

ASSEMBLY, No. 4613

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 22, 2015

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SYNOPSIS

Establishes "The Democracy Act" to modify various voter registration and voting procedures.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/30/2015)

1 AN ACT concerning various voter registration and voting
2 procedures, amending, supplementing, and repealing various
3 parts of the statutory law, and making an appropriation.

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

7
8 1. R.S.19:6-1 is amended to read as follows:

9 19:6-1. The district boards in each election district shall
10 consist of four members, except that where electronic voting
11 systems are in use any election district in which there are more
12 than 900 registered voters the district board shall consist of six
13 members. The members shall be appointed by the county board of
14 the county in which such election district is located, in the manner
15 hereinafter provided.

16 In election districts in which the primary language of **[10%]** 5%
17 or more of the registered voters is **[Spanish]** a language other than
18 English, the county board shall appoint two additional members for
19 each language other than English that exceeds the 5% threshold,
20 who shall be **[of Hispanic origin and]** fluent in **[Spanish]** that
21 language. The uniform implementation of this standard shall be
22 developed by the Secretary of State through the rulemaking process
23 pursuant to the "Administrative Procedure Act," P.L.1968,
24 c.410 (C.52:14B-1 et seq.), which rules shall be published in final
25 form no later than July 1, 2016.

26 (cf: P.L.1975, c.316, s.3)

27

28 2. R.S.19:12-7 is amended to read as follows:

29 19:12-7. a. The county board in each county shall cause to be
30 published in a newspaper or newspapers which, singly or in
31 combination, are of general circulation throughout the county, a
32 notice containing the information specified in subsection b. hereof,
33 except for such of the contents as may be omitted pursuant to
34 subsection c. or d. hereof. Such notice shall be published once
35 during the 30 days next preceding the day fixed for the closing of
36 the registration books for the primary election, once during the
37 calendar week next preceding the week in which the primary
38 election for the general election is held, once during the 30 days
39 next preceding the day fixed for the closing of the registration
40 books for the general election, and once during the calendar week
41 **[next]** preceding the week in which the early voting period for the
42 general election **[is held]** begins.

43 b. Such notice shall set forth:

44 (1) For the primary election for the general election:

45 (a) That a primary election for making nominations for the

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 general election, for the selection of members of the county
2 committees of each political party, and in each presidential year for
3 the selection of delegates and alternates to national conventions of
4 political parties, will be held on the day and between the hours and
5 at the places provided for by or pursuant to this Title.

6 (b) The place or places at which and hours during which a
7 person may register, the procedure for the transfer of registration,
8 and the date on which the books are closed for registration or
9 transfer of registration.

10 (c) The several State, county, municipal and party offices or
11 positions to be filled, or for which nominations are to be made, at
12 such primary election.

13 (d) The existence of registration and voting aids, including: (i)
14 the availability of registration and voting instructions at places of
15 registration as provided under R.S.19:31-6; and (ii), if available, the
16 accessibility of voter information to the deaf by means of a
17 telecommunications device.

18 (e) The availability of assistance to a person unable to vote due
19 to blindness, disability or inability to read or write.

20 (f) In the case of the notice published during the calendar week
21 next preceding the week in which the primary election is held, that
22 a voter who, prior to the election, shall have moved within the same
23 county without (i) filing, on or before the 21st day preceding the
24 election, a notice of change of residence with the commissioner of
25 registration of the county or the municipal clerk of the municipality
26 in which the voter resides on the day of the election, (ii) returning
27 the confirmation notice sent to the voter by the commissioner of
28 registration of the county, if such a notice has been sent to the voter,
29 or (iii) otherwise notifying the commissioner of registration of the
30 voter's change of address within the county shall be permitted to
31 correct the voter's registration and to vote in the primary election by
32 provisional ballot at the polling place of the district in which the
33 voter resides on the day of the election. The notice shall further
34 provide that the voter may contact the county commissioner of
35 registration or municipal clerk to determine the proper polling place
36 location for the voter.

