

[First Reprint]
SENATE, No. 92

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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Co-Sponsored by:

**Assemblywoman Downey, Assemblyman Conaway, Assemblywoman
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SYNOPSIS

Revises "Overseas Residents Absentee Voting Law."

CURRENT VERSION OF TEXT

As amended on February 13, 2017 by the Senate pursuant to the Governor's
recommendations.

(Sponsorship Updated As Of: 10/21/2016)

1 AN ACT concerning voting by New Jersey's overseas residents, and
2 amending and supplementing various parts of the statutory law.

3

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

6

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

9 2. As used in this act:

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

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

16 c. **["Federal election" means any general, special or primary**
17 **held for the purpose of nominating or electing any candidate for the**
18 **office of President or Vice President of the United States,**
19 **Presidential elector, United States Senator or member of the United**
20 **States House of Representatives]** ¹"Federal election" means any
21 general, special or primary held for the purpose of nominating or
22 electing any candidate for the office of President or Vice President
23 of the United States, Presidential elector, United States Senator or
24 member of the United States House of Representatives.

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

28 ¹**[d.] e.¹ "Overseas voter" means any person in military service,**
29 **or that person's spouse, partner in civil union, domestic partner, or**
30 **dependent, who, by reason of the person's active duty or service,**
31 **is, in the case of the person, absent on the date of an election from**
32 **the place of residence in New Jersey where the person is or would**
33 **be qualified to vote, [and] or in the case of the person's spouse,**
34 **partner in civil union, domestic partner, or dependent, absent on the**
35 **date of an election from the place of residence in New Jersey where**
36 **that spouse, partner in civil union, domestic partner, or dependent,**
37 **is or would be qualified to vote.**

38 The term also means any citizen of the United States
39 ¹temporarily¹ residing abroad who (1) immediately prior to **[his]**
40 departure from the United States was domiciled in New Jersey and
41 (a) was last registered to vote, or **[had all the qualifications]** last
42 eligible to register and vote, in New Jersey; or (b) **[had all the**

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:

¹Senate amendments adopted in accordance with Governor's recommendations February 13, 2017.

1 qualifications **】** would have been eligible to register and vote in New
2 Jersey **【**other than having **】** except that the citizen had not attained
3 18 years of age **【**but has since attained that age **】** the requirement of
4 which has since been met; or (c) would have been eligible to
5 register and vote in New Jersey **【**, but for residence , have the
6 qualifications to register and vote in New Jersey **】** except that the
7 citizen had not met the residency requirement; (2) **【**does not
8 maintain a residence in the United States and **】** is not registered or
9 qualified to vote elsewhere in the United States; and (3) holds a
10 valid passport or passport card **【**of identity and registration **】** or
11 other proof of citizenship issued under authority of the Secretary of
12 State of the United States.

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

26 The term also means any citizen of the United States who was
27 born outside of the United States, is not described above, and,
28 except for the residency requirement of New Jersey, otherwise
29 satisfies the State’s voter eligibility requirements, if the last place
30 where a parent ¹**【**or **】**,¹ legal guardian ¹, spouse, partner in civil
31 union, or domestic partner¹ of the voter was, or under P.L.1976,
32 c.23 (C.19:59-1 et seq.) would have been, eligible to register and
33 vote before departure from the United States is within New Jersey
34 and the voter has not previously registered to vote elsewhere in the
35 United States.

36 ¹**【**e. ¹g. ¹“Electronic means” means any transmission made by an
37 electronic telefacsimile machine or a similar device or by any other
38 form of electronic transmission including, but not exclusive to
39 electronic mail, that transports an authentic copy of a document
40 from one user to another.

41 ¹**【**f. ¹h. ¹“Dependent” means an individual recognized as a
42 dependent by a military service.

43 ¹**【**g. ¹i. ¹“Federal postcard application” means the application
44 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.
45 s.1973ff(b)(2)).

1 ¹**[h.] j.** “Federal write-in absentee ballot” means the ballot
2 described under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-
3 2).

