

**SENATE, No. 1687**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED FEBRUARY 21, 2012

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Establishes pilot project to permit overseas and military voters to vote in certain elections using Internet.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT establishing a pilot project to permit overseas and military  
2 voters to vote in certain elections using the Internet.

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

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7 1. a. The Secretary of State shall establish a pilot project to  
8 permit overseas voters to vote using the Internet. The pilot project  
9 shall be for the primary election and general election occurring in  
10 the calendar year in which P.L. , c. (pending before the  
11 Legislature as this bill) takes effect. As used in this act, the term  
12 “overseas voter” shall have the same meaning as the term is used in  
13 subsection d. of section 2 of P.L.1967, c.23 (C.19:59-2) and  
14 includes any person in military service who, by reason of active  
15 duty or service, is absent on the date of the election from the place  
16 of residence in New Jersey where the person is or would be  
17 qualified to vote.

18 b. The secretary shall:

19 (1) create an Internet-based voting system for the pilot project  
20 that: (a) uses such technology as may be available to ensure the  
21 security of the ballot being voted, the privacy of the voter casting  
22 the ballot and the integrity of the voting process for the elections at  
23 which Internet voting is to be available; and (b) employs to the  
24 extent possible any guidelines for an Internet voting pilot project  
25 that assists overseas voters that are proposed or promulgated by the  
26 United States Election Assistance Commission or any other agency  
27 of the federal government;

28 (2) consult with representatives of the clerks of the counties, the  
29 superintendents of elections and the county boards of election with  
30 the regard to the development and implementation of the pilot  
31 project;

32 (3) provide sufficient and accessible notice and information to  
33 the public and overseas voters with respect to the pilot project and  
34 the requirements for such voters to participate in the elections at  
35 which Internet voting is to be available; and

36 (4) promulgate such temporary rules and regulations as the  
37 secretary deems necessary to effectuate the purpose of this act.

38 c. The secretary shall submit to the Governor and the  
39 Legislature no later than the 120th day following the day of the  
40 general election at which the pilot project is operative a written  
41 report with recommendations as to whether:

42 (1) Internet voting for overseas voters should not be adopted at  
43 present; or

44 (2) the pilot project should be expanded and a further  
45 assessment of its feasibility should be conducted; or

46 (3) Internet voting for overseas voters should be adopted  
47 permanently by law.

1 d. Notwithstanding the provisions of this section to the  
2 contrary, in the event the Secretary of State determines in writing  
3 within 30 days after the effective date of this act that the pilot  
4 project should not become operational because of serious, fact-  
5 based concerns about the security and integrity of permitting  
6 overseas voters to vote using the Internet, the secretary shall so  
7 notify the President of the Senate, the Speaker of the General  
8 Assembly, the Minority Leader of the Senate and the Minority  
9 Leader of the General Assembly in the form of a written report,  
10 explaining the secretary's reason's for such concerns. The  
11 Legislature shall review the report and the pilot project shall  
12 continue only if, within 45 days of the receipt of the secretary's  
13 report, both Houses pass a concurrent resolution affirming the  
14 security of the voting process and the validity of the pilot project.  
15 In the absence of the passage of such a resolution following the  
16 receipt of the secretary's report, P.L. , c. (pending before the  
17 Legislature as this bill) shall be void and of no effect.

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19 2. This act shall take effect immediately and be applicable to  
20 the primary and general elections occurring after the January 1 next  
21 following enactment and shall expire upon the submission of the  
22 report to the Governor and the Legislature pursuant to subsection c.  
23 of section 1 of this act.

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#### STATEMENT

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28 This bill establishes a pilot project to permit overseas voters to  
29 vote in certain elections using the Internet. The pilot project would  
30 be for the primary election and general election occurring after the  
31 January 1 following the bill's enactment. As used in this bill, the  
32 term "overseas voter" has the same meaning as the term is used in  
33 N.J.S.A.19:59-2 and includes any person in military service who,  
34 by reason of active duty or service, is absent on the date of the  
35 election from the place of residence in New Jersey where the person  
36 is or would be qualified to vote.

37 Specifically, the bill requires the Secretary of State to: 1) create  
38 an Internet-based voting system for the pilot project that: (a) uses  
39 such technology as may be available to ensure the security of the  
40 ballot being voted, the privacy of the voter casting the ballot and the  
41 integrity of the voting process for the elections at which Internet  
42 voting is to be available; and (b) employs to the extent possible any  
43 guidelines for an Internet voting pilot project that assists overseas  
44 voters that are proposed or promulgated by the U.S. Election  
45 Assistance Commission or any other agency of the federal  
46 government; 2) consult with representatives of the clerks of the  
47 counties, the superintendents of elections and the county boards of  
48 election with the regard to the development and implementation of

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1 the pilot project; 3) provide sufficient and accessible notice and  
2 information to the public and overseas voters with respect to the  
3 pilot project and the requirements for such voters to participate in  
4 the elections at which Internet voting is to be available; and 4)  
5 promulgate such temporary rules and regulations as the secretary  
6 deems necessary to effectuate the bill's purpose.

7 The secretary must submit to the Governor and the Legislature  
8 no later than the 120th day following the day of the general election  
9 at which the pilot project is operative a written report with  
10 recommendations as to whether: 1) Internet voting for overseas  
11 voters should not be adopted at present; or 2) the pilot project  
12 should be expanded and a further assessment of its feasibility  
13 should be conducted; or 3) Internet voting for overseas voters  
14 should be adopted permanently by law.

15 The bill provides that if the Secretary of State determines that the  
16 pilot project should not become operational because of serious, fact-  
17 based concerns about the security and integrity of permitting  
18 overseas voters to vote using the Internet, the secretary must so  
19 notify legislative leaders by issuing a written report explaining  
20 those concerns. The Legislature then is to review the report and the  
21 pilot project would continue only if both Houses pass a concurrent  
22 resolution affirming the security of the voting process and the  
23 validity of the pilot project.

24 The bill would take effect immediately upon enactment and be  
25 applicable to the primary and general election occurring after the  
26 January 1 next following enactment and shall expire upon the  
27 submission of the report to the Governor and Legislature required  
28 by this bill.