37 (2) For the general election:

38 (a) That a general election will be held on the day and between
39 the hours and at the places provided for by or pursuant to this Title,
40 and the days, hours and places at which early voting shall be
41 available in the county, and, where applicable, shall include annual
42 school elections held on that date.

43 (b) The place or places at which and hours during which a
44 person may register, the procedure for transfer of registration, and
45 the date on which the books are closed for registration or transfer of
46 registration.

47 (c) The several State, county and municipal offices, and where
48 applicable, school board offices to be filled, notice of any school

1 district propositions to be submitted to the people and, except as
2 provided in R.S.19:14-33 of this Title as to publication of notice of
3 any Statewide proposition directed by the Legislature to be
4 submitted to the people, the State, county and municipal public
5 questions to be voted upon at such general election.

6 (d) The existence of registration and voting aids, including: (i)
7 the availability of registration and voting instructions at places of
8 registration as provided under R.S.19:31-6; and (ii) the accessibility
9 of voter information to the deaf by means of a telecommunications
10 device.

11 (e) The availability of assistance to a person unable to vote due
12 to blindness, disability or inability to read or write.

13 (f) In the case of the notice published during the calendar week
14 **【next】** preceding the week in which the early voting period for the
15 general election **【is held】** begins, that a voter who, prior to the
16 election, shall have moved within the same county without (i)
17 filing, on or before the 21st day preceding the election, a notice of
18 change of residence with the commissioner of registration of the
19 county or the municipal clerk of the municipality in which the voter
20 resides on the day of the election, (ii) returning the confirmation
21 notice sent to the voter by the commissioner of registration of the
22 county, if such a notice has been sent to the voter, or (iii) otherwise
23 notifying the commissioner of registration of the voter's change of
24 address within the county shall be permitted to correct the voter's
25 registration and to vote in the general election by provisional ballot
26 at the polling place of the district in which the voter resides on the
27 day of the election. The notice shall further provide that the voter
28 may contact the county commissioner of registration or municipal
29 clerk to determine the proper polling place location for the voter.

30 (3) For a school election:

31 (a) The day, time and place thereof,

32 (b) The offices, if any, to be filled at the election,

33 (c) The substance of any public question to be submitted to the
34 voters thereat,

35 (d) That a voter who, prior to the election, shall have moved
36 within the same county without (i) filing, on or before the 21st day
37 preceding the election, a notice of change of residence with the
38 commissioner of registration of the county or the municipal clerk of
39 the municipality in which the voter resides on the day of the
40 election, (ii) returning the confirmation notice sent to the voter by
41 the commissioner of registration of the county, if such a notice has
42 been sent to the voter, or (iii) otherwise notifying the commissioner
43 of registration of the voter's change of address within the county
44 shall be permitted to correct the voter's registration and to vote in
45 the school election by provisional ballot at the polling place of the
46 district in which the voter resides on the day of the election,

47 (e) That if the voter has any questions as to where to vote on the
48 day of the election, the voter may contact the county commissioner

1 of registration or municipal clerk to determine the proper polling
2 place location for the voter; and

3 (f) Such other information as may be required by law.

4 c. If such publication is made in more than one newspaper, it
5 shall not be necessary to duplicate in the notice published in each
6 such newspaper all the information required under this section, so
7 long as:

8 (1) The municipal officers or party positions to be filled, or
9 nominations made, or municipal public questions to be voted upon
10 by the voters of any municipality, shall be set forth in at least one
11 newspaper having general circulation in such municipality;

12 (2) All offices to be filled, or nominations made therefor, or
13 public questions to be voted upon, by the voters of the entire State
14 or of the entire county shall be set forth in a newspaper or
15 newspapers which, singly or in combination, have general
16 circulation throughout the county;

17 (3) Information relating to nominations and elections in each
18 Legislative District comprised in whole or part in the county, shall
19 be published in at least a newspaper or newspapers which singly or
20 in combination, have general circulation in every municipality of
21 the county which is comprised in such legislative district.

22 d. Such part or parts of the original notices as published which
23 pertain to day of registration or primary election which has occurred
24 shall be eliminated from such notice in succeeding insertions.

