

# SENATE, No. 3018

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

**Sponsored by:**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

### **SYNOPSIS**

Allows voter to vote in any political party primary by changing party affiliation at polling place on primary election day; allows mail-in voter to complete any political party primary ballot.

### **CURRENT VERSION OF TEXT**

As introduced.



S3018 STACK

2

1 AN ACT concerning a voter's political party affiliation and ability to  
2 vote in another party's primary election for the general election  
3 and amending 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. R.S.19:23-45 is amended to read as follows:

9 19:23-45. a. No voter shall be allowed to vote at the primary  
10 election unless his name appears in the signature copy register.

11 b. (1) A voter who votes in a primary election of a political  
12 party or who signs and files with the municipal clerk or the county  
13 commissioner of registration a declaration that he desires to vote in  
14 the primary election of a political party, or who indicates on a voter  
15 registration form the voter's choice of political party affiliation and  
16 submits the form to the commissioner of registration of the county  
17 wherein the voter resides, to the employees or agents of a public  
18 agency, as defined in subsection a. of section 15 of P.L.1974, c.30  
19 (C.19:31-6.3), or a voter registration agency, as defined in  
20 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to  
21 the Secretary of State, shall be deemed to be a member of that party  
22 until the voter signs and files with the municipal clerk or the  
23 commissioner of registration, or in person at the polling place on  
24 the day of the primary election, a declaration that he desires to vote  
25 in the primary election of another political party at which time he  
26 shall be deemed to be a member of such other political party. The  
27 Secretary of State shall cause to be prepared political party  
28 affiliation declaration forms and shall provide such forms to the  
29 commissioners of registration of the several counties **【and】**, to the  
30 clerks of the municipalities within such counties, and to the county  
31 boards of elections of the several counties for use by voters who  
32 vote in person at the polling place on the day of the primary  
33 election.

34 (2) A voter who votes by mail-in ballot in a primary election  
35 shall be entitled to vote in a primary election of a political party  
36 other than the party of the voter's affiliation and, upon completion  
37 and return of that other party's ballot, the voter shall be deemed to  
38 be a member of that other political party.

39 (3) No voter, except a newly registered voter at the first  
40 primary at which he is eligible to vote, or a voter who has not  
41 previously voted in a primary election, may vote in a primary  
42 election of a political party unless he **【was】** is deemed to be a  
43 member of that party **【on the 55th day next preceding such primary**  
44 **election】**.

**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     c. A member of the county committee of a political party and a  
2 public official or public employee holding any office or public  
3 employment to which he has been elected or appointed as a member  
4 of a political party shall be deemed a member of such political  
5 party.

6     d. A voter may declare the voter's party affiliation or change  
7 the voter's party affiliation, or declare that the voter is unaffiliated  
8 with any party regardless of any previously declared party  
9 affiliation, by so indicating on a political party declaration form  
10 filed with the municipal clerk or the county commissioner of  
11 registration. A voter may also indicate that the voter wishes to  
12 declare a political party affiliation or that the voter does not want to  
13 declare a political party affiliation on a voter registration form filed  
14 at the time of initial registration. Any voter voting in person at the  
15 polling place on the day of the primary election may declare a  
16 desire to vote, and shall be permitted to vote, in the primary  
17 election of another political party by signing and filing a political  
18 party affiliation declaration form at the polling place. Any voter  
19 voting by mail-in ballot in a primary election may vote in a primary  
20 election of a political party other than the party of the voter's  
21 affiliation and, upon completion and return of that other party's  
22 ballot, the voter shall be deemed to be a member of that other  
23 political party.

24     e. Any person voting in the primary ballot box of any political  
25 party in any primary election in contravention of the election law  
26 shall be guilty of a disorderly persons offense, and any person who  
27 aids or assists any such person in such violation by means of public  
28 proclamation or order, or by means of any public or private  
29 direction or suggestions, or by means of any help or assistance or  
30 cooperation, shall likewise be guilty of a disorderly persons offense.  
31 (cf: P.L.2011, c.134, s.27)  
32

33     2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to  
34 read as follows:

35     2. a. The county commissioner of registration in each of the  
36 several counties shall cause a notice to be published in each  
37 municipality of their respective counties in a newspaper or  
38 newspapers circulating therein. The notice to be so published shall  
39 be published once during each of the two calendar weeks next  
40 preceding the week in which **【the 55th day next preceding】** the  
41 primary election of a political party occurs.

