

SENATE, No. 3392

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 4, 2021

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

**Senators Pennacchio, A.M.Bucco, Brown, Corrado, Thompson, Singer,
Testa, Cardinale and Holzapfel**

SYNOPSIS

Prohibits mail-in ballot outer envelope from containing political affiliation or designation visible to public.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/19/2021)

1 AN ACT concerning political affiliation or designation on mail-in
2 ballot outer envelopes and amending P.L.2005, c.148 and
3 P.L.2009, c.79.

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

7
8 1. Section 2 of P.L.2005, c.148 (C.19:62-2) is amended to read
9 as follows:

10 2. If an election by mail is authorized pursuant to section 1 of
11 this act, P.L.2005, c.148 (C.19:62-1), the county clerk shall:

12 a. publish, in advance of the election and pursuant to rules and
13 regulations promulgated by the Secretary of State, official notice that
14 the election shall be conducted by mail together with such other
15 information regarding the conduct of the election as shall be deemed
16 necessary by the Secretary of State;

17 b. mail a ballot, including an outer envelope and an inner
18 envelope substantially similar to the envelopes provided for mail-in
19 ballots pursuant to sections 12 and 13 of P.L.2009, c.79 (C.19:63-12
20 and C.19:63-13), not sooner than the 20th day prior to the day of the
21 election nor later than the 14th day prior to the day of the election, to
22 each person registered to vote in the municipality at that election,
23 ensuring that the outer envelope and the envelope that is used to mail
24 the blank ballot, outer envelope, and inner envelope to each voter
25 shall not contain any political affiliation or designation visible to the
26 public on the envelope's exterior;

27 c. designate the county clerk's office or the municipal clerk's
28 office as the places to obtain a replacement ballot pursuant to section
29 5 of P.L.2005, c.148 (C.19:62-5);

30 d. designate, after consultation with the county board of
31 elections and pursuant to criteria established by the Secretary of
32 State, places within the county or municipality that shall be available
33 for the deposit of voted ballots for the election;

34 e. make a provisional ballot available at the office of the county
35 clerk and the office of the municipal clerk so that each person who
36 has been a resident of the county or municipality in which the person
37 seeks to register and vote at least 21 days prior to the day of the
38 election and has moved to a location within the municipality after
39 that 21st day and prior to the day of the election may vote;

40 f. suspend distribution to each registered voter in the
41 municipality of samples of the official ballot of any election, but
42 distribute to each registered voter in the municipality with each ballot
43 a copy of the voter information notice provided for in section 1 of
44 P.L.2005, c.149 (C.19:12-7.1) as modified and supplemented by the
45 Secretary of State as deemed appropriate for use in municipalities

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 conducting elections by mail, and such instruction about the
2 completion of the ballot as deemed necessary by the Secretary of
3 State;

4 g. make certain that all qualified voters in the municipality
5 requesting a mail-in ballot between the 45th day and the 21st day
6 prior to the day of an election receive such ballot after the 20th day
7 prior to the day of an election and voters requesting a ballot on or
8 before the seventh day prior to the date of the election shall receive
9 a ballot authorized pursuant to this section; and

10 h. establish, after consultation with the county board of elections
11 and in accordance with rules and regulations adopted by the Secretary
12 of State, the time by which all ballots must be received by the board
13 on the day of an election to be considered valid and counted.

14 (cf: P.L.2011, c.37, s.29)

15

16 2. Section 7 of P.L.2005, c.148 (C.19:62-7) is amended to read
17 as follows:

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

19 a. the county clerk shall mail the ballot of a political party to
20 each voter in the municipality who is registered as being affiliated
21 with the political party as of the 21st day before the day of the
22 primary election; and

23 b. a voter who is not affiliated with any political party who
24 wishes to vote in the primary of a political party shall apply to the
25 county clerk or municipal clerk in writing for the ballot of the
26 political party in whose primary the voter wishes to vote, or designate
27 a political party affiliation for the first time by whatever means
28 permitted by law, and the application or designation shall be
29 presented to the clerk through the day of the election.

30 c. The county clerk shall ensure that the outer envelope and the
31 envelope that is used to mail the blank ballot, outer envelope, and
32 inner envelope to each voter shall not contain any political affiliation
33 or designation visible to the public on the envelope's exterior.