25 e. (Deleted by amendment, P.L.1999, c.232.)

26 f. The cost of publishing the notices required by this section
27 shall be paid by the respective counties, unless otherwise provided
28 for by law.

29 g. Notices required to be published or posted pursuant to this
30 section shall set forth a general description of the contents of the
31 voter information notice provided for in section 1 of P.L.2005,
32 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
33 prior to the day of an election, and that the notice will be posted in
34 each polling place on the day of an election.

35 (cf: P.L.2011, c.202, s.25)

36
37 3. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
38 read as follows:

39 1. a. A county board of elections shall have posted a voter
40 information notice, which shall be referred to as a voter's bill of
41 rights, in a conspicuous location in each polling place **【before the**
42 **opening of the polls on the day of any election】** and each specially
43 designated polling place used for early voting before voting begins.

44 The notice shall contain:

45 the date of the election and the hours during which polling places
46 will be open;

47 a statement that sample ballots are available at the polling place
48 for review by the voter;

1 instruction for the use of the voting machine in that polling place
2 and an explanation of what instructions for voting are available at
3 the polling place for the voter;

4 instruction for a voter who is voting for the first time;

5 instruction for a voter who is required to provide identification
6 pursuant to the federal "Help America Vote Act of 2002" and
7 R.S.19:15-17 prior to casting a vote;

8 instruction on how to cast a vote if the voter cannot be present at
9 a polling place on the day of the election;

10 an explanation of the right of the voter to vote in **【privacy】**
11 private, regardless of the voter's physical abilities;

12 an explanation of the right of the voter to a provisional ballot,
13 including in the event that a mail-in ballot has been applied for and
14 not received or not transmitted to the county board of elections
15 before the day of any election, and the other circumstances under
16 which a voter has a right to a provisional ballot;

17 an explanation of the right of the voter to receive a replacement
18 ballot for a ballot that has been spoiled, destroyed, lost or never
19 received;

20 an explanation of the right of the voter to ask for and receive
21 assistance in voting;

22 an explanation of the right of the voter to take a reasonable
23 amount of time in casting a vote on a voting machine;

24 an explanation of the right of the voter to bring written material
25 into the polling place for the voter's personal use in casting a vote;

26 instruction on how to contact the appropriate officials if a voter's
27 right to vote or right to otherwise participate in the electoral process
28 has been challenged or violated;

29 general information on federal and State laws that prohibit acts
30 of fraud or misrepresentation and the penalties for those acts; and

31 such other statement, instruction or explanation the Secretary of
32 State may deem appropriate to ensure the full and knowledgeable
33 participation of the voter in the process.

34 The requirement to post this notice in each polling place shall
35 not replace, supersede or void any other requirement set forth in law
36 for the posting of information in each polling place apart from the
37 voter information notice.

38 b. The Secretary of State shall prescribe the form and specific
39 content of the voter information notice, which may be comprised of
40 more than one page. If the notice is comprised of more than one
41 page, each page shall be posted separately. For an election district
42 in which the primary language of **【10 percent】** 5% or more of the
43 registered voters is a language other than English, the Secretary of
44 State shall prescribe an official version of the voter information
45 notice in that other language or languages for use in that election
46 district. The notice shall be posted in English and in the other
47 language or languages in the polling places in each such district.

1 The alternate language shall be determined based on information
2 from the latest federal decennial census.

3 c. A county board of elections may modify or supplement the
4 voter information notice used in a county or municipality to provide
5 additional information specific to that county or a municipality in
6 that county, provided, however, that any such modification or
7 supplementation shall be submitted to the Secretary of State for
8 prior approval.

9 d. The voter information notice shall be printed on each sample
10 ballot, to the extent practicable, or if not practicable, information on
11 how to view or obtain a copy of the voter information notice shall
12 be printed on each sample ballot.

13 e. The voter information notice, including one modified or
14 supplemented pursuant to subsection c. of this section, shall be
15 made accessible on the official Internet site of the State by the
16 Secretary of State and each county board of elections shall ensure
17 that the official Internet site of the county contains a link to that
18 notice.