42     b. The notice required to be published by the preceding  
43 paragraph shall inform the reader thereof that no voter, except a  
44 newly registered voter at the first primary at which he is eligible to  
45 vote, or a voter who has not previously voted in a primary election  
46 may vote in a primary election of a political party unless he **【was】**  
47 is deemed to be a member of that party **【on the 55th day next**  
48 **preceding such primary election】**. It shall further inform the reader

1   thereof that a voter who votes in the primary election of a political  
2   party, or who signs and files with the municipal clerk or the county  
3   commissioner of registration a declaration that he desires to vote in  
4   the primary election of a political party, or who indicates on a voter  
5   registration form the voter's choice of political party affiliation and  
6   submits the form to the commissioner of registration of the county  
7   wherein the voter resides, to the employees or agents of a public  
8   agency, as defined in subsection a. of section 15 of P.L.1974, c.30  
9   (C.19:31-6.3), or a voter registration agency, as defined in  
10   subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to  
11   the Secretary of State, shall be deemed to be a member of that party  
12   until the voter signs and files with the municipal clerk or the  
13   commissioner of registration, or in person at the polling place on  
14   the day of the primary election, a declaration that he desires to vote  
15   in the primary election of another political party, at which time he  
16   shall be deemed to be a member of such other political party, or that  
17   the voter chooses not to be affiliated with any political party. The  
18   notice shall also state the time and location where a person may  
19   obtain political party affiliation declaration forms or voter  
20   registration forms, including a registered voter's ability to complete  
21   a political party affiliation declaration form before voting in person  
22   at the polling place on the day of the primary election. The notice  
23   shall also inform the reader that a voter who votes by mail-in ballot  
24   in a primary election shall be entitled to vote in a primary election  
25   of a political party other than the party of the voter's affiliation and,  
26   upon completion and return of that other party's ballot, the voter  
27   shall be deemed to be a member of that other political party.

28   (cf: P.L.2011, c.134, s.28)

29  
30       3. R.S.19:23-46 is amended to read as follows:

31       19:23-46. Each voter offering to vote shall announce his name  
32   and the party primary in which he wishes to vote. The district  
33   board shall thereupon ascertain by reference to the signature copy  
34   register or the primary election registry book required by this title  
35   and, in municipalities not having permanent registration, if  
36   necessary by reference to the primary party poll books of the  
37   preceding primary election for the general election, that such voter  
38   is registered as required by this title and also that he is not ineligible  
39   or otherwise disqualified by the provisions of section 19:23-45 of  
40   this title; in which event he shall be allowed to vote. A voter who  
41   wishes to vote in the party primary of a political party other than the  
42   party of the voter's affiliation shall be permitted to vote in that  
43   other party's primary after completing a political party affiliation  
44   declaration form at the polling place, at which time the voter shall  
45   be deemed to be a member of that other political party.

46   (cf: P.L.2011, c.134, s.29)

S3018 STACK

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1 4. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to  
2 read as follows:

3 16. a. The Secretary of State shall cause to be prepared and  
4 shall provide to each county commissioner of registration forms of  
5 size and weight suitable for mailing, which shall require the  
6 information required by R.S.19:31-3 in substantially the following  
7 form:

8 VOTER REGISTRATION APPLICATION

9 Print clearly in ink. Use ballpoint pen or marker.

10 (1) This form is being used as:

11 ☐ New registration

12 ☐ Address change

13 ☐ Name change

14 (2) Name:.....

15 .....Last First Middle

16 (3) Are you a citizen of the United States of America? ☐Yes

17 ☐No

18 (4) Will you be 18 years of age on or before election day? ☐Yes

19 ☐ No

20 If you checked 'No' in response to either of these questions, do  
21 not complete this form.

22 (5) Street Address where you live:

23 .....