4 ¹**[i.] k.** “Military service” means the active and reserve
5 components of the Army, Navy, Air Force, Marine Corps, or Coast
6 Guard of the United States; the Merchant Marine; the commissioned
7 corps of the Public Health Service or the commissioned corps of the
8 National Oceanic and Atmospheric Administration of the United
9 States; or the National Guard or State militia.
10 (cf: P.L.2008, c.61, s.2)

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

14 3. Upon compliance with the provisions of this act, P.L.1976,
15 c.23 (C.19:59-1 et seq.), ¹as amended by P.L. , c. (C.) (pending
16 before the Legislature as this bill): a. any person meeting the
17 qualifications of an overseas voter may register to vote and may
18 apply for and vote by mail-in ballot in any election held in the
19 election district of this State in which the voter was formerly
20 domiciled; and b. ¹any person meeting the qualifications of an
21 **["Overseas voter"]** overseas ¹federal election¹ voter may register to
22 vote and may apply for and vote by ¹[absentee] mail-in¹ ballot in
23 any ¹federal¹ election held in the election district of this State in
24 which the voter, or in the case of an overseas ¹federal election¹
25 voter who was born outside of the United States described ¹[in
26 paragraph (3) of subsection d. of section 2 of P.L.1976, c.23
27 (C.19:59-2), in which the voter’s parent or legal guardian, was] in
28 subsection f. of section 2 of P.L.1976, c. 23 (C.19:59-2), in which
29 the voter’s parent, legal guardian, spouse, partner in civil union, or
30 domestic partner was ¹formerly domiciled.

31 (cf: P.L.2008, c.61, s.3)

32
33 3. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
34 as follows:

35 4. a. Requests for an application to vote in an election as an
36 overseas voter ¹or a federal election as an overseas federal election
37 voter¹ may be made by or on behalf of an applicant to the county
38 clerk of the county in which the applicant, or in the case of an
39 overseas ¹federal election¹ voter who was born outside of the
40 United States ¹[described in paragraph (3) of subsection d. of
41 section 2 of P.L.1976, c.23 (C.19:59-2), in which the applicant’s
42 parent or legal guardian] described in subsection f. of section 2 of
43 P.L.1976, c.23 (C.19:59-2), in which the voter’s parent, legal
44 guardian, spouse, partner in civil union, or domestic partner, ¹ was
45 formerly domiciled, or to the Secretary of State of New Jersey if the
46 applicant does not know the county of [the applicant's] former

1 domicile. All such applications shall be forwarded to such voters
2 by air mail or electronic means, if so requested by the voter. Any
3 overseas voter ¹or overseas federal election voter¹ requesting that
4 an application for a ballot be sent to that voter by electronic means
5 shall supply in the request to the Secretary of State or the county
6 clerk, as appropriate, the telephone number and location to which
7 the application is to be sent or the electronic address of the voter, as
8 may be appropriate, and, if known, the address where the voter, or
9 the voter's parent ¹or,¹ legal guardian, ¹spouse, partner in civil
10 union, or domestic partner,¹ as appropriate, was domiciled before
11 departure from the United States. To qualify **an applicant** for a
12 ballot to be sent **a ballot** by air mail **in order to vote in an**
13 **election**, the applicant's completed application shall be received by
14 the appropriate county clerk or the Secretary of State on or before
15 the thirtieth day preceding the election. To qualify **an applicant to**
16 **be sent** for a ballot to be distributed by electronic means **in order**
17 **to vote in an election**, the applicant's completed application shall
18 be received by the appropriate county clerk **on or before the fourth**
19 **day** or the Secretary of State ¹by 3:00 p.m. on the day on or
20 before the fourth day¹ preceding the election.

21 b. An overseas voter ¹or overseas federal election voter¹ may
22 use the federal postcard application form to register to vote or to
23 apply for an overseas ballot for **a federal** any election ¹in which
24 the voter is eligible to vote¹. The voter may send the form by air
25 mail or electronic means to either the appropriate county clerk or
26 the Secretary of State and, in the case of **an** the use of a federal
27 postcard application for a ballot, may request that the ballot be sent
28 by air mail or electronic means. Any voter sending the form by
29 electronic means shall also mail simultaneously the federal postcard
30 application form to the appropriate county clerk or the Secretary of
31 State. Any federal postcard application for a ballot sent by an
32 overseas voter ¹or overseas federal election voter¹ and received by a
33 county clerk or the Secretary of State shall also be considered a
34 request for registration if that voter is not already registered.