19 f. The provisions of this section shall not give rise to a legal
20 cause of action.

21 g. The State shall be liable for the costs incurred by local
22 government entities for compliance with this section, and they shall
23 be reimbursed for those costs, upon application, by the State
24 Treasurer.

25 (cf: P.L.2009, c.79, s.30)

26

27 4. Section 8 of P.L.1991, c.249 (C.19:12-9) is amended to read
28 as follows:

29 8. a. The county board in each county shall cause to be
30 published in a daily newspaper of general circulation throughout the
31 county, a notice containing the information specified in subsection
32 b. hereof. This notice shall be published once on the seventh day
33 preceding the day fixed for a municipal, primary, general or special
34 election and once on the day preceding the day fixed for a primary,
35 general or special election,

36 b. At the top of the notice the words "Public Notice to All
37 Registered Voters of (insert appropriate name) County" shall be
38 printed in at least 30-point bold-faced capital type. Next
39 underneath, the words "You are hereby advised of the following
40 procedure to be used for the (insert appropriate date and type of
41 election) election:" shall be printed in at least 12-point bold-faced
42 type.

43 The body of the notice shall be printed in at least 10-point bold-
44 faced type and shall set forth:

45 (1) that any person attempting to vote may be challenged by a
46 duly authorized challenger for a political party or a candidate or on
47 a public question, or by a member of the district board of elections,
48 because the voter's name appears on a challenge list prepared by the

- 1 superintendent of elections of the county or because the challenger
2 or board member has good cause to believe that the voter is not
3 entitled to vote;
- 4 (2) that members of the district board and all duly authorized
5 challengers are prohibited from challenging, delaying or preventing
6 the right to vote of any person because of that person's race, color,
7 national origin, expected manner of casting a vote or residence in a
8 particular ward, housing complex or section of a municipality or
9 county;
- 10 (3) the means by which any person who is challenged because
11 that person's name appears on a challenge list prepared by the
12 superintendent of elections of the county may seek to establish the
13 person's right to vote, as provided in R.S.19:32-18;
- 14 (4) the means by which any person whose name does not appear
15 on a challenge list prepared by the superintendent of elections of the
16 county but who is challenged by a duly authorized challenger or by
17 a member of the district board of elections may seek to establish the
18 person's right to vote, as provided in section 2 of P.L.1991,
19 c.249 (C.19:15-18.1);
- 20 (5) that any challenger who succeeds in denying a voter the
21 right to vote must sign an affidavit stating the reason why the voter
22 is not entitled to vote and must furnish a copy of the affidavit to the
23 challenged voter, as provided in section 3 of P.L.1991,
24 c.249 (C.19:15-18.2);
- 25 (6) the legal remedy which any person whose name does not
26 appear on a challenge list prepared by the superintendent but who is
27 challenged by a duly authorized challenger or by a member of the
28 district board of elections and denied the right to vote may use to
29 seek permission to vote, as provided in section 6 of P.L.1991,
30 c.249 (C.19:15-18.3);
- 31 (7) that forms to register complaints about the conduct of an
32 election shall be available at each polling place in the county; and
- 33 (8) the names of the chairman, secretary, clerk and members of
34 the county board of elections and a telephone number at which they
35 may be reached for more information.
- 36 c. In counties in which the primary language of **【10%】** 5% or
37 more of the registered voters is **【Spanish, two】** a language other
38 than English, notices containing the information in subsection b. of
39 this section shall appear side-by-side, one in English and **【one in**
40 **Spanish】** other notice or notices in that other language or
41 languages. The notices shall be identical in size, content and type
42 face.
- 43 d. The cost of publishing the notices required by this section
44 shall be paid by the respective counties.
45 (cf: P.L.1991, c.249, s.8)
- 46
- 47 5. R.S.19:14-21 is amended to read as follows:

1 19:14-21. The county clerk shall cause samples of the official
2 general election ballot to be printed in English, but for each election
3 district within the county in which the primary language of **[10%]**
4 5% or more of the registered voters is **[Spanish]** a language other
5 than English, shall cause samples of the official general election
6 ballot to be printed **[bilingually]** in English and **[Spanish]** in that
7 other language or languages.