24 Street Address Apt. No.

25 .....

26 (6) City or Town County Zip Code

27 (7) Address Where You Receive Your Mail (if different from  
28 above):

29 .....

30 (8) Date of Birth:

31 .....

32 Month Day Year

33 (9) (a) Telephone Number (optional).....

34 (b) E-Mail Address (optional).....

35 (10) Name and address of Your Last Voter Registration

36 .....

37 .....

38 .....

39 (11) If you are registering by mail to vote and will be voting for  
40 the first time in your current county of residence, please provide  
41 one of the following:

42 (a) your New Jersey driver's license  
43 number:.....

44 (b) the last four digits of your Social Security  
45 Number.....

46 OR submit with this form a copy of any one of the following  
47 documents: a current and valid photo identification card; a current  
48 utility bill, bank statement, government check, pay check or any

S3018 STACK

6

1 other government or other identifying document that shows your  
2 name and current address. If you do not provide either your New  
3 Jersey driver's license number or the last four digits of your Social  
4 Security Number, or enclose a copy of one of the documents listed  
5 above, you will be asked for identification when voting for the first  
6 time, unless you are exempt from doing so under federal or State  
7 law.

8 (12) Do you wish to declare a political party affiliation?  
9 (Optional):

10 ☐ YES. Name of Party:

11 ☐ NO. I do not wish to declare a political party affiliation at  
12 this time.

13 (13) ☐ I wish to receive a Mail-in Ballot for all future elections,  
14 until I request otherwise in writing.

15 (14) Declaration - I swear or affirm that:

16 I am a U.S. citizen.

17 I live at the above address.

18 I will be at least 18 years old on or before the day of the next  
19 election.

20 I am not serving a sentence of incarceration due to a conviction  
21 for an indictable offense under any federal or State laws.

22 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT  
23 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO  
24 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH  
25 PURSUANT TO R.S.19:34-1.

26 .....

27 Signature or mark of the registrant      Date

28 (15) If applicant is unable to complete this form, print the name  
29 and address of individual who completed this form.

30 .....

31 Name

32 .....

33 Address

34 In addition, the form may include notice to the applicant of  
35 information and options relating to the registration and voting  
36 process, including but not limited to notice of qualifications  
37 required of a registered voter; notice of the final day by which a  
38 person must be registered to be eligible to vote in an election;  
39 notice of the effect of a failure to provide required identification  
40 information; a place at which the applicant may indicate availability  
41 for service as a member of the district board of elections; a place at  
42 which the applicant may indicate whether he or she requires a  
43 polling place which is accessible to individuals with disabilities and  
44 the elderly or whether he or she is legally blind; a place at which  
45 the applicant may indicate a desire to receive additional information  
46 concerning voting by mail; and if the application indicates a  
47 political party affiliation, the voter is permitted to vote in the  
48 primary election of a political party other than the political party in

1 which the voter was affiliated previously **【only if the】** by filing a  
2 voter registration form with the change of political party affiliation  
3 **【is filed prior to the 50th day next】** or a political party affiliation  
4 declaration form preceding the primary election, or by filing a  
5 political party affiliation declaration form at the polling place on the  
6 day of the primary election or, if voting by mail-in ballot,  
7 completing a primary election mail-in ballot in the party primary of  
8 that other political party. The form may also include a space for the  
9 voter registration agency to record whether the applicant registered  
10 in person, by mail or by other means.

11 b. The reverse side of the registration form shall bear the  
12 address of the Secretary of State or the commissioner of registration  
13 to whom such form is supplied, and a United States postal permit  
14 the charges upon which shall be paid by the State.

15 c. The Secretary of State shall cause to be prepared registration  
16 forms of the size, weight and form described in subsection a. of this  
17 section in both the English and Spanish language and shall provide  
18 such forms to each commissioner of registration of any county in  
19 which there is at least one election district in which bilingual  
20 sample ballots must be provided pursuant to R.S.19:14-21,  
21 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

22 d. The commissioner of registration shall furnish such  
23 registration forms upon request in person to any person or  
24 organization in such reasonable quantities as such person or  
25 organization shall request. The commissioner shall furnish no fewer  
26 than two such forms to any person upon request by mail or by  
27 telephone.

