation, transmission, counting and canvassing of such ballots. It is likely, therefore, that the cost incurred by the clerks and county boards to administer the mail-in ballot will be about the

same as the costs incurred currently by those entities to administer absentee voting. However, there may be some additional, indeterminate mail-in ballot costs, to the counties, if the County Clerks choose to include postage paid return envelopes, as provided for in the bill.

The OLS notes that the bill may make voting easier and therefore more qualified voters may opt for this voting method in place of voting in person on the day of an election. If this occurs, there will be a corresponding increase in the cost of acquiring and transmitting the ballots and of processing them by the county boards of election. The extent of the fiscal impact will depend entirely on how great the increase will be, which is not possible to quantify at this time. Also, the extent of the increase will probably depend on the type of election being held, as some elections, such as those held on the school budget and school board members, usually result in low voter turn out, while other elections, such as those electing Statewide or federal officeholders, usually result in greater voter turn out. It is also not possible to quantify the cost of the program to inform voters about the vote by mail option that the Secretary of State is required to undertake, as it is completely dependent on the method that is chosen to communicate with voters.

A review of the costs of issuing and receiving absentee ballots in eight counties (specifically, Burlington, Camden, Essex, Hunterdon, Ocean, Passaic, Union and Warren) may provide some frame of reference for the costs to the counties of the vote by mail procedure if this bill is enacted. The OLS estimates that there were approximately 553,788 absentee ballots issued and received for school board, nonpartisan, primary, and general elections in 2007 and the presidential primary election in 2008 in all 21 counties of the State. The estimated cost to the counties was approximately \$219,220. Of the counties surveyed, the smallest number of ballots issued and received was 7,460 in Warren County, with an attendant cost of \$3,058. The largest number of ballots issued and received was 39,080 in Ocean County, with an attendant cost of \$16,022.

Section: State Government
Analyst: Frank J. Parisi
Principal Research Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

1 SPONSOR'S STATEMENT

2

3 This bill establishes the procedures to be used by qualified voters
4 who want to vote by mail and the procedures to be used to prepare,
5 count and canvass mail-in ballots. Entitled "The Vote By Mail Law
6 (2008)", this bill repeals all existing absentee ballot statutes to
7 simplify the steps voters are to follow to vote using this method, so
8 that it is easy, understandable and convenient for voters to vote by
9 mail and for elections administrators to execute the law.

10 Specifically, the bill:

11 1) removes references to civilian and military absentee ballots,
12 which were essentially similar versions of the same type of ballot,
13 and provides instead for a voter to vote using a mail-in ballot if the
14 voter wishes to vote by mail and not at his or her assigned polling
15 place on the day of any election;

16 2) permits any qualified voter who wishes to vote only by mail-
17 in ballot in all future elections in which the voter is eligible to vote
18 to notify the county board of elections that he or she wishes to
19 receive such a mail-in ballot automatically and permits the voter to
20 receive the ballot without the need for further requests;

21 3) permits any qualified voter who wishes to be able to vote only
22 by mail-in ballot for each election that occurs during the remainder
23 of the calendar year in which the request is made to so notify the
24 county board of elections and the receive the ballot without the
25 need for further requests; and

26 4) eliminates the provision in current law that prohibits a person
27 who is a candidate in the election for which the voter requests a
28 mail-in ballot to provide assistance in the completion of the ballot,
29 or to serve as a messenger.

30 Except as noted above, the sections of the bill that establish the
31 process of voting by mail are modeled substantially after the current
32 provisions of Title 19 of the Revised States that provide for
33 absentee ballots.

34 The bill also amends sections of current law to shift
35 responsibility for the administration of certain elections procedures
36 from the Attorney General to the Secretary of State in conformity
37 with P.L.2007, c.254 (C.52:16A-98), which effectuated that change.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1380.

This substitute establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, count and canvass mail-in ballots. Entitled "The Vote By Mail Law of 2008," this substitute repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the substitute:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests, except that a voter's failure to vote in the fourth general election following the general election at which the voter last voted may result in the suspension of that voter's ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill, including notice that a voter may request a mail-in ballot application from the county clerk up to 3 p.m. of the day before an election;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day and requires that when the mail-in ballot is forwarded between the 40th and 13th day before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election would be permitted to vote on the day of an election by using a provisional ballot;

(7) clarifies the standards of proof for certain fraudulent voting practices that are punishable under the substitute as third degree crimes; and

(8) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

The substitute also amends sections of current law in recognition of the shift of responsibility for the administration of certain elections procedures from the Attorney General to the Secretary of State, pursuant to P.L.2007, c.254.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2009

The Senate State Government Committee reports favorably and with committee amendments Senate Committee Substitute for Senate, No. 1380 (1R).

