

[Second Reprint]
ASSEMBLY, No. 5306

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

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District 33 (Hudson)

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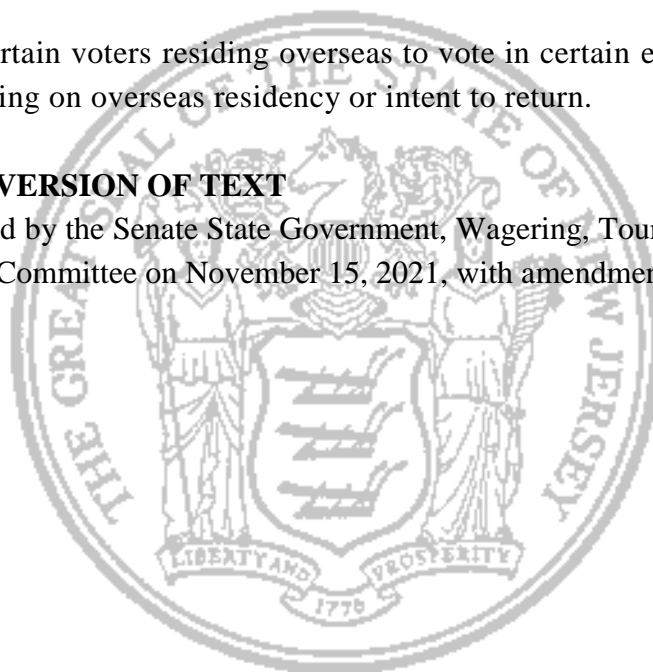
**Assemblywomen Murphy, Reynolds-Jackson, Senators Diegnan, Turner,
Ruiz, Stack, Codey, Cryan, Cunningham and Weinberg**

SYNOPSIS

Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on November 15, 2021, with amendments.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT concerning ²**the right of certain voters residing overseas**
 2 to vote in New Jersey elections and amending P.L.1976, c.23 **]**
 3 voting in New Jersey elections while residing overseas and
 4 amending various parts of the statutory law².

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

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

11 2. As used in this act:

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

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

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

23 d. "Election" shall have the same meaning as defined in
 24 R.S.19:1-1, and include any federal ¹**[.]** ²**[or¹]** ²State ¹**[,** or
 25 local¹ ², or local² election, and any public question placed before
 26 the voters ²**[¹in a federal or State election. "Election" shall not**
 27 **include any local election or any public question placed before the**
 28 **voters in a local election¹]**².

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

39 The term also means any citizen of the United States
 40 **[temporarily residing abroad]** ²residing abroad² who (1)
 41 immediately prior to departure from the United States was
 42 domiciled in New Jersey and (a) was last registered to vote, or last
 43 eligible to register and vote, in New Jersey; or (b) would have been

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.

²Senate SSG committee amendments adopted November 15, 2021.

1 eligible to register and vote in New Jersey except that the citizen
2 had not attained 18 years of age the requirement of which has since
3 been met; or (c) would have been eligible to register and vote in
4 New Jersey except that the citizen had not met the residency
5 requirement; (2) is not registered or qualified to vote elsewhere in
6 the United States; ²**and**² (3) holds a valid passport or passport
7 card or other proof of citizenship issued under authority of the
8 Secretary of State of the United States ²; and (4) has the intent to
9 return to New Jersey².

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

23 The term also means **any** citizen of the United States who was
24 born outside of the United States, is not **described above** an
25 "overseas voter" under subsection e. of this section ²or an "overseas
26 State and federal voter" under subsection l. of this section², and,
27 except for the residency requirement of New Jersey, otherwise
28 satisfies the State's voter eligibility requirements, if the last place
29 where a parent, legal guardian, spouse, partner in civil union, or
30 domestic partner of the voter was, or under P.L.1976, c.23
31 (C.19:59-1 et seq.) would have been, eligible to register and vote
32 before departure from the United States is within New Jersey and
33 the voter has not previously registered to vote elsewhere in the
34 United States.

35 g. "Electronic means" means any transmission made by an
36 electronic telefacsimile machine or a similar device or by any other
37 form of electronic transmission including, but not exclusive to
38 electronic mail, that transports an authentic copy of a document
39 from one user to another.

40 h. "Dependent" means an individual recognized as a dependent
41 by a military service.

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

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

1 k. "Military service" means the active and reserve components
2 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the
3 United States; the Merchant Marine; the commissioned corps of the
4 Public Health Service or the commissioned corps of the National
5 Oceanic and Atmospheric Administration of the United States; or
6 the National Guard or State militia.