28 e. Each such registration form shall have annexed thereto  
29 instructions specifying the manner and method of registration, and  
30 the vote by mail option specified on the form, and stating the  
31 qualifications for an eligible voter.

32 f. The Secretary of State shall also furnish such registration  
33 forms and such instructions to the Director of the Division of  
34 Workers' Compensation, the Director of the Division of  
35 Employment Services, and the Director of the Division of  
36 Unemployment and Temporary Disability Insurance in the  
37 Department of Labor and Workforce Development; to the Director  
38 of the Division of Taxation in the Department of the Treasury; to  
39 the Executive Director of the New Jersey Transit Corporation; to  
40 the appropriate administrative officer of any other public agency, as  
41 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-  
42 6.3); to the Adjutant General of the Department of Military and  
43 Veterans' Affairs; and to the chief administrative officer of any  
44 voter registration agency, as defined in subsection a. of section 26  
45 of P.L.1994, c.182 (C.19:31-6.11).

46 g. All registration forms received by the Secretary of State in  
47 the mail or forwarded to the Secretary of State shall be forwarded to  
48 the commissioner of registration in the county of the registrant.

S3018 STACK

8

1 Each such form, and any registration form received otherwise by a  
2 commissioner of registration, shall be forwarded to the county clerk  
3 if the vote by mail option is selected on a form.

4 h. An application to register to vote received from the New  
5 Jersey Motor Vehicle Commission or a voter registration agency, as  
6 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-  
7 6.11), shall be deemed to have been timely made for the purpose of  
8 qualifying an eligible applicant as registered to vote in an election if  
9 the date on which the commission or agency shall have received  
10 that document in completed form, as indicated in the lower right  
11 hand corner of the form, was not later than the 21st day preceding  
12 that election.

13 i. Each commissioner of registration shall make note in the  
14 permanent registration file of each voter who is required to provide  
15 the personal identification information required pursuant to this  
16 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-  
17 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of  
18 identification provided by the voter and the date on which it is  
19 provided. Prior to the June 2004 primary election, when such a  
20 newly registered voter seeks to vote for the first time following his  
21 or her registration, the voter will be required to provide such  
22 personal identification information. Beginning with the June 2004  
23 primary election, when such a newly registered voter seeks to vote  
24 for the first time following his or her registration, the voter will not  
25 be required to provide such information if he or she had previously  
26 provided the personal identification information required pursuant  
27 to this section. The required information shall be collected and  
28 stored for the time and in the manner required pursuant to  
29 regulations promulgated by the Secretary of State.

30 j. The Secretary of State shall amend the voter registration  
31 application form if necessary to conform to the requirements of  
32 applicable federal or State law.

33 k. In the event that the name of any political party entered on  
34 the voter registration form by a voter who wishes to declare a  
35 political party affiliation is not legible, the commissioner of  
36 registration shall mail the voter a political party declaration form  
37 and a letter explaining that the voter's choice was not understood  
38 and that the voter should complete and return the declaration form  
39 in order to be affiliated with a party.

40 (cf: P.L.2019, c.270, s.3)

41

42 5. Section 4 of P.L.2005, c.153 (C.19:31-13.2) is amended to  
43 read as follows:

44 4. If, when submitting a voter registration form for any reason,  
45 a registrant declares thereon his or her political party affiliation and  
46 in so doing declares an affiliation with a political party other than  
47 the political party with which that person was affiliated previously,  
48 the registrant shall be **ineligible** eligible to vote in the next



1 succeeding primary election [unless he or she has made the  
2 declaration of affiliation with the political party specified in the  
3 latest voter registration form no later than the 50th day next  
4 preceding such primary election].

5 (cf: P.L.2005, c.153, s.4)

6  
7 6. R.S.19:31-21 is amended to read as follows:

8 19:31-21. A person whose name appears in the signature copy  
9 register and who upon applying for a ballot or voting authority shall  
10 have given the information and signed the signature comparison  
11 record as provided in this Title and whose signature in the signature  
12 comparison record shall have been compared by a member of the  
13 district board and in the presence and view of the challengers with  
14 the signature of the applicant as recorded in the register shall be  
15 eligible to receive a ballot or voting authority unless it be shown to  
16 the satisfaction of a majority of the members of the district board  
17 that he is not entitled to vote in the district or has otherwise become  
18 disqualified.