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

35

36 3. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended to read as
37 follows:

38 7. a. Each county clerk shall have printed sufficient mail-in
39 ballots for each primary election for the general election, and for the
40 general election. Along with such ballots the clerk shall also furnish
41 inner and outer envelopes and printed directions for the preparation
42 and transmitting of such ballots used in the election in the county.
43 Each county clerk shall ensure that the outer envelope and the
44 envelope that is used to mail the blank ballot, outer envelope, and
45 inner envelope to each voter shall not contain any political affiliation
46 or designation visible to the public on the envelope's exterior.

47 b. The mail-in ballots shall be printed on paper of a different
48 color from that used for any primary or general election ballot, but in

1 all other respects, shall be as nearly as possible facsimiles of the
2 election ballot to be voted at the election.

3 (cf: P.L.2011, c.134, s.51)

4
5 4. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to read
6 as follows:

7 12. Each county clerk shall send, with each mail-in ballot, printed
8 directions for the preparation and transmitting of the ballots as
9 required by this act. The directions shall be printed in such manner
10 and form as the Secretary of State shall require, together with two
11 envelopes of such sizes that one will contain the other. The directions
12 prepared by the Secretary of State shall inform the voter that the
13 status of the voter's mail-in ballot may be checked using the free-
14 access system provided in section 5 of P.L.2004, c.88 (C.19:61-5).
15 Each county clerk shall ensure that the outer envelope and the
16 envelope that is used to mail the blank ballot, outer envelope, and
17 inner envelope to each voter shall not contain any political affiliation
18 or designation visible to the public on the envelope's exterior.

19 The outer envelope shall be addressed to the county board of
20 elections of the county in which is located the home address of the
21 person to whom the mail-in ballot is sent, as certified by the county
22 clerk. At the discretion of the county clerk, the outer envelope may
23 be a postage paid return envelope. On the outside and front of each
24 outer envelope, there shall be printed or stamped the following:

25 To protect your vote:

26 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE
27 VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS
28 THE ENVELOPE IS SEALED AND THE FOLLOWING IS
29 COMPLETED:

30 Ballot mailed or transported by

31 (signature of bearer)

32 (print name of bearer)

33 (address of bearer)

34 The reserve side of the outer envelope shall contain the following:

35 REMINDER

36 For your vote to count, you must:

37 1) Vote your ballot and place it in the inner envelope with the
38 attached certificate.

39 2) Seal the envelope.

40 3) Place the envelope into the larger envelope addressed to the
41 board of elections and seal that envelope.

42 4) If another person will be mailing your ballot or bringing it to
43 the board of elections, MAKE CERTAIN THAT PERSON
44 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
45 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
46 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
47 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
48 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A

1 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
2 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
3 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
4 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF THOSE
5 VOTERS ARE IMMEDIATE FAMILY MEMBERS RESIDING IN
6 THE SAME HOUSEHOLD AS THE BEARER.

7 The Secretary of State is authorized to make such changes to the
8 instructions for mail-in ballot materials as the Secretary of State
9 deems necessary or as is mandated by federal or State law.

10 The inner envelope shall be so designed that it can be sealed after
11 the mail-in ballot has been placed therein and the flap thereof shall
12 be of such length and size as to leave sufficient margin, after sealing,
13 for the printing thereon of the certificate hereinafter described. The
14 flap shall be so arranged that, after the inner envelope has been
15 sealed, the certificate can be contained, with the inner envelope, in
16 the outer envelope, and that the margin containing the certificate can
17 be detached without unsealing the inner envelope.

18 On the outside of each envelope in which a mail-in ballot is sent
19 to a mail-in voter by the clerk, there shall be printed or stamped the
20 words "Official Mail-In Ballot." In addition, there shall be printed
21 or stamped the following:

22 To protect your vote:

23 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE
24 VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

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

26 The reverse side of each inner envelope shall contain the following
27 statement:

28 A PERSON MAY BE FINED AND IMPRISONED AND MAY
29 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW
30 if that person attempts to vote fraudulently by mail-in ballot, prevents
31 the voting of a legal voter, certifies falsely any information, interferes
32 with a person's secrecy of voting, tampers with ballots or election
33 documents or helps another person to do so.