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

20 m. "State election" means any general, special, or primary
21 election held for the purpose of nominating or electing the office of
22 the Governor, Lieutenant Governor, New Jersey State Senator, or a
23 member of the New Jersey General Assembly, or a State public
24 question placed before all voters of the State. "State election" shall
25 not include any local election or any local public question placed
26 before less than all voters of the State.²

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

28
29 ²2. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read
30 as follows:

31 3. Upon compliance with the provisions of this act, P.L.1976,
32 c.23 (C.19:59-1 et seq.), as amended by P.L.2017, c.39: a. any
33 person meeting the qualifications of an overseas voter may register
34 to vote and may apply for and vote by mail-in ballot in any election
35 held in the election district of this State in which the voter was
36 formerly domiciled; **and** b. any person meeting the qualifications
37 of an overseas federal election voter may register to vote and may
38 apply for and vote by mail-in ballot in any federal election held in
39 the election district of this State in which the voter, or in the case of
40 an overseas federal election voter who was born outside of the
41 United States described in subsection f. of section 2 of P.L.1976,
42 c.23 (C.19:59-2), in which the voter's parent, legal guardian,
43 spouse, partner in civil union, or domestic partner was formerly
44 domiciled; and c. any person meeting the qualifications of an
45 overseas State and federal voter as described in subsection l. of
46 section 2 of P.L.1976, c.23 (C.19:59-2) may register to vote and
47 may apply for and vote by mail in a State election described in
48 subsection m. of section 2 of P.L. 1976, c.23 (C.19:59-2) and a

1 federal election described in subsection c. of section 2 of P.L. 1976,
2 c.23 (C.19:59-2) held in the election district of this State in which
3 the voter was formerly domiciled.²
4 (cf: P.L.2017, c.39, s.2)

5
6 ²3. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
7 as follows:

8 4. a. Requests for an application to vote in **【an】** any election
9 as an overseas voter or a federal election as an overseas federal
10 election voter or a State election or federal election as an overseas
11 State and federal election voter may be made by or on behalf of an
12 applicant to the county clerk of the county in which the applicant,
13 or in the case of an overseas federal election voter who was born
14 outside of the United States described in subsection f. of section 2
15 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal
16 guardian, spouse, partner in civil union, or domestic partner, was
17 formerly domiciled, or to the Secretary of State of New Jersey if the
18 applicant does not know the county of former domicile. All such
19 applications shall be forwarded to such voters by air mail or
20 electronic means, if so requested by the voter. Any overseas voter
21 or overseas federal election voter or overseas State and federal voter
22 requesting that an application for a ballot be sent to that voter by
23 electronic means shall supply in the request to the Secretary of State
24 or the county clerk, as appropriate, the telephone number and
25 location to which the application is to be sent or the electronic
26 address of the voter, as may be appropriate, and, if known, the
27 address where the voter, or the voter's parent, legal guardian,
28 spouse, partner in civil union, or domestic partner, as appropriate,
29 was domiciled before departure from the United States. To qualify
30 for a ballot to be sent by air mail, the applicant's completed
31 application shall be received by the appropriate county clerk or the
32 Secretary of State on or before the thirtieth day preceding the
33 election. To qualify for a ballot to be distributed by electronic
34 means, the applicant's completed application shall be received by
35 the appropriate county clerk or the Secretary of State on or before
36 the fourth day preceding the election.

37 b. An overseas voter or overseas federal election voter or
38 overseas State and federal voter may use the federal postcard
39 application form to register to vote or to apply for an overseas
40 ballot for any election in which the voter is eligible to vote. The
41 voter may send the form by air mail or electronic means to either
42 the appropriate county clerk or the Secretary of State and, in the
43 case of the use of a federal postcard application for a ballot, may
44 request that the ballot be sent by air mail or electronic means. **【Any**
45 voter sending the form by electronic means shall also mail
46 simultaneously the federal postcard application form to the
47 appropriate county clerk or the Secretary of State. **】** Any federal

postcard application for a ballot sent by an overseas voter or overseas federal election voter or overseas State and federal voter and received by a county clerk or the Secretary of State shall also be considered a request for registration if that voter is not already registered.²

(cf: P.L.2017, c.39, s.3)

²4. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as follows:

5. a. Other than a federal postcard application, an application for a ballot by an overseas voter or overseas federal election voter or overseas State and federal election voter shall be in substantially the following form:

I, the undersigned, certify the following as a basis for an application as citizen of the United States residing outside the United States to receive a ballot to be voted at the election to be held on (date of election) for (fill in elected office or public question, or both):

1. I am a citizen of the United States;

2. I presently reside at (if mail should be addressed other than to my residence, also provide address for mail);

3. I was born on (month, day, year)

4. I hold a:

a. valid U.S. Passport #, dated, or

b. valid U.S. Passport Card #, dated, or

c. valid Certificate of Citizenship, dated, or

d. other valid form of identification recognized as such under federal or state law: (form of identification), dated

5. a. Immediately prior to taking up residence abroad I was domiciled in New Jersey and resided at (street address), (municipality), (county) (If formerly registered to vote from that address check here ()), or

b. I was born outside of the United States and my parent, legal guardian, spouse, partner in civil union, or domestic partner, before leaving the United States, was last domiciled in New Jersey, residing at (street address), (municipality),(county).

6. I am not registered, entitled or applying to vote in any state other than New Jersey.

7. I understand that any false statement knowingly made in this application subjects me to the penalties provided by law for fraudulent voting.

..... Applicant
(Signature)

Dated:.....Applicant
(Print or type name)

1 b. There shall also be sent to the applicant by air mail or
2 electronic means such instructions and portions of the law or
3 regulations as the Secretary of State shall direct.

4 c. Any overseas voter or overseas federal election voter or
5 overseas State and federal election voter requesting that a ballot be
6 sent to that voter by electronic means shall indicate on the
7 application for the ballot the telephone number and location to
8 which the ballot is to be sent or the electronic address of the voter,
9 as may be appropriate.²

10 (cf: P.L.2017, c.39, s.4)

11
12 ²⁵. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read
13 as follows:

14 6. Each county clerk, upon receipt of an application for a ballot
15 by an overseas voter or overseas federal election voter or overseas
16 State and federal election voter, including a federal postcard
17 application, shall determine whether or not the applicant is qualified
18 to vote such a ballot, make a list of those applications approved and
19 disapproved, which list shall be open to inspection by election
20 officials and the public, and shall forward an overseas ballot to each
21 person whose application is approved. For each voter whose
22 application is approved, the county clerk shall deliver to the county
23 board of elections the completed application form for retention by
24 the board for signature comparison with that on the certificate on
25 the inner envelope containing the ballot upon its receipt.²

26 (cf: P.L.2017, c.39, s.5)

27
28 ²⁶. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read
29 as follows:

30 7. The county clerk shall prescribe the form of the ballot for
31 overseas voters and overseas federal election voters and overseas
32 State and federal election voters.²

33 (cf: P.L.2017, c.39, s.6)

34
35 ²⁷. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read
36 as follows:

37 8. a. Each county clerk shall send by air mail, with each ballot
38 for an overseas voter or overseas federal election voter or overseas
39 State and federal election voter transmitted by such means,
40 appropriate printed instructions for its completion and return,
41 together with an inner and outer envelope similar to that required as
42 to civilian vote by mail ballots with a legend on the inner envelope
43 stating "Ballot for Overseas Voter," **【or】** "Ballot for Overseas
44 Federal Election Voter," or "Ballot for Overseas State and Federal
45 Election Voter," as appropriate.

46 b. Each county clerk shall send to each overseas voter or
47 overseas federal election voter or overseas State and federal

1 election voter requesting that a ballot be sent to that voter by
2 electronic means all appropriate printed instructions for its
3 completion and return. The printed instructions sent to each such
4 voter shall include a certificate substantially the same as provided
5 for in section 9 of P.L.1976, c.23 (C.19:59-9).

6 c. The printed instructions sent with each ballot to an overseas
7 voter or overseas federal election voter or overseas State and federal
8 election voter, including instructions sent by electronic means, shall
9 include a copy of the following notice:

10 PENALTY FOR FRAUDULENT VOTING

11 Any person who knowingly violates any of the provisions of the
12 Overseas Residents Absentee Voting Law, or who, not being
13 entitled to vote thereunder, fraudulently votes or attempts to vote
14 thereunder or enables or attempts to enable another person, not
15 entitled to vote thereunder, to vote fraudulently thereunder or who
16 prevents or attempts to prevent by fraud the voting of any person
17 legally entitled to vote under this act, shall be guilty of an indictable
18 offense, and upon conviction thereof shall be subject, in addition to
19 such other penalties as are authorized by law, to disenfranchisement
20 while serving a sentence of incarceration unless and until pardoned
21 or restored by law to the right of suffrage.²