19 No person shall be required to sign the signature comparison  
20 record as a means of identification if he shall have been unable to  
21 write his name when he registered, or if, having been able to write  
22 his name when registered, he subsequently shall have lost his sight  
23 or lost the hand with which he was accustomed to write or shall by  
24 reason of disease or accident be unable to write his name when he  
25 applies to vote, but each such person shall establish his identity in  
26 the manner provided in this Title.

27 In addition to signing the signature comparison record and after  
28 the comparison of the signature with the signature in the register, a  
29 person offering to vote at the primary election for the general  
30 election, as the case may be, shall announce his name and the party  
31 primary in which he wishes to vote. A voter who wishes to vote in  
32 the party primary of a political party other than the party of the  
33 voter's affiliation shall be permitted to vote in that other party's  
34 primary after completing a political party affiliation declaration  
35 form at the polling place, at which time the voter shall be deemed to  
36 be a member of that other political party.

37 After a person has voted the member of the district board having  
38 charge of the signature copy registers shall place the number of the  
39 person's ballot in the proper column on the record of voting form of  
40 such person, which number shall constitute a record that the person  
41 has voted. In the case of the primary election for the general  
42 election such member of the district board shall also place in the  
43 proper column on the record of voting form the first three letters of  
44 the name of the political party whose primary ballot such person has  
45 voted, and shall attach the voter's political party affiliation  
46 declaration form if filed at the polling place.

47 In the event that the duplicate permanent registration form of any  
48 person cannot be found in the signature copy register at the time he

1 applies for a ballot or voting authority, a member of the district  
2 board shall promptly ascertain from the commissioner or a duly  
3 authorized clerk if such person is permanently registered. Upon  
4 information that such is the fact, such member of the district board  
5 shall require the person applying for a ballot or voting authority to  
6 obtain an order from the commissioner authorizing him to receive a  
7 ballot or voting authority. The commissioner shall specially  
8 authorize and deputize clerks to issue such orders in municipalities  
9 within his county. The commissioner or his clerk shall require the  
10 voter to sign his name upon such order for the purpose of signature  
11 comparison. The district board shall require the voter to again sign  
12 his name on said order, in the presence of the board, and if the  
13 signatures compare, to permit him to vote. At primary elections the  
14 commissioner or his duly authorized clerk shall endorse on the  
15 order the political party whose ballot such person voted at the last  
16 preceding primary election, and shall attach the voter's political  
17 party affiliation declaration form if filed at the polling place. The  
18 order shall be returned to the commissioner at the same time and  
19 along with the signature copy registers.

20 (cf: P.L.2011, c.134, s.42)

21  
22 7. R.S.19:34-21 is amended to read as follows:

23 19:34-21. A person who being a member of one political party  
24 shall vote in the ballot box used for the primary election of another  
25 political party without filing a political party affiliation declaration  
26 form shall in each case be guilty of a crime of the fourth degree.

27 (cf: P.L.2005, c.154, s.40)

28  
29 8. Section 7 of P.L.2005, c.148 (C.19:62-7) is amended to read  
30 as follows:

31 7. For a primary election for the general election:

32 a. the county clerk shall mail the ballot of a political party to  
33 each voter in the municipality who is registered as being affiliated  
34 with the political party as of the 21st day before the day of the  
35 primary election; **and**

36 b. a voter who is not affiliated with any political party who  
37 wishes to vote in the primary of a political party shall apply to the  
38 county clerk or municipal clerk in writing for the ballot of the  
39 political party in whose primary the voter wishes to vote, or  
40 designate a political party affiliation for the first time by whatever  
41 means permitted by law, and the application or designation shall be  
42 presented to the clerk through the day of the election; and

