

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3817

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3817 (1R).

As amended by the committee, this bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures, and allows for the use of an online form for a voter to update the voter's change of name or residency. Specifically, the bill requires ballot privacy sleeves at each polling place; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure deadline 9 days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the online voter registration system. As amended, this bill also provides that, if a person submits more than one online voter registration form with identical information, the county board of elections of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also creates an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

Privacy Sleeves

As amended by the committee, the bill clarifies that the privacy requirements under the bill would be consistent with provisions of current law that require privacy when voting machines and electronic voting systems are used. This bill requires privacy sleeves be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. As amended by the committee, the bill also requires the county to ensure that privacy is maintained as the voter inserts the voted ballot into a ballot scanning machine when those machines are used at polling places. As amended by the committee, the bill also requires each voting booth to contain privacy sleeves or folders into which the

voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be.

Reporting of Early Voting Votes

This bill would require each early vote (except for provisional ballots cast at an early voting site) cast, canvassed, and tallied in an election to be reported in the results for the election district in which the voter resides. As amended by the committee, the bill provides that, whenever the reporting requirement would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites must contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results.

Mail-in Ballot Cure Deadline

Under current law, a mail-in voter may cure a defect in their mail-in ballot not later than 48 hours prior to the final certification of the results of the election. As amended by the committee, this bill would change the cure deadline to 5:00 PM on the 9th day following the day of the election.

Online Application for Mail-in Ballot

This bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election. Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day. As amended by the committee, beginning on January 1, 2026 and thereafter, this bill would allow registered voters to complete a mail-in ballot application form electronically using the online voter registration website established by the Secretary of State. Under the bill, applications to vote by mail submitted online would be forwarded to the appropriate county clerk. The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and to state the applicant's place of voting residence and the address to which the ballot will be sent. As amended by the committee, the bill directs the Secretary of State to prepare a mail-in ballot electronic application form and authorizes the secretary to promulgate any guidance, guidelines,

rules and regulations deemed necessary. The bill also updates the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

Online Political Party Affiliation

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form. This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Online Name and Residency Updates

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

This bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both. This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. As amended by the committee, the bill requires both commissioners to update the voter's registration record. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

This bill does not change any of the eligibility requirements a voter must fulfill in order to vote in an election, including the 30-day residency requirement in the county of residence as required by the State Constitution and specified under R.S.19:31-5.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) clarify that the privacy requirements under the bill would be consistent with provisions of current law that require privacy when voting machines and electronic voting systems are used;

(2) require each voting booth to also contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be;

(3) change the time for the ballot cure deadline, from midnight to 5:00 PM on the 9th day following the day of the election;

(4) provide that whenever the reporting early voting votes would cause a voter's privacy to be violated, the election results would be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites must contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results;

(5) provide that the online voter registration form updates that would allow the voter to apply for a mail-in ballot using that form would be available beginning on January 1, 2026 and thereafter, and allow the Secretary of State to issue any necessary guidance and guidelines;

(6) delete a provision that would have required the online voter registration system not to accept a new voter registration form submission from the same person until that person's previous submission has been processed;

(7) provide, instead, that if a person submits more than one online voter registration form with identical information, the county board of elections of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system; and

(8) provide at least 12 months before the provisions requiring the availability of online change of address updates must be effectuated.