34 (cf: P.L.2020, c.71, s.10)

35

36 5. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to read
37 as follows:

38 13. a. On the margin of the flap on the inner envelopes to be sent
39 to mail-in voters there shall be printed a certificate in the following
40 form:

41 CERTIFICATE OF MAIL-IN VOTER

42 I,, whose home address is

43 (print your name clearly) (street

44, DO HEREBY CERTIFY,

45 address or R.D. number) (municipality) subject to the penalties for
46 fraudulent voting, that I am the person who applied for the enclosed
47 ballot. I MARKED AND SEALED THIS BALLOT AND

1 CERTIFICATE IN SECRET. However, a family member may assist
2 me in doing so.

3
4 (signature of voter)

5 Any person providing assistance shall complete the following:
6 I do hereby certify that I am the person who provided assistance to
7 this voter and declare that I will maintain the secrecy of this ballot.

8
9 (signature of person providing
10 assistance)
11
12 (printed name of person providing
13 assistance)
14
15
16 (address of person providing
17 assistance)

18 b. On the margin of the flap on the inner envelope forwarded
19 with any mail-in ballot intended to be voted in any primary election
20 for the general election, as the case may be, there shall be printed a
21 certificate in the following form:

22 CERTIFICATE OF MAIL-IN VOTER

23 I,, whose home address is.....
24 (print your name clearly) (street address or R.D. number)
25 (municipality)

26, DO HEREBY CERTIFY,
27 subject to the penalties for fraudulent voting, that I am the person
28 who applied for the enclosed ballot for the primary election of the
29 political party. I MARKED AND SEALED THIS BALLOT
30 AND CERTIFICATE IN SECRET. However, a family member may
31 assist me in doing so.

32
33 (signature of voter)

34 Any person providing assistance shall complete the following:
35 I do hereby certify that I am the person who provided assistance
36 to this voter and declare that I will maintain the secrecy of this ballot.

37
38 (signature of person providing
39 assistance)
40
41 (printed name of person
42 providing assistance)
43
44
45 (address of person providing
46 assistance)

47 c. The clerk of each county shall be permitted to print on or affix
48 to the margin of the flap on the inner envelope of the mail-in ballot

1 transmitted thereby to a mail-in ballot voter an alternative certificate,
2 substantially similar to the certificate provided for by subsection a.
3 or b. of this section, that permits the voter to certify the correctness
4 of the voter's name, street, mailing address or R.D. number, and
5 municipality as it appears on the label of the mail-in ballot received
6 by the voter.

7 d. The certificates specified under subsections a., b., and c. of
8 this section shall also provide spaces for the voter's telephone number
9 and email address, including language informing the voter that this
10 contact information will be used to contact the voter concerning the
11 acceptance or rejection of the ballot, and how the voter may cure a
12 defect. A voter's telephone number and email address shall not be
13 subject to public disclosure and shall not be considered a public
14 record.

15 e. Each county clerk shall ensure that any political affiliation or
16 designation on the inner envelope provided to each voter shall not be
17 visible to the public on the outer envelope's exterior.

18 (cf: P.L.2020, c.70, s.9)

19
20 6. This act shall take effect on January 1st next following the
21 date of enactment.

22 STATEMENT

23
24
25 This bill prohibits any mail-in ballot outer envelope from
26 containing a political affiliation or designation visible to the public.

27 Under current law, the county clerk in each county mails a mail-
28 in ballot to each voter who votes by mail. The mail-in ballot envelope
29 contains the blank ballot, an outer envelope, and an inner envelope.
30 When the voter completes the ballot, the voter places the voted ballot
31 inside the inner envelope, and places the inner envelope inside the
32 outer envelope, which is addressed to the appropriate county board
33 of elections for mailing.

34 This bill requires each county clerk to ensure that the outer
35 envelope and the envelope that is used to mail the blank ballot, outer
36 envelope, and inner envelope to each voter do not contain any
37 political affiliation or designation visible to the public on the
38 envelope's exterior. This bill also requires each county clerk to
39 ensure that any political affiliation or designation on the inner
40 envelope is not visible to the public on the outer envelope's exterior.