43 c. notwithstanding any provision of subsections a. and b. of  
44 this section, or any law, rule, or regulation to the contrary, for any  
45 primary election occurring following the implementation date of  
46 this act, P.L. , c. (pending before the Legislature as this bill), the  
47 county clerk shall mail the ballot of each political party to each  
48 voter in the municipality who votes by mail, with instructions that

1 the voter may select only one political party primary ballot to vote  
2 and return and, if that ballot is for a political party primary different  
3 from the political party of the voter's affiliation on record, that  
4 voting and returning that ballot would constitute a change in the  
5 voter's political party affiliation and that the voter would be  
6 registered as a member of that political party until the voter  
7 completes a new voter registration form, political party affiliation  
8 declaration form, or a primary election ballot of a different political  
9 party in a future primary election.

10 (cf: P.L.2005, c.148, s.7)

11  
12 9. Section 8 of P.L.2009, c.79 (C.19:63-8) is amended to read  
13 as follows:

14 8. Upon receipt of a request for a mail-in ballot, the county  
15 clerk shall, with the cooperation of the commissioner of  
16 registration, cause the signature of the applicant to be compared  
17 with the signature of the person appearing on the permanent  
18 registration form, or the digitalized image of the voter's signature  
19 stored in the Statewide voter registration system, to determine from  
20 such examination, and any other available information, if the  
21 applicant is a voter qualified to cast a ballot in the election in which  
22 the voter wants to vote **■**, and determine in case of a primary  
23 election the political party primary in which the voter is entitled to  
24 vote**■**. The commissioner of registration, or the superintendent of  
25 elections in counties having a superintendent of elections may, at  
26 the request of the county clerk, investigate any application or  
27 request for a mail-in ballot.

28 If, after such examination, the county clerk is satisfied that the  
29 applicant is entitled to a ballot, the clerk shall mark on the  
30 application "Approved." If, after such examination the county clerk  
31 determines that the applicant is not entitled to a ballot, the clerk  
32 shall mark on the application "Disapproved" and shall so notify the  
33 applicant, stating the reason therefor, as required by section 5 of  
34 P.L.2004, c.88 (C.19:61-5).

35 (cf: P.L.2009, c.79, s.8)

36  
37 10. Section 11 of P.L.2009, c.79 (C.19:63-11) is amended to  
38 read as follows:

39 11. a. Each mail-in ballot to be used at any election shall  
40 conform generally to the ballot to be used at the election in the  
41 voter's district but the ballots shall be clearly marked "Official  
42 Mail-In Ballot."

43 At the top of every mail-in ballot there shall be printed or  
44 stamped in a prominent size the following:

45 To protect your vote:

46 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
47 THE VOTER TO MARK OR INSPECT THIS BALLOT.

48 However, a family member may assist you in doing so.

1       b. Each mail-in ballot to be used pursuant to this act shall be  
2 printed entirely in black ink. In addition to conforming generally to  
3 the ballot used in the election, the mail-in ballot shall be so  
4 prepared that the voter may indicate on it the voter's choice of the  
5 candidates for the offices to be filled, and the public questions to be  
6 voted on at the election by the voters of the entire State, county or  
7 municipality in which the voter is a resident, as known on the 48th  
8 day preceding the election. Sufficient space shall be provided on  
9 the ballot for the voter to write in the name of and vote for any  
10 candidate for, or the voter's personal choice for, any public office to  
11 be voted for at the election in the voter's election district. A list of  
12 the candidates for the offices to be filled in each election district in  
13 the county, whose names are known on the day on which the ballot  
14 is forwarded but do not appear on the ballot, with a statement of the  
15 office for which each is a candidate, shall be forwarded with such  
16 ballot.

17       When mail-in ballots are prepared, the name of any candidate  
18 who has been nominated for any office shall be placed on the ballot  
19 to be used in the general election to be held in the year in each  
20 election district in which he is a candidate, whether or not such  
21 candidate has accepted nomination prior to when the ballot was  
22 prepared, provided that the candidate has not declined the  
23 nomination before the ballot was prepared.

