Sponsored by:
Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS
Prohibits voters from voting in primary or general election by electronic communications; permits voting by provisional ballot if state of emergency declared.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning voting in a primary or general election, and
supplementing chapter 1 of Title 19 of the Revised Statutes.

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

1. a. No voter physically present in this State shall be permitted
to vote in a primary election or general election by electronic mail,
fax, or any other form of electronic communications.

b. In the event that a state of emergency is declared in one or
more counties of the State by the President of the United States or
by the Governor of this State and as a result a regularly-scheduled
primary or general election cannot be conducted therein using an
electronic voting system, voters registered to vote at an address in
the county or counties under the state of emergency shall be given
the opportunity to vote using provisional ballots or a similar type of
paper ballot provided and collected by the county board of
elections.

c. The prohibition in subsection a. of this section shall not
apply to a qualified overseas voter, as defined by section 2 of
P.L.1976, c.23 (C.19:59-2), who seeks to vote by electronic means
in any election in which such form of voting is permitted pursuant
to P.L.1976, c.23 (C.19:59-1 et seq.). Neither the Governor nor any
other State official shall have the authority to provide that the
definition of an overseas voter established in current law includes
any voter who is not physically present in this State.

2. This act shall take effect immediately.

STATEMENT

This bill prohibits a voter who is not physically present in New
Jersey from voting in a primary election or general election by
electronic mail, fax, or any other form of electronic
communications.

In the event that a state of emergency is declared in one or more
counties of the State and as a result a regularly-scheduled primary
or general election cannot be conducted therein using an electronic
voting system, voters registered to vote at an address in the county
or counties under the state of emergency would be given the
opportunity to vote using provisional ballots or a similar type of
paper ballot provided and collected by the county board of
elections.

The prohibition against voting by any form of electronic
communications would not apply to a qualified overseas voter who
wishes to vote by electronic means in any election in which such
form of voting is permitted pursuant to N.J.S.A.19:59-1 et seq.
Under the bill, neither the Governor nor any other State official would have the authority to provide that the definition of an overseas voter established in current law includes any voter who is not physically present in this State.

In the aftermath of Hurricane Sandy, an Executive Order was issued by the Governor allowing voters displaced by the storm to vote using the Internet. Voting by such means raises fundamental security issues because it is unprotected and has the potential to be manipulated at various points in the transmission. This bill is necessary to protect the integrity of the voting process.