This substitute establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, count and canvass mail-in ballots. Entitled "The Vote By Mail Law of 2008," this substitute repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the substitute:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests, except that a voter's failure to vote in the fourth general election following the general election at which the voter last voted may result in the suspension of that voter's ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill, including notice that a voter may request a mail-in ballot application from the county clerk up to 3 p.m. of the day before an election;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day and requires that when the mail-in ballot is forwarded between the 40th and 13th day before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election would be permitted to vote on the day of an election by using a provisional ballot;

(7) clarifies the standards of proof for certain fraudulent voting practices that are punishable under the substitute as third degree crimes; and

(8) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

The substitute also amends sections of current law in recognition of the shift of responsibility for the administration of certain elections procedures from the Attorney General to the Secretary of State, pursuant to P.L.2007, c.254.

This substitute is identical to Assembly, No.2451 (4R) of 2008.

COMMITTEE AMENDMENTS

The committee amended the bill to: 1) designate the 12th day before the day of an election as the start of the period when a mail-in ballot is sent to a voter no later than two days after the receipt of an application for such a ballot; 2) provide that at the discretion of the county clerk, the outer envelope, which contains the inner envelope and the voted ballot, may be a postage paid return envelope; and 3) change the bill's effective date from January 1 next following the date of enactment to July 1, 2009.

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380

with Senate Floor Amendments
(Proposed By Senator LESNIAK)

ADOPTED: DECEMBER 15, 2008

These Senate amendments: 1) delete reference to the year 2008 in the title of the bill; 2) delete the provision that permits a relative or a friend of a voter to request a mail-in ballot for a voter; and 3) provide that the county clerk must not transmit a mail-in ballot to any person who is deemed by a county commissioner of registration to be an inactive voter or whose registration file has been transferred to the deleted file pursuant to N.J.S.A.19:31-19.

STATEMENT TO

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380

with Senate Floor Amendments
(Proposed by Senator LESNIAK)

ADOPTED: MARCH 16, 2009

These Senate amendments provide that no person can serve as an authorized messenger for more than 10 qualified voters in an election.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 17, 2008

SUMMARY

Synopsis: The Vote By Mail Law of 2008.

Type of Impact: Indeterminate impact on election administration costs.

Agencies Affected: County Clerks, County Boards of Elections, Department of State.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate- See comments below		
Local Cost	Indeterminate- See comments below		

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if Senate Committee Substitute No. 1380 is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State, because it is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, and the cost incurred by the clerks and boards to administer the mail-in ballot will be about the same as the costs incurred currently by those entities to administer absentee voting.

BILL DESCRIPTION

Senate Committee Substitute No. 1380 of 2008 establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law of 2008," this bill repeals all

existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election, would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that if Senate Committee Substitute No. 1380 of 2008 is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. This is because the bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the preparation, transmission, counting and

canvassing of such ballots. It is likely, therefore, that the cost incurred by the clerks and county boards to administer the mail-in ballot will be about the same as the costs incurred currently by those entities to administer absentee voting.

The OLS notes that the bill may make voting easier using this procedure and therefore more qualified voters may opt for this voting method in place of voting in person on the day of an election. If this occurs, there will be a corresponding increase in the cost of acquiring and transmitting the ballots and of processing them by the county boards of election. Yet the extent of the fiscal impact will depend entirely on how great the increase will be, which is not possible to quantify at this time. Also, the extent of the increase will probably depend on the type of election being held, as some elections, such as those held on the school budget and school board members, usually result in low voter turn out, while other elections, such as those electing Statewide or federal officeholders, usually result greater voter turn out. It is also not possible to quantify the cost of the program to inform voters about the vote by mail option that the Secretary of State is required to undertake, as it is completely dependent on the money that is provided for that purpose by the Legislature.

