

SENATE, No. 2820

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 17, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Allows registered voters to submit application to vote by mail using online voter registration website maintained by Secretary of State up to seven days before election.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the manner of submitting applications to vote
2 by mail and amending P.L.2019, c.382 and P.L.2009, c.79.

3

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

6

7 1. Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is amended to
8 read as follows:

9 1. Notwithstanding any other provision of law to the contrary,
10 a person who is qualified to register to vote may submit a voter
11 registration form electronically on a secure Internet website
12 maintained by the Secretary of State, if the applicant has an email
13 address and provides a valid New Jersey driver's license number, a
14 valid New Jersey nondriver identification card number, or the last
15 four digits of the applicant's Social Security number. The voter
16 registration form shall contain substantively the same information
17 required to be contained on a paper voter registration form pursuant
18 to section 16 of P.L.1974, c.30 (C.19:31-6.4). The voter
19 registration form available electronically shall enable a person who
20 is qualified to register to vote, and a person who is registered to
21 vote, to apply for and receive a mail-in ballot as provided under
22 section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests
23 otherwise.

24 a. The Secretary of State shall apply the same voter registration
25 deadline applicable under current law for paper voter registration
26 forms to an online voter registration form submitted by an applicant
27 pursuant to this section.

28 b. The applicant completing the form shall affirmatively attest
29 to the truth of the information provided in the form.

30 c. For voter registration purposes, the applicant shall
31 affirmatively assent to the use of his or her signature from his or her
32 driver's license or non-driver identification card or the applicant's
33 digitized or electronic signature.

34 d. For each online voter registration form, the Secretary of
35 State shall obtain either an electronic copy of the applicant's
36 signature from his or her driver's license or non-driver identification
37 card directly from the New Jersey Motor Vehicle Commission, or
38 the applicant's digitized or electronic signature.

39 e. Upon submission of an online voter registration form
40 pursuant to this section, the electronic voter registration system
41 shall automatically acknowledge that the online voter registration
42 form has been submitted successfully, and provide instructions on
43 how the person completing the voter registration form may follow-
44 up on the status of the submission either online or by contacting the
45 appropriate county commissioner of registration.

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.

1 f. The Secretary of State shall employ security measures to
2 ensure the accuracy and integrity of voter registration forms
3 submitted electronically pursuant to this section.

4 g. The New Jersey Motor Vehicle Commission and the
5 Secretary of State shall jointly develop a process and the
6 infrastructure to allow the electronic copy of the applicant's
7 signature and other information required under this section that is in
8 the possession of the commission to be transferred to the Secretary
9 of State and to the appropriate county election officials to allow a
10 person who is qualified to register to vote in New Jersey to register
11 to vote under this section.

12 h. If an applicant cannot electronically submit the information
13 required pursuant to this section, the applicant shall nevertheless be
14 able to complete the online voter registration form electronically on
15 the Secretary of State's Internet website, print a paper copy of the
16 completed form, and mail or deliver the paper copy of the
17 completed form to the Secretary of State or the appropriate county
18 election official. For the purposes of this subsection, the applicant
19 shall be required to provide the same documents required to be
20 provided with a paper voter registration form pursuant to R.S.19:31-
21 5.

22 (cf: P.L.2019, c.382, s.1)

23

24 2. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
25 as follows:

26 3. a. A qualified voter shall be entitled to vote using a mail-in
27 ballot:

28 (1) in all future elections, including general elections, held in
29 this State, in which the voter is eligible to vote; or

30 (2) in any single election held in this State.

31 The qualified voter who chooses the option to vote using a mail-
32 in ballot in all future elections shall be furnished with such a ballot
33 by the county clerk without further request on the part of the voter
34 and until the voter requests in writing that the voter no longer be
35 sent a mail-in ballot.

36 The mail-in ballot application form prepared by the Secretary of
37 State shall present the two options in the order provided above.

38 The additional direct expenditures required for the
39 implementation of the provisions of this subsection as amended by
40 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
41 P.L.2019, c.459 (C.19:63-29).

