

SENATE, No. 4109

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Permits county clerk to remove voters from vote-by-mail lists under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning voting by mail and amending and
2 supplementing P.L.2009, c.79 (C.19:63-1 et seq.).
3

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

7 1. (New section) a. The clerk of each county may remove a
8 voter from the list of qualified voters receiving mail-in ballots if
9 any of the following conditions occur:

10 (1) the United States Postal Service returned mail of a ballot,
11 sample ballot, or any other official county election mail sent
12 directly to the named voter;

13 (2) the voter has not used a mail-in ballot for any election in a
14 two-year period; or

15 (3) the United States Postal Service National Change of Address
16 System indicates the voter's recipient address has changed or is
17 undeliverable.

18 b. Prior to removing a voter from the list of qualified voters
19 receiving a mail-in ballot under subsection a. of this section, the
20 county clerk shall notify each voter identified for removal in
21 writing. The notice shall indicate the reasons for the removal and
22 instruct the voter on the necessary steps to continue to vote by mail.
23 If the voter does not respond to the confirmation notice within 30
24 days of mailing, the county clerk shall remove that voter from the
25 list of qualified voters receiving mail-in ballots and shall send that
26 voter a notice of removal. The county clerk shall include an
27 application to re-apply to vote by mail with the notice of removal.
28

29 2. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
30 as follows:

31 3. a. A qualified voter shall be entitled to vote using a mail-in
32 ballot:

33 (1) in all future elections, including general elections, held in
34 this State, in which the voter is eligible to vote; or

35 (2) in any single election held in this State.

36 The qualified voter who chooses the option to vote using a mail-
37 in ballot in all future elections shall be furnished with such a ballot
38 by the county clerk without further request on the part of the voter
39 and until the voter requests in writing that the voter no longer be
40 sent a mail-in ballot. Notwithstanding any provision of this
41 subsection to the contrary, a county clerk may remove a qualified
42 voter from the list of voters receiving a mail-in ballot as provided
43 under section 1 of P.L. , c. (C.) (pending before the Legislature
44 as this bill).

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 The mail-in ballot application form prepared by the Secretary of
2 State shall present the two options in the order provided above. The
3 mail-in ballot application shall also provide spaces for the voter's
4 telephone number and email address, including language informing
5 the voter that this contact information will be used to contact the
6 voter concerning the acceptance or rejection of the ballot, and how
7 the voter may cure a defect. A voter's telephone number and email
8 address shall not be subject to public disclosure and shall not be
9 considered a government record.

10 The additional direct expenditures required for the
11 implementation of the provisions of this subsection as amended by
12 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
13 P.L.2019, c.459 (C.19:63-29).

14 b. Not less than seven days before an election in which a voter
15 wants to vote by mail, the voter may apply to the person designated
16 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
17 application shall be in writing, shall be signed by the applicant and
18 shall state the applicant's place of voting residence and the address
19 to which the ballot shall be sent. The Secretary of State shall
20 prepare a mail-in application form and shall have the authority to
21 promulgate any rules and regulations the secretary deems necessary
22 to effectuate the purposes of this subsection.

23 c. Any voter wanting to vote by mail in any election may apply
24 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
25 for a mail-in ballot to be sent to the voter. A voter who is a member
26 of the armed forces of the United States may use a federal postcard
27 application form to apply for a mail-in ballot.

28 d. Any voter who fails to apply for a mail-in ballot before the
29 seven-day period prescribed in subsection b. of this section may
30 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
31 of the day before the election.

32 e. A person voting by mail-in ballot who registered by mail
33 after January 1, 2003, who did not provide personal identification
34 information when registering pursuant to section 16 of P.L.1974,
35 c.30 (C.19:31-6.4) and is voting for the first time in his or her
36 current county of residence following registration shall include
37 copies of the required identification information with the mail-in
38 ballot. Failure to include such information with the mail-in ballot
39 shall result in its rejection.

40 f. The county clerk shall not transmit a mail-in ballot for any
41 election to any person who: is deemed by a county commissioner of
42 registration to be an inactive voter; or notifies the clerk in writing
43 that the person no longer wishes to receive such a ballot for any
44 election; or has been removed from the list of qualified voters
45 receiving a mail-in ballot as provided under section 1 of
46 P.L. , c. (C.) (pending before the Legislature as this bill); or is
47 no longer eligible to vote and whose registration file has been
48 transferred to the deleted file pursuant to R.S.19:31-19.

1 g. Any mail-in ballot that is sent to a qualified voter and that is
2 returned to the county clerk for any reason shall be forwarded to the
3 commissioner of registration, who shall so note the return in the
4 voter record of that voter.

5 (cf: P.L.2020, c.70, s.8)

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

9 5. In the case of any election, the application for a mail-in
10 ballot shall be made to the county clerk. The county clerk shall
11 stamp thereon the date on which the application was received in the
12 clerk's office.

13 In the case of applications for overseas federal election voter
14 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
15 application shall be refused on the grounds that it was submitted too
16 early.

17 In the case of voter registration forms that include a selected vote
18 by mail option, a copy of each such form shall be transmitted to and
19 received by the appropriate county clerk, who shall be responsible
20 for providing mail-in ballots to each qualified voter requesting such
21 ballots for future elections, until the voter requests otherwise in
22 writing, or until the voter is removed from the list of qualified
23 voters receiving a mail-in ballot as provided under section 1 of
24 P.L. , c. (C.) (pending before the Legislature as this bill).