A review of the costs of issuing and receiving absentee ballots in eight counties (specifically, Burlington, Camden, Essex, Hunterdon, Ocean, Passaic, Union and Warren) may provide some frame of reference for the costs to the counties of the vote by mail procedure if Senate Committee Substitute No. 1380 is enacted. The OLS estimates that there were approximately 553,788 absentee ballots issued and received for school board, nonpartisan, primary, and general elections in 2007 and the presidential primary election in 2008 in all 21 counties of the State. The estimated cost to the counties was approximately \$219,220. Of the counties surveyed, the smallest number of ballots issued and received was 7,460 in Warren County, with an attendant cost of \$3,058. The largest number of ballots issued and received was 39,080 in Ocean County, with an attendant cost of \$16,022.

Section: State Government
Analyst: Frank J. Parisi
Principal Research Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

LEGISLATIVE FISCAL ESTIMATE
[Second Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: MARCH 30, 2009

SUMMARY

Synopsis: The Vote By Mail Law.

Type of Impact: Indeterminate impact on election administration costs.

Agencies Affected: County Clerks, County Boards of Elections, Department of State.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
Local Cost	Indeterminate - See comments below		

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State. Because the bill replaces an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, costs incurred by the clerks and boards to administer the mail-in ballot should be about the same as the costs incurred currently by those entities to administer absentee voting. There may be modest additional costs incurred by counties, depending on choices made to foster the use of the mail-in option by voters, and by the State, depending upon the design of the voter information program required by the bill.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 1380 (2R) of 2008 establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used

to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law," this bill repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election, would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. The bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the

preparation, transmission, counting and canvassing of such ballots. It is likely, therefore, that the costs incurred by the clerks and county boards to administer the mail-in ballot will be about the same as the costs incurred currently by those entities to administer absentee voting. However, there may be some additional, indeterminate mail-in ballot costs, to the counties, if the County Clerks choose to include postage paid return envelopes as provided for in the bill.

The OLS notes that the bill may make voting easier and therefore more qualified voters may opt for this voting method in place of voting in person on the day of an election. If this occurs, there will be a corresponding increase in the cost of acquiring and transmitting the ballots and of processing them by the county boards of election. The extent of the fiscal impact will depend entirely on how great the increase will be, which is not possible to quantify at this time. Also, the extent of the increase will probably depend on the type of election being held, as some elections, such as those held on the school budget and school board members, usually result in low voter turn out, while other elections, such as those electing Statewide or federal officeholders, usually result in greater voter turn out. It is also not possible to quantify the cost of the program to inform voters about the vote by mail option that the Secretary of State is required to undertake, as it is completely dependent on the method that is chosen to communicate with voters.

A review of the costs of issuing and receiving absentee ballots in eight counties (specifically, Burlington, Camden, Essex, Hunterdon, Ocean, Passaic, Union and Warren) may provide some frame of reference for the costs to the counties of the vote by mail procedure if this bill is enacted. The OLS estimates that there were approximately 553,788 absentee ballots issued and received for school board, nonpartisan, primary, and general elections in 2007 and the presidential primary election in 2008 in all 21 counties of the State. The estimated cost to the counties was approximately \$219,220. Of the counties surveyed, the smallest number of ballots issued and received was 7,460 in Warren County, with an attendant cost of \$3,058. The largest number of ballots issued and received was 39,080 in Ocean County, with an attendant cost of \$16,022.

Section: State Government
Analyst: Kimberly Anne McCord
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C. 52:13B-1 et seq.).

CORRECTED COPY
LEGISLATIVE FISCAL ESTIMATE
 [Third Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1380
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: MAY 26, 2009

SUMMARY

Synopsis: The Vote By Mail Law.

Type of Impact: Indeterminate impact on election administration costs.

Agencies Affected: County Clerks, County Boards of Elections, Department of State.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
Local Cost	Indeterminate - See comments below		

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State. Because the bill replaces an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, costs incurred by the clerks and boards to administer the mail-in ballot should be about the same as the costs incurred currently by those entities to administer absentee voting. There may be modest additional costs incurred by counties, depending on choices made to foster the use of the mail-in option by voters, and by the State, depending upon the design of the voter information program required by the bill.

BILL DESCRIPTION

The Corrected Copy of the Third Reprint of the Senate Committee Substitute for Senate Bill No. 1380 of 2008 establishes the procedures to be used by qualified voters who want to vote by

mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law," this bill repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

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(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. The bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the preparation, transmission, counting and canvassing of such ballots. It is likely, therefore, that the costs incurred by the clerks and county boards to administer the mail-in ballot will be about the

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Section: State Government
Analyst: Frank J. Parisi
Principal Research Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C. 52:13B-1 et seq.).