42 b. (1) Not less than seven days before an election in which a
43 voter wants to vote by mail, the voter may apply to the person
44 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
45 ballot. The application shall be in writing, shall be signed by the
46 applicant and shall state the applicant's place of voting residence
47 and the address to which the ballot shall be sent. The Secretary of

1 State shall prepare a mail-in application form and shall have the
2 authority to promulgate any rules and regulations the secretary
3 deems necessary to effectuate the purposes of this subsection.

4 (2) Not less than seven days before an election in which a voter
5 wants to vote by mail, instead of submitting an application under
6 paragraph (1) of this subsection, the voter may apply for a mail-in
7 ballot electronically through the voter registration website
8 established by the Secretary of State pursuant to section 1 of
9 P.L.2019, c.382 (C.19:31-6.4c), which application shall be
10 electronically submitted to the person designated in section 5 of
11 P.L.2009, c.79 (C.19:63-5). The application shall be in electronic
12 form, shall be signed by the applicant using the applicant's
13 electronic signature in the Statewide Voter Registration System, and
14 shall state the applicant's place of voting residence and the address
15 to which the ballot shall be sent. The Secretary of State shall
16 prepare a mail-in ballot electronic application form and shall have
17 the authority to promulgate any rules and regulations the secretary
18 deems necessary to effectuate the purposes of this subsection.

19 c. Any voter wanting to vote by mail in any election may apply
20 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
21 for a mail-in ballot to be sent to the voter. A voter who is a member
22 of the armed forces of the United States may use a federal postcard
23 application form to apply for a mail-in ballot.

24 d. Any voter who fails to apply for a mail-in ballot before the
25 seven-day period prescribed in subsection b. of this section may
26 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
27 of the day before the election.

28 e. A person voting by mail-in ballot who registered by mail
29 after January 1, 2003, who did not provide personal identification
30 information when registering pursuant to section 16 of P.L.1974,
31 c.30 (C.19:31-6.4) and is voting for the first time in his or her
32 current county of residence following registration shall include
33 copies of the required identification information with the mail-in
34 ballot. Failure to include such information with the mail-in ballot
35 shall result in its rejection.

36 f. The county clerk shall not transmit a mail-in ballot for any
37 election to any person who: is deemed by a county commissioner of
38 registration to be an inactive voter; or notifies the clerk in writing
39 that the person no longer wishes to receive such a ballot for any
40 election; or is no longer eligible to vote and whose registration file
41 has been transferred to the deleted file pursuant to R.S.19:31-19.

42 g. Any mail-in ballot that is sent to a qualified voter and that is
43 returned to the county clerk for any reason shall be forwarded to the
44 commissioner of registration, who shall so note the return in the
45 voter record of that voter.

46 (cf: P.L.2019, c.459, s.3)

1 3. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
2 as follows:

3 6. a. The county clerk, in the case of any Statewide election,
4 countywide election, or school election in a regional or other school
5 district comprising more than one municipality; the municipal clerk,
6 in the case of any municipal election or school election in a school
7 district comprising a single municipality; and the commissioners or
8 other governing or administrative body of the district, in the case of
9 any election to be held in any fire district or other special district,
10 other than a municipality, created for specified public purposes
11 within one or more municipalities, shall publish the following
12 notice in substantially the following form:

13 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

14 If you are a qualified and registered voter of the State who wants
15 to vote by mail in the..... (school, municipal, primary,
16 general, or other) election to be held on..... (date of
17 election), the following applies:

18 You must complete the application form below and send it to the
19 county clerk where you reside or write or apply in person to the
20 county clerk where you reside to request a mail-in ballot. Instead,
21 you may complete the application form electronically on the
22 Secretary of State’s website at (insert website address
23 here).

24 The name, address, and signature of any person who has assisted
25 you to complete the mail-in ballot application must be provided on
26 the application, and you must sign and date the application.

27 No person may serve as an authorized messenger or bearer for
28 more than three qualified voters in an election.

29 No person who is a candidate in the election for which the voter
30 requests a mail-in ballot may provide any assistance in the
31 completion of the ballot or serve as an authorized messenger or
32 bearer.

33 A person who applies for a mail-in ballot must submit his or her
34 application at least seven days before the election, but such person
35 may request an application in person from the county clerk up to 3
36 p.m. of the day before the election.