35 ¹c. An overseas voter may use the federal write-in absentee
36 ballot to vote in an election or to vote in favor or against any public
37 question placed before the voters in an election. An overseas voter
38 may use the federal write-in absentee ballot to register to vote, if
39 that voter is not already registered, or to request an overseas ballot
40 for all elections held during the calendar year in which the request
41 is made. The voter may send the federal write-in absentee ballot by
42 air mail or electronic means to either the appropriate county clerk or
43 the Secretary of State and, in the case of the use of a federal write-
44 in absentee ballot as an application for an overseas ballot, may
45 request that the ballot be sent by air mail or electronic means. Any
46 voter sending the federal write-in absentee ballot by electronic

1 means shall also mail it simultaneously to the appropriate county
2 clerk or the Secretary of State.】¹

3 (cf: P.L.2008, c.61, s.4)

4

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

7 5. a. **【An】** Other than a federal postcard application ¹【or
8 federal】¹ ¹【write-in absentee ballot, an application for an overseas
9 ballot shall】 an application for a ballot by an overseas voter or
10 overseas federal election voter shall¹ be in substantially the
11 following form:

12 **¹【APPLICATION FOR AN OVERSEAS BALLOT】¹**

13 I, the undersigned, certify the following as a basis for an
14 application as citizen of the United States residing outside the
15 United States to receive a ballot to be voted at the election to be
16 held on (date of election) **【that is to say】** for (fill in
17 elected office or public question, or both):

- 18 1. I am a citizen of the United States;
- 19 2. I presently reside at (if mail should be
20 addressed other than to my residence, also provide address for
21 mail);
- 22 3. I was born on (month, day, year)
- 23 4. **【a.】** I hold a:
 - 24 a. valid U.S. Passport #, dated, or
 - 25 b. **【I hold a United States Citizens Identity and Registration**
26 Card (Form FS 225) dated issued by (name and
27 location of U.S. Embassy or Consulate)】 valid U.S. Passport Card #
28, dated, or
 - 29 c. valid Certificate of Citizenship ¹【(Form N-600)】¹, dated
30, or
 - 31 d. other valid form of identification recognized as such under
32 federal or state law: (form of identification), dated
- 33 5. a. Immediately prior to taking up residence abroad I was
34 domiciled in New Jersey and resided at (street address),
35 (municipality), (county) (If formerly registered
36 to vote from that address check here ()) ,or
37 b. I was born outside of the United States and my parent
38 ¹【or】¹ legal guardian, ¹spouse, partner in civil union, or domestic
39 partner,¹ before leaving the United States, was last domiciled in
40 New Jersey, residing at (street address),
41 (municipality),(county).
- 42 6. I **【do not maintain a domicile in the United States and】** am
43 not registered, entitled or applying to vote in any state other than
44 New Jersey.

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

9 b. For ¹~~overseas ballots sent to the voter~~ ballots sent to
10 overseas voters or overseas federal election voters¹ by electronic
11 means, the procedure for completing the ballot shall be as follows:

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

21 c. Notwithstanding the provisions of subsections a. and b. of
22 this section, a copy of ¹~~a voted overseas~~ an overseas voter's or
23 overseas federal election voter's¹ ballot may be transmitted by
24 electronic means to the appropriate county board of elections in this
25 State. Such a ballot shall be subject to the provisions of sections 3
26 and 4 of P.L.1995, c.195 (C.19:59-14 and C.19:59-15).

27 (cf: P.L.2008, c.61, s.11)

28

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

31 12. An overseas voter ¹or overseas federal election voter¹ may
32 request, on any application form used, ¹~~an overseas~~ a¹ ballot for
33 all elections held during the calendar year in which the request is
34 made ¹and in which the voter is eligible to vote¹. Any instructions
35 sent to an applicant pursuant to section 5 of P.L.1976, c.23
36 (C.19:59-5) shall inform the applicant that such a request may be
37 made. If such a request is made, ¹~~an overseas~~ a¹ ballot shall be
38 sent in a timely manner to the voter for all such elections ¹in which
39 the voter is eligible to vote¹ and by the transmission method first
40 requested by the voter unless the voter instructs otherwise.

41 (cf: P.L.2008, c.61, s.13)

42

43 ¹~~9.~~ (New section) An electronic address provided by an
44 overseas voter to the county clerk or the Secretary of State shall not
45 be made available to the public or any individual or organization
46 other than an authorized agent of the county clerk or the Secretary

1 of State and shall be exempt from disclosure under
2 P.L.1963, c.73 (C.47:1A-1 et seq.). The address may be used only
3 for official communications with the voter that are related to the
4 voting process, including transmitting ballots and election materials
5 if the voter has requested electronic transmission, and verifying the
6 voter's mailing address and physical location. The request for an
7 electronic address shall describe the purposes for which the
8 electronic address may be used and include a statement that any
9 other use or disclosure of the electronic address is prohibited.】¹

10

11 ¹【10. (New section) If a voter's mistake or omission in the
12 completion of a document does not prevent a determination of
13 whether a voter is eligible to vote, the mistake or omission shall not
14 invalidate the document. Failure to satisfy a technical requirement,
15 such as using paper or envelopes of a specified size or weight, shall
16 not invalidate the submitted document. In the case of a federal
17 write-in absentee ballot or a vote for a write-in candidate on a
18 regular ballot, if the intention of the voter is discernable, an
19 abbreviation, misspelling, or other minor variation in the form of
20 the name of a candidate or a political party shall be accepted as a
21 valid vote.

