

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5306

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Senate State Government, Wagering, Tourism, and Historic Preservation Committee reports favorably and with committee amendments Assembly Bill No. 5306 (1R).

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.” As amended, that term would now only apply to any citizen of the United States who was born outside of the United States, and is not an “overseas voter” or “overseas State and federal voter.” As used in the bill:

“overseas State and federal voter” means any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain and who (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; and

“State election” means any general, special, or primary election held for the purpose of nominating or electing the office of the Governor, Lieutenant Governor, New Jersey State Senator, or a member of the New Jersey General Assembly, or a State public question placed before all voters of the State. “State election” would not include any local election or any local public question placed before less than all voters of the State.

As amended, this bill would also add an intent to return requirement to 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 election, and any public question placed before the voters in any election.

As amended, the term "Election" under the “Overseas Residents Absentee Voting Law” would have the same meaning as defined in R.S.19:1-1, and include any federal, State, or local election, and any public question placed before the voters in a federal or State election.

Assembly Bill No. 5306 (1R) is identical to Senate Bill No. 3761 of the 2020-2021 session.

COMMITTEE AMENDMENTS

There are proposed committee amendments to:

(1) include local elections into the definition of election for the purposes of the “Overseas Residents Absentee Voting Law,” which was removed by a previous amendment”;

(2) change the definition of “overseas voter” to add an intent to return to New Jersey requirement;

(3) provide definition of “Overseas State and federal voter” and “State election”; and

(4) amend various sections of law to include the term “overseas State and federal voter.”