37 Voters who want to vote by mail in all future elections will, after
38 their initial request and without further action on their part, be
39 provided with a mail-in ballot until the voter requests otherwise in
40 writing.

41 Application forms may be obtained by applying to the
42 undersigned either in writing or by telephone, or the application
43 form provided below may be completed and forwarded to the
44 undersigned.

45 Dated.....
46

47 (signature and title of county clerk)

1
2 (address of county clerk)

3
4 (telephone no. of county clerk)

5 Instead, application forms may be completed electronically on
6 the Secretary of State's website at (insert website
7 address here).

8 b. (1) The Secretary of State shall be responsible for providing
9 all information regarding overseas ballots to each overseas voter
10 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-
11 1 et seq.). The secretary shall also make available valid overseas
12 voter registration and ballot applications to any voter who is a
13 member of the armed forces of the United States and who is a
14 permanent resident of this State, or who is an overseas voter who
15 wishes to register to vote or to vote in any jurisdiction in this State.
16 The secretary shall provide such public notice as may be deemed
17 necessary to inform members of the armed forces of the United
18 States and overseas voters how to obtain valid overseas voter
19 registration and ballot applications.

20 (2) The Secretary of State shall undertake a program to inform
21 voters in this State about their eligibility to vote by mail pursuant to
22 this act. Dissemination of this information shall be included in the
23 standard notices required by this section and other provisions of
24 current law, including but not limited to the notice requirements of
25 R.S.19:12-7, and shall be effectuated by such means as the secretary
26 deems appropriate and to the extent that funds for such
27 dissemination are appropriated including, but not limited to, by
28 means of Statewide or local electronic media, public service
29 announcements broadcast by such media, notices on the Internet site
30 of the Department of State or any other department or agency of the
31 Executive Branch of State government or its political subdivisions
32 deemed appropriate by the secretary, and special mailings or notices
33 in newspapers or other publications circulating in the counties or
34 municipalities of this State.

35 c. The mail-in ballot materials shall contain a notice that any
36 person voting by mail-in ballot who has registered by mail after
37 January 1, 2003, who did not provide personal identification
38 information when registering and is voting for the first time in his
39 or her current county of residence following registration shall
40 include copies of the required identification information with the
41 mail-in ballot, and that failure to include such information shall
42 result in the rejection of the ballot.

43 d. The notice provided for in subsection a. of this section shall
44 be published before the 55th day immediately preceding the holding
45 of any election.

46 Notices relating to any Statewide or countywide election shall be
47 published in at least two newspapers published in each county. All

1 officials charged with the duty of publishing such notices shall
2 publish the same in at least one newspaper published in each
3 municipality or district in which the election is to be held, or if no
4 newspaper is published in the municipality or district, then in a
5 newspaper published in the county and circulating in the
6 municipality or district. All such notices shall be display
7 advertisements.

8 (cf: P.L.2018, c.72, s.2)

9

10 4. This act shall take effect on January 1 next following the
11 date of enactment.

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13

14

STATEMENT

15

16 This bill allows registered voters to submit an application to vote
17 by mail electronically, using the online voter registration website
18 maintained by the Secretary of State, up to seven days before an
19 election.

20 Under current law, registered voters may apply to vote by mail
21 using a paper application form up to seven days before an election,
22 and may apply for a mail-in ballot in person up to 3:00 PM the day
23 before election day. This bill would allow registered voters to
24 complete a mail-in ballot application form electronically using the
25 online voter registration website established by the Secretary of
26 State. Under the bill, applications to vote by mail submitted online
27 would be forwarded to the appropriate county clerk. The bill
28 requires the electronic application to be signed by the applicant
29 using the applicant's electronic signature in the Statewide Voter
30 Registration System, and to state the applicant's place of voting
31 residence and the address to which the ballot will be sent. The bill
32 directs the Secretary of State to prepare a mail-in ballot electronic
33 application form and authorizes the secretary to promulgate any
34 rules and regulations deemed necessary. The bill also updates the
35 notices required to be published ahead of each election concerning
36 the manner of applying to vote by mail, to include the online
37 application form authorized by the bill.