8 a. In counties not having a superintendent of elections where
9 the county board of elections does not have the equipment or
10 facilities to address and mail sample ballot envelopes, the county
11 clerk not later than noon of the eighth day prior to the start of the
12 early voting period for the general election shall furnish to the
13 municipal clerk of each municipality in his county one and one-
14 tenth times as many such sample ballots and stamped envelopes as
15 there are voters registered, less the number of voters who have been
16 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
17 and have not responded, to enable each district board in each
18 municipality to mail one of such sample ballots to each voter who is
19 registered in the municipality, except those voters who have been
20 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
21 and have not responded, for such election and shall take a receipt
22 for the same from each of the municipal clerks, which receipt shall
23 indicate the number of such sample ballots and stamped envelopes
24 delivered by the county clerk and the date and hour of their
25 delivery.

26 b. In counties having a superintendent of elections, and in other
27 counties where the county board of elections may have the
28 equipment or facilities to prepare a properly stamped envelope
29 addressed to each registered voter in the county for mailing, the
30 county clerk, not later than the thirtieth day preceding the start of
31 the early voting period for the general election, shall furnish to the
32 commissioner of registration located in his county one and one-
33 tenth times as many stamped envelopes as there are registered
34 voters in the county, less the number of voters who have been sent a
35 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
36 have not responded, and not later than noon of the twelfth day
37 preceding the start of the early voting period for the general
38 election shall furnish to the commissioner of registration located in
39 the county, one and one-tenth times as many sample ballots as there
40 are registered voters in the county to enable the commissioner of
41 registration of the county to mail one of such sample ballots to each
42 voter registered in the county, except those voters who have been
43 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
44 and have not responded, for such election and shall take a receipt
45 for the same from the commissioner of registration, which receipt
46 shall indicate the number of such sample ballots and stamped
47 envelopes delivered by the county clerk and the date and hour of
48 their delivery. County boards of elections which elect to operate

1 under the provisions of this paragraph shall notify their county clerk
2 in sufficient time to enable him to make the necessary arrangements
3 the first year.

4 c. The county clerk in counties having a superintendent of
5 elections shall also deliver to the county board not later than the
6 twelfth day preceding the start of the early voting period for the
7 general election 10 such sample ballots of each election district of
8 each municipality in the county.

9 (cf: P.L.2009, c.110, s.1)

10

11 6. R.S.19:14-22 is amended to read as follows:

12 19:14-22. The official general election sample ballots shall be
13 **[as nearly as possible]** facsimiles of the official general election
14 ballot to be voted at such election and shall have printed thereon,
15 after the words which indicate the number of the election district for
16 which such sample ballots are printed, the name of the school
17 district, when appropriate, the street address or location of the
18 polling place in the election district, the hours between which the
19 polls shall be open, and shall be printed on paper different in color
20 from the official general election ballot, and have the following
21 words printed in large type at the top: "This ballot cannot be voted.
22 It is a sample copy of the official general election ballot used on
23 election day." The sample ballot shall also state clearly the days,
24 hours and places at which early voting shall be available in the
25 county.

26 (cf: P.L.2011, c.202, s.30)

27

28 7. R.S.19:14-24 is amended to read as follows:

29 19:14-24. The municipal clerk to whom the sample ballots and
30 stamped envelopes have been so delivered by the county clerk shall
31 deliver the same at his office, or in any other way he sees fit, on or
32 before noon of the Tuesday preceding the start of the early voting
33 period for the general election, to a member or members of each
34 district board, and shall take a receipt for the same from the
35 member or members of the district boards of such municipality,
36 which receipt shall indicate the number of sample ballots and
37 stamped envelopes delivered by the municipal clerk and the date
38 and hour of their delivery.

