

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 649

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 31, 2018

The Senate State Government, Wagering Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 649.

As amended by the committee, this bill allows the district board of election or the commissioner of registration, as appropriate, to send the primary election and school election sample ballots by electronic mail instead of regular mail to any registered voter in the election district who is eligible to participate in that election, and who requests to receive the sample ballot by electronic mail. Under current law, sample ballots must be printed and mailed to each eligible registered voter. The bill further provides that the electronic mail address of any voter who requests to receive a sample ballot by electronic mail would not be a government record under the “Open Public Records Act,” would not be available for public inspection or copying, and must be redacted from any document that it is a part of.

As amended, the bill provides that the registered voter shall provide the voter’s physical address on the request to receive the sample ballot and documents by electronic mail. In the event the district board or the commissioner of registration, as the case may be, receives a failure to deliver notice from the electronic mail account of the voter who requested to receive a sample ballot by electronic mail for the primary election, the district board or the commissioner of registration, as the case may be, shall transmit a paper copy of the sample ballot to the voter in a timely manner.

The bill directs the Secretary of State, in collaboration with the election officials in this State, to develop standard procedures to effectuate the provisions of the bill. These procedures would include, but may not be limited to: (1) establishing a method to inform all voters of the opportunity to receive a sample ballot and other materials by electronic mail, and by which a voter can notify election officials of his or her desire to obtain a ballot and other materials by electronic mail in lieu of receiving them by regular mail; (2) maintaining the confidentiality of the voter electronic mail

addresses; and (3) providing notice and opportunity for a voter who has requested to receive a sample ballot and other materials by electronic mail to request to again receive the sample ballot and other materials by regular mail.

As amended, the bill also provides that the standard procedures shall include a notice informing the voter that by completing a request to receive a sample ballot by electronic mail the voter is waiving his or her right to hold the district board or the commissioner of registration, as the case may be, legally responsible if the voter does not receive the sample ballot by electronic mail due to technical issues that are not under the control of the sender including, but not limited to, typographic errors made by the voter in providing his or her address, the action of a spam filter, deactivation of the voter's email address by the voter, or any other technical issue identified by the Secretary of State.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that:

(1) a paper copy of the sample ballot must be sent to each voter in a timely manner if the emailed sample ballot failed to be delivered, as indicated by a bounced email;

(2) a voter must be informed that, by requesting to receive the sample ballot by email, the voter waves his or her right to hold the district board or the commissioner of registration legally responsible if the voter does not receive the sample ballot email due to technical issues that are not under the sender's control; and

(3) the voter must provide the voter's physical address on the request to receive the sample ballot and documents by electronic mail.