24       c. Each mail-in ballot to be used at any primary election for the  
25 general election shall, except as otherwise provided, conform to the  
26 ballot to be used at the election in the voter's election district and to  
27 the form herein prescribed for mail-in ballots to be used in such  
28 general elections. It shall be prepared so that the voter may indicate  
29 the voter's choice of the candidates of one political party for each of  
30 the officers to be voted on at the election by the voters of the  
31 election district and shall be separated into party ballots, which  
32 shall be printed upon one sheet when the voting system so allows,  
33 which party ballots shall be available to each voter who votes by  
34 mail in the primary election regardless of political party affiliation.

35       Each such mail-in ballot shall be plainly marked to indicate that  
36 only one party ballot is to be voted by each voter **【and that】**. Each  
37 such mail-in ballot shall also indicate that any voter may vote a  
38 party ballot of any political party, even though the party ballot  
39 voted by the voter **【must】** does not conform to the name of the  
40 political party indicated by the county clerk. Each such mail-in  
41 ballot shall further indicate that voting and returning a party ballot  
42 for a party different from that of the voter's political party  
43 affiliation on record would constitute a change in the voter's  
44 political party affiliation and that the voter would be registered as a  
45 member of that political party until the voter completes a new voter  
46 registration form, political party affiliation declaration form, or a  
47 primary election mail-in ballot of a different political party in a  
48 future primary election.

1       If the county clerk has determined by investigating a voter's  
2 registration record that the voter is qualified to vote **【only in the**  
3 **primary of a particular party】**, the clerk shall so note on the primary  
4 ballot **【the party primary in which the voter is entitled to vote】**.

5       In the case where the county clerk has ascertained through  
6 investigating the voter's registration record that such applicant is  
7 requesting a ballot to vote in the first primary for which the voter is  
8 eligible after registration, the clerk shall note on the primary ballot  
9 that the voter can vote in the primary of any political party.

10      d. Any county may adopt a system of electronic scanning, or  
11 other mechanical or electronic device if the system has been  
12 approved previously by the Secretary of State to count or canvass  
13 mail-in ballots. The county clerk in any county adopting such a  
14 system may prepare and use mail-in ballots that do not conform  
15 generally to the ballot to be used at the election to the extent that  
16 such nonconformance is necessary in the operation of the electronic  
17 or mechanical canvassing system.

18 (cf: P.L.2011, c.134, s.52)

19

20      11. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to  
21 read as follows:

22      17. The county board of elections shall, promptly after receiving  
23 each mail-in ballot, remove the inner envelope containing the ballot  
24 from the outer envelope and shall compare the signature and the  
25 information contained on the flap of the inner envelope with the  
26 signature and information contained in the respective requests for  
27 mail-in ballots. In addition, as to mail-in ballots issued less than  
28 seven days prior to an election, the county board of elections shall  
29 also check to establish that the mail-in voter did not vote in person.  
30 The county board shall reject such a ballot if it is not satisfied,  
31 pursuant to a comparison with the Statewide voter registration  
32 system, that the voter is legally entitled to vote and that the ballot  
33 conforms with the requirements of this act.

34      **【In the case of a mail-in ballot to be voted at a primary election**  
35 **for the general election, the ballot shall be rejected if the mail-in**  
36 **voter has indicated in the certificate the voter's intention to vote in a**  
37 **primary election of any political party in which the voter is not**  
38 **entitled to vote according to the Statewide voter registration system,**  
39 **and if it shall appear from the record that the voter is not entitled to**  
40 **vote in a primary election of the political party which has been so**  
41 **indicated.】**

42      Any mail-in ballot which is received by a county board of  
43 elections shall be rejected if both the inner and outer envelopes are  
44 unsealed or if either envelope has a seal that has been tampered  
45 with.

46      Disputes about the qualifications of a mail-in voter to vote or  
47 about whether or not or how any mail-in ballot shall be counted in

1 such election shall be referred to the Superior Court for  
2 determination.