39 (cf: R.S.19:14-24)

40

41 8. R.S.19:14-25 is amended to read as follows:

42 19:14-25. In counties not having a superintendent of elections
43 where the county board of elections does not have the equipment or
44 facilities to address and mail sample ballot envelopes, all the
45 members of each of the district boards shall prepare and deposit in
46 the post office, on or before 12 noon on Wednesday preceding the
47 start of the early voting period for the general election **[day]**, a
48 properly stamped envelope containing a copy of the sample ballot

1 printed in English, addressed to each registered voter in the district
2 of such board at the address shown on the register, except that for
3 districts in which the primary language of **【10%】** 5% or more of the
4 registered voters is **【Spanish】** a language other than English, a
5 properly stamped envelope containing a copy of the **【bilingual】**
6 multilingual sample ballot, addressed to each registered voter in the
7 district of such board at the address shown on the register shall be
8 prepared and deposited. The board shall also post the appropriate
9 sample ballots in the polling place in its district.

10 The board shall return to the municipal clerk all ballots and
11 envelopes not mailed or posted by it, with a sworn statement in
12 writing signed by a majority of the board that all the remainder of
13 such ballots and envelopes had been mailed.

14 In counties having a superintendent of elections, and in other
15 counties where the county board of elections shall elect to operate
16 under the provisions of subsection b. of section 19:14-21 of this
17 Title, the commissioner of registration shall prepare and deposit in
18 the post office on or before 12:00 o'clock noon, on the Wednesday
19 preceding the start of the early voting period for the general
20 election **【day】**, a properly stamped envelope containing a copy of
21 the sample ballot printed in English addressed to each registered
22 voter in the county at the address shown on the registry, except that
23 for districts in which the primary language of **【10%】** 5% or more of
24 the registered voters is **【Spanish】** a language other than English, a
25 properly stamped envelope containing a copy of the **【bilingual】**
26 multilingual sample ballot, addressed to each registered voter in the
27 district of such board at the address shown on the register shall be
28 prepared and deposited. The commissioner of registration shall
29 return to the county clerk all ballots and envelopes not mailed or
30 posted by him, with a sworn statement in writing signed by him that
31 all the remainder of such ballots and envelopes have been mailed.

32 The county board of elections, in all counties having a
33 superintendent of elections, and in other counties where the county
34 board of elections shall elect to operate under the provisions of
35 subsection b. of section 19:14-21 of this Title, shall, not later than
36 noon of the second Monday preceding the start of the early voting
37 period for the election, deliver or mail to the members of the
38 district board three appropriate sample ballots for their respective
39 election district. The board shall post the appropriate sample
40 ballots in the polling place in its district.

41 (cf: P.L.1974, c.30, s.3)

42

43 9. Section 2 of P.L.1991, c.249 (C.19:15-18.1) is amended to
44 read as follows:

45 2. a. Any voter whose name does not appear on a challenge list
46 prepared by the superintendent of elections of the county but who is
47 challenged as not qualified or entitled to vote by a duly authorized

1 challenger or by a member of a district board of elections shall be
2 permitted to establish his right to vote by:

3 (1) signing an affidavit which states the voter's qualifications to
4 vote on forms to be supplied by the superintendent of elections in
5 those counties having a superintendent of elections or by the
6 commissioner of registration in all other counties, and;

7 (2) presenting for inspection a suitable identifying document,
8 which may be, but is not limited to, the following:

9 (a) a valid New Jersey driver's license;

10 (b) a sample ballot which lists the voter's name and address;

11 (c) an official federal, State, county or municipal document
12 which lists the voter's name and address;

13 (d) a utility or telephone bill or tax or rent receipt dated; or

14 (e) a piece of mail postmarked, on or after the 60th day before
15 the day of the election at which the voter is challenged.

16 b. A copy of the affidavit signed by the challenged voter shall
17 be given to that person.

