

# ASSEMBLY, No. 5306

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Murphy**

**SYNOPSIS**

Allows certain voters residing overseas to vote in any election in this State regardless of duration of overseas residency or intent to return.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/16/2021)

1 AN ACT concerning the right of certain voters residing overseas to  
2 vote in New Jersey elections and amending P.L.1976, c.23.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read  
8 as follows:

9 2. As used in this act:

10 a. "United States" means each of the several states, the District  
11 of Columbia, Commonwealth of Puerto Rico, Guam, American  
12 Samoa and the United States Virgin Islands; the term does not mean  
13 or include the Canal Zone or any other territory or possession of the  
14 United States.

15 b. "Residing abroad" means residing outside the United States.

16 c. "Federal election" means any general, special or primary  
17 held for the purpose of nominating or electing any candidate for the  
18 office of President or Vice President of the United States,  
19 Presidential elector, United States Senator or member of the United  
20 States House of Representatives.

21 d. "Election" shall have the same meaning as defined in  
22 R.S.19:1-1, and include any federal, State, or local election, and any  
23 public question placed before the voters.

24 e. "Overseas voter" means any person in military service, or  
25 that person's spouse, partner in civil union, domestic partner, or  
26 dependent, who, by reason of the person's active duty or service, is,  
27 in the case of the person, absent on the date of an election from the  
28 place of residence in New Jersey where the person is or would be  
29 qualified to vote, or in the case of the person's spouse, partner in  
30 civil union, domestic partner, or dependent, absent on the date of an  
31 election from the place of residence in New Jersey where that  
32 spouse, partner in civil union, domestic partner, or dependent, is or  
33 would be qualified to vote.

34 The term also means any citizen of the United States  
35 **【temporarily residing abroad】** who (1) immediately prior to  
36 departure from the United States was domiciled in New Jersey and  
37 (a) was last registered to vote, or last eligible to register and vote, in  
38 New Jersey; or (b) would have been eligible to register and vote in  
39 New Jersey except that the citizen had not attained 18 years of age  
40 the requirement of which has since been met; or (c) would have  
41 been eligible to register and vote in New Jersey except that the  
42 citizen had not met the residency requirement; (2) is not registered  
43 or qualified to vote elsewhere in the United States; and (3) holds a  
44 valid passport or passport card or other proof of citizenship issued  
45 under authority of the Secretary of State of the United States.

**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. "Overseas federal election voter" means [any citizen of the  
2 United States residing abroad who does not intend to return or  
3 whose intent to return is uncertain and who (1) immediately prior to  
4 departure from the United States was domiciled in New Jersey and  
5 (a) was last registered to vote, or last eligible to register and vote, in  
6 New Jersey; or (b) would have been eligible to register and vote in  
7 New Jersey except that the citizen had not attained 18 years of age  
8 the requirement of which has since been met; or (c) would have  
9 been eligible to register and vote in New Jersey except that the  
10 citizen had not met the residency requirement; (2) is not registered  
11 or qualified to vote elsewhere in the United States; and (3) holds a  
12 valid passport or passport card or other proof of citizenship issued  
13 under authority of the Secretary of State of the United States.

14 The term also means] any citizen of the United States who was  
15 born outside of the United States, is not [described above] an  
16 "overseas voter" under subsection e. of this section, and, except for  
17 the residency requirement of New Jersey, otherwise satisfies the  
18 State's voter eligibility requirements, if the last place where a  
19 parent, legal guardian, spouse, partner in civil union, or domestic  
20 partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.)  
21 would have been, eligible to register and vote before departure from  
22 the United States is within New Jersey and the voter has not  
23 previously registered to vote elsewhere in the United States.

24 g. "Electronic means" means any transmission made by an  
25 electronic telefacsimile machine or a similar device or by any other  
26 form of electronic transmission including, but not exclusive to  
27 electronic mail, that transports an authentic copy of a document  
28 from one user to another.

29 h. "Dependent" means an individual recognized as a dependent  
30 by a military service.

31 i. "Federal postcard application" means the application  
32 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.  
33 s.1973ff(b)(2)).

34 j. "Federal write-in absentee ballot" means the ballot described  
35 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

36 k. "Military service" means the active and reserve components  
37 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the  
38 United States; the Merchant Marine; the commissioned corps of the  
39 Public Health Service or the commissioned corps of the National  
40 Oceanic and Atmospheric Administration of the United States; or  
41 the National Guard or State militia.

42 (cf: P.L.2017, c.39, s.2)

43

44 2. This act shall take effect immediately.

## STATEMENT

Under current law, any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain is permitted to vote in this State for federal elections only, using an overseas ballot. Such “overseas federal election voter” is permitted to vote if the voter (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States.

This bill would remove these criteria from the definition of an “overseas federal election voter.” That term would now only apply to any citizen of the United States who was born outside of the United States and, except for the requirement to have resided in New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under N.J.S.A.19:59-1 et seq. would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States. These voters would be eligible to vote in New Jersey for federal elections only.

This bill would also remove the requirement for temporary residence abroad from the definition of “overseas voter,” thereby allowing any person who meets the specified criteria to register to vote and to apply for and vote by mail-in ballot in any election held in the election district of this State in which the voter was formerly domiciled immediately prior to departure from the United States. These voters would be eligible to vote in any federal, State, or local election, and any public question placed before the voters.