22 This section shall be applied consistent with the requirements of
23 subsection d. of section 4 of P.L.1995, c.195 (C.19:59-15).】¹

24

25 ¹【11. (New section) A court may issue an injunction or grant
26 other appropriate equitable relief to ensure substantial compliance
27 with, or enforcement of, the "Overseas Residents Absentee Voting
28 Law," P.L.1976, c.23 (C.19:59-1 et seq.) on application by a voter
29 alleging a grievance under that law or by an election official in this
30 State.】¹

31 ¹【12.】 ¹9. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended
32 to read as follows:

33 26. For the purpose of complying with the federal "Uniformed
34 and Overseas Citizens Absentee Voting Act," 42 U.S.C. s.1973ff-1
35 et seq., the office of the Secretary of State shall:

36 a. be designated as the single State office responsible for
37 providing information to all overseas voters ¹and overseas federal
38 election voters¹ who wish to register to vote or vote in any
39 jurisdiction in the State with respect to voter registration procedures
40 and vote by mail procedures to be used by overseas voters ¹and
41 overseas federal election voters¹ for all elections ¹in which the
42 voter is eligible to vote¹ **【for federal offices】** ;

43 b. work with the federal Election Assistance Commission and
44 the federal Department of Defense to develop standards to report
45 data on the number of ¹**【overseas voter】**¹ ballots transmitted and
46 received by mail or electronic means ¹by overseas voters or

1 overseas federal election voters¹ pursuant to the "Overseas
2 Residents Absentee Voting Law," P.L.1976, c.23 (C.19:59-1 et
3 seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

4 c. provide such additional information relating to voting by
5 overseas voters ¹and overseas federal election voters¹ from this
6 State as the Department of Defense determines is necessary.
7 (cf: P.L.2011, c.37, s.26)

8
9 ¹**【13.】 10.**¹ R.S.19:31-6 is amended to read as follows:

10 19:31-6. Any person qualified to vote in an election shall be
11 entitled to vote in the election if the person shall have registered to
12 vote on or before the 21st day preceding the election by:

13 a. registering in person at any offices designated by the
14 commissioner of registration for providing and receiving
15 registration forms;

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

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

26 d. completing and returning to the **【Attorney General】**
27 Secretary of State a voter registration form obtained from a public
28 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
29 (C.19:31-6.3);

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

34 f. completing and returning to the **【Attorney General】**
35 Secretary of State a federal mail voter registration form, as
36 prescribed in subsection (b) of section 9 of the "National Voter
37 Registration Act of 1993," (42 U.S.C. s.1973gg et seq.);

38 g. completing and returning to the **【Attorney General】**
39 Secretary of State or the appropriate county clerk an application for
40 a federal postcard application form to register to vote, ¹**【or a federal**
41 **write-in absentee ballot,】**¹ as **【provided for in】** permitted pursuant
42 to the "Overseas Absentee Voting Act" (42 U.S.C. s.1973ff-1 et
43 seq.) and section 4 of P.L.1976, c.23 (C.19:59-4);or

44 h. completing a provisional ballot affirmation statement and
45 voting the provisional ballot in the previous election, if the person

1 who submitted the provisional ballot in that election is determined
2 not to be a registered voter .

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

8 Any office designated by the commissioner of registration for
9 receiving registration forms shall have displayed, in a conspicuous
10 location, registration and voting instructions. These instructions
11 shall be the same as those provided for polling places under
12 R.S.19:9-2 and shall be provided by the commissioner.
13 (cf: P.L.2005, c.139, s.8)

14

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

17 8. a. Each county clerk shall send by air mail, with each
18 **【overseas】** ballot for an overseas voter or overseas federal election
19 voter transmitted by such means, appropriate printed instructions
20 for its completion and return, together with an inner and outer
21 envelope similar to that required as to civilian **【absentee】** vote by
22 mail ballots with a legend on the inner envelope stating
23 "**【Overseas】** Ballot for Overseas Voter" or "Ballot for Overseas
24 Federal Election Voter," as appropriate. **【"】**

25 b. Each county clerk shall send to each overseas voter or
26 overseas federal election voter requesting that a **【an overseas】**
27 ballot be sent to that voter by electronic means all appropriate
28 printed instructions for its completion and return. The printed
29 instructions sent to each such voter shall include a certificate
30 substantially the same as provided for in section 9 of P.L.1976, c.23
31 (C.19:59-9).