18 c. The affidavit, or a form attached to it, shall state:

19 (1) the means by which a person whose name does not appear
20 on a challenge list prepared by the superintendent of elections of the
21 county but who is challenged by a duly authorized challenger or by
22 a member of the district board of elections may seek to establish the
23 person's right to vote, as provided in subsection a. of this section;

24 (2) that a challenger who succeeds in denying a voter the right
25 to vote must sign an affidavit stating the reason why the voter is not
26 entitled to vote and must furnish a copy of the affidavit to the
27 challenged voter, as provided in section 3 of P.L.1991,
28 c.249 (C.19:15-18.2);

29 (3) the legal remedy which a person whose name does not
30 appear on a challenge list prepared by the superintendent of
31 elections of the county but who is challenged by a duly authorized
32 challenger or by a member of the district board of elections and
33 denied the right to vote may use to seek permission to vote, as
34 provided in section 6 of P.L.1991, c.249 (C.19:15-18.3).

35 d. In counties in which the primary language of **【10%】** 5% or
36 more of the registered voters is **【Spanish】** a language other than
37 English, the affidavit and instructions for its completion and the
38 information required by subsection c. of this section shall appear in
39 both English and **【Spanish】** that other language or languages.

40 (cf: P.L.1991, c.249, s.2)

41

42 10. (New section) a. In addition to all other forms of voting
43 provided for by Title 19 of the Revised Statutes, a registered voter
44 shall be permitted to vote at any specially designated polling place
45 in that voter's county of residence before the day of the general
46 election, starting on the 15th day before the election and ending at 3
47 PM on the calendar day before the election. This procedure shall be
48 known as early voting. Any municipality conducting regular

1 municipal elections in May pursuant to the provisions of the
2 "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5
3 et seq.), may, by an ordinance adopted by its governing body, also
4 conduct early voting for the regular municipal election, in
5 accordance with the provisions of this act, P.L. ,
6 c. (C.) (pending before the Legislature as this bill). The
7 voting shall be conducted using paper ballots. The ballot used to
8 conduct early voting as provided in this act shall be labeled "Early
9 Voting / Vote By Mail Ballot" and shall also be used to conduct the
10 vote by mail process for the general election pursuant to the
11 provisions of "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1
12 et seq.). Pursuant to the provisions of this act and Title 19 of the
13 Revised Statutes, each county board of elections shall determine the
14 method of verifying that a registered voter is qualified to vote in the
15 election and shall prescribe the manner by which a registered voter
16 may vote during such period.

17 b. (1) For the general election, each county board of elections
18 shall designate three public locations within each county as the sites
19 for early voting to occur, except that the county board shall
20 designate a total of five public locations for early voting if the
21 number of registered voters in the county is at least 150,000 but less
22 than 300,000, and shall designate a total of seven public locations
23 for early voting if the number of registered voters in the county is
24 300,000 or more. The number of registered voters in each county
25 shall be determined ahead of the selection of early voting sites
26 pursuant to a uniform standard which shall be developed by the
27 Secretary of State through the rulemaking process pursuant to the
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
29 seq.). Whenever possible, early voting locations shall be
30 geographically located so as to ensure both access in the part of the
31 county that features the greatest concentration of population,
32 according to the most recent federal decennial census of the United
33 States, and access in various geographic areas of the county. All
34 early voting locations shall be public facilities, such as county
35 courthouses, public libraries and the offices of the municipal clerk,
36 county clerk, and county board of elections. No public school
37 building and no building used as a public school shall, however, be
38 designated as an early voting location. The locations shall be
39 designated at the same time as all other polling places are
40 designated by the board of elections. In the event of a tie vote
41 among members of the county board with respect to the selection of
42 sites for early voting, the county clerk shall cast the deciding vote.
43 Once early voting locations are designated in each county, county
44 boards of election shall, as provided by the Secretary of State,
45 evaluate and, if deemed necessary, revise these locations in order to
46 accommodate significant changes in the number of registered voters
47 within each county, reflect the population distribution and density
48 within each county, or enhance convenience when an early voting

1 site has proven to be inconvenient for the voters, or because of
2 similar circumstances. The Secretary of State shall develop the
3 criteria to be used by county boards of election to revise the
4 location of early voting sites and shall prescribe how often such
5 revision shall take place.