3 After such investigation, the county board of elections shall  
4 detach or separate the certificate from the inner envelope containing  
5 the mail-in ballot, unless it has been rejected by it or by the  
6 Superior Court, marking the envelope so as to identify the election  
7 district in which the ballot contained therein is to be voted as  
8 indicated by the voter's home address appearing on the certificate  
9 attached to or accompanying the inner envelope and, in the case of  
10 ballots to be voted at a primary election for a general election, so as  
11 to identify the political party in the primary election of which it is  
12 to be voted and whether the voted primary election ballot  
13 constitutes a change in the voter's political party affiliation.

14 The location at which a county board of elections determines  
15 whether a mail-in ballot shall be accepted or rejected shall be  
16 considered an election district for the purposes of appointment of  
17 challengers.

18 (cf: P.L.2011, c.134, s.55)

19

20 12. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to  
21 read as follows:

22 22. On the day of each election each county board of elections  
23 shall open in the presence of the commissioner of registration, or  
24 the designee thereof, the inner envelopes that contain the mail-in  
25 ballots with the votes cast for the election. The inner envelopes  
26 containing the ballots that the board or the Superior Court has  
27 rejected shall not be so opened, but shall be retained as provided for  
28 by this act. The board shall then proceed to canvass the votes cast  
29 on the mail-in ballots **】, but no such ballot shall be counted in any**  
30 **primary election for the general election if the ballot of the political**  
31 **party marked for voting thereon differs from the designation of the**  
32 **political party in the primary election of which such ballot is**  
33 **intended to be voted as marked on the envelope by the county board**  
34 **of elections】.**

35 Every mail-in ballot that bears a postmark date of the day of the  
36 election and that is received by the county board within 48 hours  
37 after the time of the closing of the polls for the election that the  
38 ballot was prepared shall be considered valid and shall be  
39 canvassed.

40 Immediately after the canvass is completed, the respective  
41 county boards of election shall certify the result of the canvass to  
42 the county clerk or the municipal or district clerk or other  
43 appropriate officer, as the case may be, showing the result of the  
44 canvass by municipality and ward. The votes thus canvassed shall  
45 be counted in determining the result of the election.

46 The county board of elections shall, immediately after the  
47 canvass is completed for any primary election, certify the results of  
48 the votes cast for members of the county committees to the

1   respective municipal clerks, and those votes shall be counted in  
2   determining the result of the election.

3   (cf: P.L.2018, c.72, s.8)

4  
5       13. This act shall take effect on January 1st next following the  
6   date of enactment.

7  
8  
9                                   STATEMENT

10  
11       This bill allows any voter to vote in any political party primary  
12   election by changing his or her political party affiliation at the  
13   polling place on primary election day. The bill also allows voters  
14   who vote by mail-in ballot in the primary election to complete any  
15   political party's primary ballot.

16       Under current law, voters who are unaffiliated with any political  
17   party because they did not declare a political party affiliation on  
18   their voter registration form are permitted to vote in the primary  
19   election of any political party, and once they do so they become a  
20   member of that political party. Current law also provides that voters  
21   who declared a political party affiliation are permitted to vote only  
22   in the political party primary of that party. However, if a voter  
23   affiliated with one political party wants to participate in the primary  
24   election of another political party, they may do so by declaring  
25   affiliation with that other party by filing a new voter registration  
26   form or a political party affiliation declaration form on or before the  
27   55th day preceding the primary election.

28       Under this bill, any voter would be permitted to vote in the  
29   primary election of any political party, regardless of their declared  
30   political party affiliation on record. The bill provides that voters  
31   who vote in person would be permitted to choose the political party  
32   primary they wish to vote in at the polling place on primary election  
33   day. If a voter wishes to vote in another party's primary than that of  
34   their affiliation on record, the voter may file a political party  
35   affiliation declaration form at the polling place. Under the bill,  
36   voters who vote by mail-in ballot in the primary election would be  
37   permitted to complete the ballot for any political party, and the  
38   voter's completion and return of that ballot would constitute a new  
39   political party affiliation. As required under current law, a voter  
40   may complete only one political party primary ballot.

41       This bill therefore establishes an open primary process in this  
42   State by eliminating the 55-day deadline for political party  
43   membership changes and allowing any registered voter to  
44   participate in the political party primary of the voter's choice.  
45   Under the bill, the update of political party affiliation is retained for  
46   record-keeping purposes.