32 c. The printed instructions sent with each **【overseas】** ballot to
33 an overseas voter or overseas federal election voter, including
34 instructions sent by electronic means, shall include a copy of the
35 following notice:

36 PENALTY FOR FRAUDULENT VOTING

37 Any person who knowingly violates any of the provisions of the
38 Overseas Residents Absentee Voting Law, or who, not being
39 entitled to vote thereunder, fraudulently votes or attempts to vote
40 thereunder or enables or attempts to enable another person, not
41 entitled to vote thereunder, to vote fraudulently thereunder or who
42 prevents or attempts to prevent by fraud the voting of any person
43 legally entitled to vote under this act, shall be guilty of an indictable
44 offense, and upon conviction thereof shall be subject, in addition to
45 such other penalties as are authorized by law, to disenfranchisement

1 unless and until pardoned or restored by law to the right of
2 suffrage.¹

3 (cf: P.L.2008, c.61, s.8)

4
5 ¹12. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to
6 read as follows:

7 12. Whenever a county clerk receives a request by electronic
8 means from an overseas voter or overseas federal election voter that
9 a **【an overseas】** ballot be sent to that person by electronic means,
10 the county clerk shall verify the voter's eligibility to vote as an
11 overseas voter or overseas federal election voter in the State and the
12 county desired. If the overseas voter or overseas federal election
13 voter is eligible to vote therein, the county clerk shall send the
14 appropriate ballot to the voter at least 45 days before the day of the
15 election and thereafter by electronic means using the telephone
16 number or electronic address supplied by the voter for that purpose.
17 If the overseas voter or overseas federal election voter is not
18 eligible to vote in the State or the county desired, notice of
19 noneligibility shall be provided to the voter by electronic means as
20 soon as practicable after the receipt of the request.¹

21 (cf: P.L.2011, c.37, s.25)

22
23 ¹13. Section 9 of P.L.1976, c.23 (C.19:59-9) is amended to read
24 as follows:

25 9. Upon the margin of the flap of the inner envelope to be sent
26 to an overseas voter or overseas federal election voter shall be
27 printed a certificate substantially as follows:

28 I, the undersigned, residing at am the
29 person who applied for, received and voted the enclosed
30 **【Overseas】** Ballot.

31 Dated:.....

32Voter (SIGNATURE)

33Voter (PRINT or type name)¹

34 (cf: P.L.2008, c.61, s.10)

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

38 11. Upon receipt of each **【overseas】** ballot from an overseas
39 voter or overseas federal election voter, other than a ballot which
40 had been sent by electronic means to an overseas voter or overseas
41 federal election voter, the signature on the certificate on the inner
42 envelope shall be compared to that on the person's application. All
43 ballots, whether originally sent to an overseas voter or overseas
44 federal election voter by air mail or electronic means, shall be
45 approved, disapproved, processed, counted and disputes in
46 connection therewith shall be handled in the same manner as is

1 applicable to other **【absentee】** vote by mail ballots. No ballot
2 received after the time designated for the closing of the polls shall
3 be counted.¹

4 (cf: P.L.2008, c.61, s.12)

5

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

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

14 a. is from a qualified voter;

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

18 c. is accompanied by the following statement, which shall be
19 certified by the voter's signature: "I understand that by transmitting
20 by electronic means a copy of my voted ballot I am voluntarily
21 waiving my right to a secret ballot. At the same time, I pledge to
22 place the original voted ballot in a secure envelope, together with
23 any other required certification, and send the documents
24 immediately by air mail to the appropriate county board of
25 elections."¹

26 (cf: P.L.2008, c.61, s.15)

27

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

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

40 b. All copies of voted ballots received by electronic means
41 shall be approved, disapproved, processed and counted, and
42 disputes in connection therewith shall be handled, in the same
43 manner as is applicable to other **【absentee】** vote by mail ballots. No
44 ballot received after the time designated for the closing of the polls
45 shall be counted.

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

12 d. Prior to certification of the results of the election, the county
13 board shall:

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

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

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

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

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

3 (cf: P.L.2008, c.61, s.16)

4

5 ¹**[14.]** 17.¹ This act shall take effect on the 90th day after the
6 date of enactment.