

[First Reprint]

**SENATE, No. 649**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Provides primary and school election sample ballots may be sent to registered voter by electronic mail if so requested.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on May 31, 2018, with amendments.



1 AN ACT concerning the electronic delivery of sample ballots to  
2 registered voters for primary and school elections, and  
3 supplementing various parts of the statutory law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Notwithstanding the provisions of R.S.19:23-30 or any  
9 provision of chapter 23 of Title 19 of the Revised Statutes to the  
10 contrary, the district board or the commissioner of registration, as  
11 the case may be, shall deliver a copy of the official primary election  
12 sample ballot of each political party, and any additional documents  
13 that may be required to be provided therewith, by electronic mail  
14 instead of regular mail to any registered voter of the district who is  
15 eligible to participate in the primary election and who requests to  
16 receive the sample ballot and documents by electronic mail. <sup>1</sup>The  
17 registered voter shall provide the voter's physical address on the  
18 request to receive the sample ballot and documents by electronic  
19 mail. In the event the district board or the commissioner of  
20 registration, as the case may be, receives a failure to deliver notice  
21 from the electronic mail account of the voter who requested to  
22 receive a sample ballot by electronic mail for the primary election,  
23 the district board or the commissioner of registration, as the case  
24 may be, shall transmit a paper copy of the sample ballot to the voter  
25 in a timely manner.<sup>1</sup> The electronic mail address of any voter who  
26 requests to receive a sample ballot by electronic mail pursuant to  
27 this section shall not be a government record as defined in section 1  
28 of P.L.1995, c.23 (C.47:1A-1.1) and shall not be available for  
29 public inspection or copying, and shall be redacted from any  
30 document that it is a part of.  
31

32 2. Notwithstanding the provisions of R.S.19:60-10 or any  
33 provision of chapter 60 of Title 19 of the Revised Statutes to the  
34 contrary, the district board or the commissioner of registration, as  
35 the case may be, shall deliver a copy of the official school election  
36 sample ballot, and any additional documents that may be required to  
37 be provided therewith, by electronic mail instead of regular mail to  
38 any registered voter who is eligible to participate in the school  
39 election and who requests to receive the sample ballot and  
40 documents by electronic mail. <sup>1</sup>The registered voter shall provide  
41 the voter's physical address on the request to receive the sample  
42 ballot and documents by electronic mail. In the event the district  
43 board or the commissioner of registration, as the case may be,  
44 receives a failure to deliver notice from the electronic mail account

**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:

<sup>1</sup>Senate SSG committee amendments adopted May 31, 2018.

1 of the voter who requested to receive a sample ballot by electronic  
2 mail for the school election, the district board or the commissioner  
3 of registration, as the case may be shall transmit a paper copy of the  
4 sample ballot to the voter in a timely manner.<sup>1</sup> The electronic mail  
5 address of any voter who requests to receive a sample ballot by  
6 electronic mail pursuant to this section shall not be a government  
7 record as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1) and  
8 shall not be available for public inspection or copying, and shall be  
9 redacted from any document that it is a part of.

10  
11 3. The Secretary of State, in collaboration with the election  
12 officials in this State, shall develop standard procedures to  
13 effectuate the provisions of sections 1 and 2 of P.L. , c. , (C. ,  
14 and C. , respectively) (pending before the Legislature as this bill).  
15 The procedures shall:

16 a. establish a method to inform all voters of the opportunity to  
17 receive a sample ballot and other materials by electronic mail, and  
18 by which a voter can notify election officials of his or her desire to  
19 obtain a ballot and other materials by electronic mail in lieu of  
20 receiving them by regular mail;

21 b. maintain the confidentiality of the voter electronic mail  
22 addresses;

23 c. provide notice and opportunity for a voter who has requested  
24 to receive a sample ballot and other materials by electronic mail to  
25 request to again receive the sample ballot and other materials by  
26 regular mail; and

27 d. address any additional necessary measures for the proper  
28 implementation of these provisions.

29 <sup>1</sup>The procedure developed pursuant to this section shall include a  
30 notice informing the voter that by completing a request to receive a  
31 sample ballot by electronic mail the voter is waiving his or her right  
32 to hold the district board or the commissioner of registration, as the  
33 case may be, legally responsible if the voter does not receive the  
34 sample ballot by electronic mail due to technical issues that are not  
35 under the control of the sender including, but not limited to,  
36 typographic errors made by the voter in providing his or her  
37 address, the action of a spam filter, deactivation of the voter's email  
38 address by the voter, or any other technical issue identified by the  
39 Secretary of State.<sup>1</sup>

40  
41 4. This act shall take effect immediately, but shall not apply  
42 with respect to a primary or school election that is scheduled to  
43 occur within 30 days of the bill's effective date.