22 (cf: P.L.2019, c.270, s.9)

23
24 ²⁸. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to
25 read as follows:

26 12. Whenever a county clerk receives a request by electronic
27 means from an overseas voter or overseas federal election voter or
28 overseas State and federal election voter that a ballot be sent to that
29 person by electronic means, the county clerk shall verify the voter's
30 eligibility to vote as an overseas voter or overseas federal election
31 voter or overseas State and federal election voter in the State and
32 the county desired. If the overseas voter or overseas federal election
33 voter or overseas State and federal election voter is eligible to vote
34 therein, the county clerk shall send the appropriate ballot to the
35 voter at least 45 days before the day of the election and thereafter
36 by electronic means using the telephone number or electronic
37 address supplied by the voter for that purpose. If the overseas voter
38 or overseas federal election voter or overseas State and federal
39 election voter is not eligible to vote in the State or the county
40 desired, notice of noneligibility shall be provided to the voter by
41 electronic means as soon as practicable after the receipt of the
42 request.²

43 (cf: P.L.2017, c.39, s.12)

44
45 ²⁹. Section 9 of P.L.1976, c.23 (C.19:59-9) is amended to read
46 as follows:

47 9. Upon the margin of the flap of the inner envelope to be sent
48 to an overseas voter or overseas federal election voter or overseas

1 State and federal election voter shall be printed a certificate
2 substantially as follows:

3 I, the undersigned, residing at am the
4 person who applied for, received and voted the enclosed Ballot.

5 Dated:.....

6Voter (SIGNATURE)

7Voter (PRINT or type name)²

8 (cf: P.L.2017, c.39, s.13)

9

10 ²10. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to
11 read as follows:

12 10. a. For ballots sent to overseas voters or overseas federal
13 election voters or overseas State and federal election voters, other
14 than such ballots sent to the voter by electronic means, the
15 procedure for completing the ballot shall be as follows:

16 Upon completion of the ballot by indicating the voter's choice of
17 candidates for the offices named or the voter's choice regarding a
18 public question, or both, the ballot shall be placed in the inner
19 envelope and sealed. Upon completion and signing in the voter's
20 handwriting the certificate attached to the inner envelope, the inner
21 envelope shall be placed in the outer envelope, which when sealed
22 shall be mailed postage prepaid to the county board of elections
23 whose address is printed thereon.

24 b. For ballots sent to overseas voters or overseas federal
25 election voters or overseas State and federal election voters by
26 electronic means, the procedure for completing the ballot shall be as
27 follows:

28 After the ballot is received and completed by the voter by
29 indicating that person's choice of candidates for the offices named
30 or that person's choice regarding a public question, or both, the
31 ballot shall be placed in a secure envelope. Upon completion and
32 signing in the voter's handwriting of the certificate sent to the voter
33 pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be
34 placed in the same envelope as the voted ballot. The envelope shall
35 then be sealed securely and sent immediately by air mail to the
36 appropriate county board of elections in this State.

37 c. Notwithstanding the provisions of subsections a. and b. of
38 this section, a copy of an overseas voter's or overseas federal
39 election voter's or overseas State and federal election voter's ballot
40 may be transmitted by electronic means to the appropriate county
41 board of elections in this State. Such a ballot shall be subject to the
42 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and
43 C.19:59-15).²

44 (cf: P.L.2017, c.39, s.6)

45

46 ²11. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to
47 read as follows:

1 11. Upon receipt of each ballot from an overseas voter or
2 overseas federal election voter or overseas State and federal
3 election voter, other than a ballot which had been sent by electronic
4 means to an overseas voter or overseas federal election voter or
5 overseas State and federal election voter, the signature on the
6 certificate on the inner envelope shall be compared to that on the
7 person's application. All ballots, whether originally sent to an
8 overseas voter or overseas federal election voter or overseas State
9 and federal election voter by air mail or electronic means, shall be
10 approved, disapproved, processed, counted and disputes in
11 connection therewith shall be handled in the same manner as is
12 applicable to other vote by mail ballots. No ballot received after the
13 time designated for the closing of the polls shall be counted.²

14 (cf: P.L.2017, c.39, s.14)

15
16 ²12. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to
17 read as follows:

18 12. An overseas voter or overseas federal election voter or
19 overseas State and federal election voter may request, on any
20 application form used, a ballot for all elections held during the
21 calendar year in which the request is made and in which the voter is
22 eligible to vote. Any instructions sent to an applicant pursuant to
23 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
24 that such a request may be made. If such a request is made, a ballot
25 shall be sent in a timely manner to the voter for all such elections in
26 which the voter is eligible to vote and by the transmission method
27 first requested by the voter unless the voter instructs otherwise.²

28 (cf: P.L.2017, c.39, s.8)

29
30 ²13. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to
31 read as follows:

32 3. Notwithstanding any law, rule or regulation to the contrary, a
33 copy of an overseas voter's or overseas federal election voter's or
34 overseas State and federal election voter's voted ballot, or a voted
35 federal write-in absentee ballot, which is transmitted by electronic
36 means to the appropriate county board of elections in this State
37 shall be considered valid and counted if it:

38 a. is from a qualified voter;

39 b. has been transmitted to the appropriate county board of
40 elections no later than the time designated by law for the closing of
41 the polls on that day; and

42 c. is accompanied by the following statement, which shall be
43 certified by the voter's signature: "I understand that by transmitting
44 by electronic means a copy of my voted ballot I am voluntarily
45 waiving my right to a secret ballot. At the same time, I pledge to
46 place the original voted ballot in a secure envelope, together with
47 any other required certification, and send the documents

1 immediately by air mail to the appropriate county board of
2 elections.”²

3 (cf: P.L.2017, c.39, s.15)

4

5 ²14. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to
6 read as follows:

7 4. a. Immediately after a copy of an overseas voter's or
8 overseas federal election voter's or overseas State and federal
9 election voter's voted ballot, or a voted federal write-in absentee
10 ballot, has been transmitted by electronic means to the appropriate
11 county board of elections, as permitted pursuant to section 3 of
12 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal
13 election voter or overseas State and federal election voter shall
14 place the original voted ballot in a secure envelope, together with a
15 certificate substantially the same as provided for in section 9 of
16 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
17 the appropriate county board of elections.

18 b. All copies of voted ballots received by electronic means
19 shall be approved, disapproved, processed and counted, and
20 disputes in connection therewith shall be handled, in the same
21 manner as is applicable to other vote by mail ballots. No ballot
22 received after the time designated for the closing of the polls shall
23 be counted.

24 c. The county board of elections shall take all necessary
25 precautions to preserve the security of the ballot materials and
26 specifically shall ensure that the vote cast by a voter using a ballot
27 transmitted by electronic means is not revealed, except to the extent
28 necessary by law or judicial determination. Upon the completion of
29 all inspections of a ballot transmitted by electronic means required
30 by law, the board or any employee thereof acting under its direction
31 shall promptly separate the waiver certification from the ballot
32 transmitted by electronic means. Any person handling such a ballot
33 shall not identify the votes cast by any voter, except upon judicial
34 determination.

35 d. Prior to certification of the results of the election, the county
36 board shall:

37 (1) compare the information on the copy transmitted by
38 electronic means of each voted ballot with the same on the original
39 voted ballot sent by air mail by the voter who transmitted to the
40 county board a copy of the voted ballot by electronic means, and the
41 signature on the statement received by electronic means with the
42 signature on the certificate received by air mail; and

43 (2) ascertain whether an original voted ballot has been received
44 for each copy of a voted ballot received by electronic means and
45 counted.

46 Whenever the particulars of the copy of a voted ballot
47 transmitted by electronic means do not conform exactly with the
48 particulars of the original voted ballot sent by air mail to the county

1 board afterwards by that voter and whenever an original voted
2 ballot has not been received which corresponds to a copy of a voted
3 ballot transmitted by electronic means which has been received and
4 counted by the county board, those ballots and all other pertinent
5 documents and information relative to those ballots shall be turned
6 over to the superintendent of elections in counties having a
7 superintendent and the prosecutor in all other counties for further
8 investigation and action.

