

[First Reprint]

ASSEMBLY, No. 5306

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman RAJ MUKHERJI

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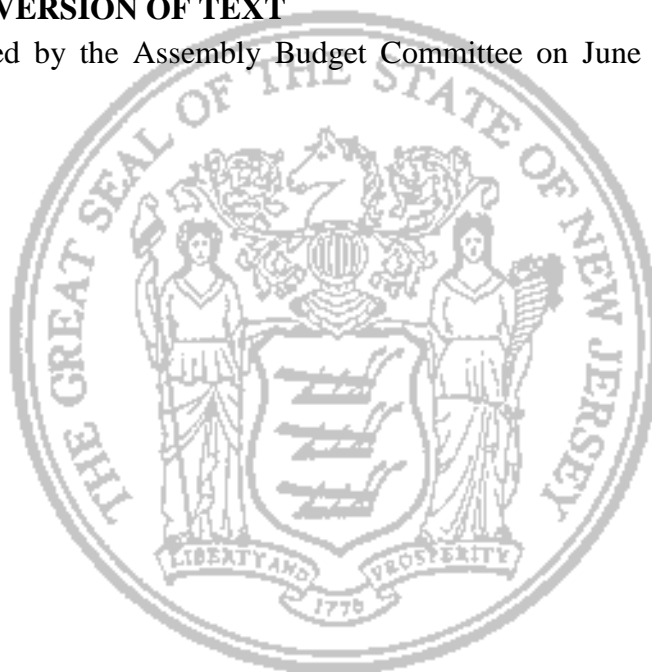
Assemblywomen Murphy and Reynolds-Jackson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 21, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

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 ¹**[,]** or¹ State ¹**[,]** or local¹
23 election, and any public question placed before the voters ¹in a
24 federal or State election. "Election" shall not include any local
25 election or any public question placed before the voters in a local
26 election¹.

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

37 The term also means any citizen of the United States
38 **【temporarily residing abroad】** who (1) immediately prior to
39 departure from the United States was domiciled in New Jersey and
40 (a) was last registered to vote, or last eligible to register and vote, in
41 New Jersey; or (b) would have been eligible to register and vote in
42 New Jersey except that the citizen had not attained 18 years of age
43 the requirement of which has since been met; or (c) would have
44 been eligible to register and vote in New Jersey except that the

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:

¹Assembly ABU committee amendments adopted June 21, 2021.

1 citizen had not met the residency requirement; (2) is not registered
2 or qualified to vote elsewhere in the United States; and (3) holds a
3 valid passport or passport card or other proof of citizenship issued
4 under authority of the Secretary of State of the United States.

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

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

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

33 h. "Dependent" means an individual recognized as a dependent
34 by a military service.

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

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

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

46 (cf: P.L.2017, c.39, s.1)

47
48 2. This act shall take effect immediately.