25 (cf: P.L.2018, c.72, s.5)

26
27 4. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
28 as follows:

29 6. a. The county clerk, in the case of any Statewide election,
30 countywide election, or school election in a regional or other school
31 district comprising more than one municipality; the municipal clerk,
32 in the case of any municipal election or school election in a school
33 district comprising a single municipality; and the commissioners or
34 other governing or administrative body of the district, in the case of
35 any election to be held in any fire district or other special district,
36 other than a municipality, created for specified public purposes
37 within one or more municipalities, shall publish the following
38 notice in substantially the following form:

39 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

40 If you are a qualified and registered voter of the State who wants
41 to vote by mail in the..... (school, municipal, primary,
42 general, or other) election to be held on..... (date of
43 election), the following applies:

44 You must complete the application form below and send it to the
45 county clerk where you reside or write or apply in person to the
46 county clerk where you reside to request a mail-in ballot.

1 The name, address, and signature of any person who has assisted
2 you to complete the mail-in ballot application must be provided on
3 the application, and you must sign and date the application.

4 No person may serve as an authorized messenger or bearer for
5 more than three qualified voters in an election, but a person may
6 serve as such for up to five qualified voters in an election if those
7 voters are immediate family members residing in the same
8 household as the messenger or bearer.

9 No person who is a candidate in the election for which the voter
10 requests a mail-in ballot may provide any assistance in the
11 completion of the ballot or serve as an authorized messenger or
12 bearer.

13 A person who applies for a mail-in ballot must submit his or her
14 application at least seven days before the election, but such person
15 may request an application in person from the county clerk up to 3
16 p.m. of the day before the election.

17 Voters who want to vote by mail in all future elections will, after
18 their initial request and without further action on their part, be
19 provided with a mail-in ballot until the voter requests otherwise in
20 writing, or until the voter is removed from the list of qualified
21 voters receiving a mail-in ballot.

22 Application forms may be obtained by applying to the
23 undersigned either in writing or by telephone, or the application
24 form provided below may be completed and forwarded to the
25 undersigned.

26 Dated.....
27
28 (signature and title of county clerk)
29
30 (address of county clerk)
31
32 (telephone no. of county clerk)

33 b. (1) The Secretary of State shall be responsible for providing
34 all information regarding overseas ballots to each overseas voter
35 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
36 seq.). The secretary shall also make available valid overseas voter
37 registration and ballot applications to any voter who is a member of
38 the armed forces of the United States and who is a permanent
39 resident of this State, or who is an overseas voter who wishes to
40 register to vote or to vote in any jurisdiction in this State. The
41 secretary shall provide such public notice as may be deemed
42 necessary to inform members of the armed forces of the United
43 States and overseas voters how to obtain valid overseas voter
44 registration and ballot applications.

45 (2) The Secretary of State shall undertake a program to inform
46 voters in this State about their eligibility to vote by mail pursuant to
47 this act. Dissemination of this information shall be included in the
48 standard notices required by this section and other provisions of

1 current law, including but not limited to the notice requirements of
2 R.S.19:12-7, and shall be effectuated by such means as the secretary
3 deems appropriate and to the extent that funds for such
4 dissemination are appropriated including, but not limited to, by
5 means of Statewide or local electronic media, public service
6 announcements broadcast by such media, notices on the Internet site
7 of the Department of State or any other department or agency of the
8 Executive Branch of State government or its political subdivisions
9 deemed appropriate by the secretary, and special mailings or notices
10 in newspapers or other publications circulating in the counties or
11 municipalities of this State.

12 c. The mail-in ballot materials shall contain a notice that any
13 person voting by mail-in ballot who has registered by mail after
14 January 1, 2003, who did not provide personal identification
15 information when registering and is voting for the first time in his
16 or her current county of residence following registration shall
17 include copies of the required identification information with the
18 mail-in ballot, and that failure to include such information shall
19 result in the rejection of the ballot.

20 d. The notice provided for in subsection a. of this section shall
21 be published before the 55th day immediately preceding the holding
22 of any election.

23 Notices relating to any Statewide or countywide election shall be
24 published in at least two newspapers published in each county. All
25 officials charged with the duty of publishing such notices shall
26 publish the same in at least one newspaper published in each
27 municipality or district in which the election is to be held, or if no
28 newspaper is published in the municipality or district, then in a
29 newspaper published in the county and circulating in the
30 municipality or district. All such notices shall be display
31 advertisements.

32 (cf: P.L.2020, c.71, s.7)

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34 5. This act shall take effect immediately, and shall be
35 implemented on the first day following the November general
36 election occurring after the date of enactment.

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STATEMENT

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41 The bill permits the clerk of each county to remove a voter from
42 lists of qualified voters receiving mail-in ballots if the following
43 circumstances apply:

44 (1) the United States Postal Service returned mail of a ballot,
45 sample ballot, or any other official county election mail sent
46 directly to the named voter;

47 (2) the voter has not used a mail-in ballot for any election in a
48 two-year period; or

1 (3) the United States Postal Service National Change of Address
2 System indicates the voter's recipient address has changed or is
3 undeliverable.

4 Prior to removing a voter from the list the county clerk is
5 required to notify the voter in writing and indicate the reasons for
6 the removal and instruct the voter on the necessary steps to continue
7 to vote by mail. If the voter does not respond to the notice within
8 30 days of mailing, the county clerk would remove that voter from
9 the list of voters receiving mail-in ballots and send that voter a
10 notice of removal along with an application to re-apply to vote by
11 mail.