9 e. Within 30 days after the election, the county board shall
10 gather and keep together the copy of the voted ballot transmitted by
11 electronic means, the certified statement and the original voted
12 ballot sent by air mail of each voter who transmitted a copy of a
13 voted ballot by electronic means. Those ballots needed for an
14 investigation conducted by the superintendent of elections or the
15 county prosecutor, as the case may be, or by any other law
16 enforcement official shall be returned to the county board as soon
17 as practicable after the conclusion of the investigation. All ballots
18 and documents relative to a copy of a voted ballot transmitted by
19 electronic means and received by the county board shall be retained
20 by it for a period of one year following the day of the election. The
21 superintendent of elections in counties having a superintendent and
22 the prosecutor in all other counties shall have the authority to
23 impound all such documents whenever the superintendent or
24 prosecutor shall deem such action necessary.²

25 (cf: P.L.2017, c.39, c.16)

26
27 ²15. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to
28 read as follows:

29 26. For the purpose of complying with the federal "Uniformed
30 and Overseas Citizens Absentee Voting Act," [42 U.S.C. s.1973ff-1
31 et seq.] 52 U.S.C. s.20301 et seq., the office of the Secretary of
32 State shall:

33 a. be designated as the single State office responsible for
34 providing information to all overseas voters and overseas federal
35 election voters and overseas State and federal election voters who
36 wish to register to vote or vote in any jurisdiction in the State with
37 respect to voter registration procedures and vote by mail procedures
38 to be used by overseas voters and overseas federal election voters or
39 overseas State and federal election voters for all elections in which
40 the voter is eligible to vote;

41 b. work with the federal Election Assistance Commission and
42 the federal Department of Defense to develop standards to report
43 data on the number of ballots transmitted and received by mail or
44 electronic means by overseas voters or overseas federal election
45 voters or overseas State and federal election voters pursuant to the
46 "Overseas Residents Absentee Voting Law," P.L.1976, c.23
47 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

1 c. provide such additional information relating to voting by
2 overseas voters and overseas federal election voters and overseas
3 State and federal election voters from this State as the Department
4 of Defense determines is necessary.²
5 (cf: P.L.2017, c.39, s.9)

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

8 19:31-6. Any person qualified to vote in an election shall be
9 entitled to vote in the election if the person shall have registered to
10 vote on or before the 21st day preceding the election by:

11 a. registering in person at any offices designated by the
12 commissioner of registration for providing and receiving
13 registration forms;

14 b. completing a voter registration form while applying for a
15 motor vehicle driver's license from an agent of the New Jersey
16 Motor Vehicle Commission, as provided for in section 24 of
17 P.L.1994, c.182 (C.39:2-3.2);

18 c. completing and returning to the Secretary of State or having
19 returned thereto a voter registration form received from a voter
20 registration agency, as defined in subsection a. of section 26 of
21 P.L.1994, c.182 (C.19:31-6.11), while applying for services or
22 assistance or seeking a recertification, renewal or change of address
23 at an office of that agency;

24 d. completing and returning to the Secretary of State a voter
25 registration form obtained from a public agency, as defined in
26 subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

27 e. completing and returning to the Secretary of State or having
28 returned thereto a voter registration form received from a door-to-
29 door canvass or mobile registration drive, as provided for in section
30 19 of P.L.1974, c.30 (C.19:31-6.7);

31 f. completing and returning to the Secretary of State a federal
32 mail voter registration form, as prescribed in subsection (b) of
33 section 9 of the "National Voter Registration Act of 1993," (42
34 U.S.C. s. 1973gg et seq.);

35 g. completing and returning to the Secretary of State or the
36 appropriate county clerk an application for a federal postcard
37 application form to register to vote, as permitted pursuant to the
38 federal "Uniform and Overseas Citizens Absentee Voting Act" [(42
39 U.S.C. s. 1973ff-1 et seq.)] 52 U.S.C. s.120301 et seq.) and section
40 4 of P.L.1976, c.23 (C.19:59-4);

41 h. completing a provisional ballot affirmation statement and
42 voting the provisional ballot in the previous election, if the person
43 who submitted the provisional ballot in that election is determined
44 not to be a registered voter; or

45 i. completing and submitting an online voter registration form
46 available on the Secretary of State's Internet website, as provided
47 under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

1 When the commissioner has designated a place or places other
2 than his office for receiving registrations, the commissioner shall
3 cause to be published a notice in a newspaper circulated in the
4 municipality wherein such place or places of registration shall be
5 located. Such notice shall be published pursuant to R.S.19:12-7.

6 Any office designated by the commissioner of registration for
7 receiving registration forms shall have displayed, in a conspicuous
8 location, registration and voting instructions. These instructions
9 shall be the same as those provided for polling places under
10 R.S.19:9-2 and shall be provided by the commissioner.²

11 (cf: P.L.2019, c.382, s.2)

12

13 ²**[2.]** 17.² This act shall take effect immediately.