6 (2) Whenever a municipality that conducts regular municipal
7 elections in May chooses to participate in early voting for the
8 regular municipal election, the county board of elections shall
9 designate at least one public location within the municipality as the
10 site for early voting to occur. Whenever possible, each such
11 location shall be geographically located in the part of the
12 municipality that features the greatest concentration of population,
13 according to the most recent federal decennial census of the United
14 States. All early voting locations shall be public facilities, such as
15 municipal courthouses and the offices of the municipal clerk. No
16 public school building and no building used as a public school shall,
17 however, be designated as an early voting location. The locations
18 shall be designated at the same time as all other polling places are
19 designated by the board of elections. In the event of a tie vote
20 among members of the county board with respect to the selection of
21 sites for early voting, the municipal clerk shall cast the deciding
22 vote. Once early voting locations are designated in each
23 municipality, county boards of election shall, as provided by the
24 Secretary of State, evaluate and, if deemed necessary, revise these
25 locations in order to accommodate significant changes in the
26 number of registered voters within each municipality, reflect the
27 population distribution and density within each municipality, or
28 enhance convenience when an early voting site has proven to be
29 inconvenient for the voters, or because of similar circumstances.
30 The Secretary of State shall develop the criteria to be used by
31 county boards of election to revise the location of early voting sites
32 and shall prescribe how often such revision shall take place.

33 c. Each early voting site in a county or municipality shall be
34 open for early voting on Monday through Saturday from 10 AM to
35 8 PM, and on Sunday from 10 AM to 6 PM. Any voter who is on
36 line at the time scheduled for the closing of an early voting site
37 shall be permitted to vote.

38 d. The election officers responsible for conducting early voting
39 shall be the same as those responsible for conducting a general
40 election pursuant to Title 19 of the Revised Statutes. The number
41 of such officers and their hours of service shall be as determined by
42 each county board of elections. The compensation for such officers
43 shall be the same as provided to district board of election members
44 serving at a school election pursuant to R.S.19:45-6.

45 e. The restrictions governing the conduct of voters at a polling
46 place on the days that early voting occurs, the procedures governing
47 who is permitted in a polling place on such occasions and the
48 prohibition on electioneering within 100 feet of a polling place

1 during an election, shall be as provided in chapters 15, 34, 50 and
2 52 of Title 19 of the Revised Statutes and every other applicable
3 section of this Title.

4 f. At least once each day during the early voting period, and
5 prior to the start of each regularly scheduled general election, and
6 regular municipal election in each non-partisan municipality
7 choosing to participate in early voting, each county board shall
8 make such changes as may be necessary to the voter's record in the
9 Statewide voter registration system and the signature copy register
10 used at each polling place to indicate that a voter has voted in that
11 election using the early voting procedure.

12 g. (1) Each county board shall be responsible for forming and
13 executing a written plan to ensure, to the greatest extent possible,
14 the integrity of the voting process and the security of ballots used
15 during the early voting period, including the security of voted
16 ballots and election records. The plan shall be based on guidelines
17 established by the Secretary of State and shall be submitted thereto
18 no later than December 15 of each year. The Secretary of State
19 shall review and, if deemed necessary thereby, require changes to a
20 plan no later than February 1 of each year. Each plan shall specify
21 a chain of custody for ballots and voted ballots and shall require,
22 among other specifications deemed necessary by the Secretary of
23 State and county boards of election, that all voted ballots shall be
24 transferred at the end of each early voting day to county boards of
25 election for safekeeping until canvassing on election day as
26 required pursuant to section 14 of this act, P.L. ,
27 c. (C.) (pending before the Legislature as this bill).

28 (2) Notwithstanding the provisions of this subsection, in the
29 year in which this act, P.L. , c. (C.) (pending before the
30 Legislature as this bill), becomes law, each county board shall
31 submit its plan to the Secretary of State within 15 days following
32 the effective date of this act and the Secretary of State shall review
33 it and, if deemed necessary thereby, require changes in the plan
34 within 45 days following the effective date of this act.

35 h. Each county board shall make certain that each polling place
36 used for early voting shall be accessible to individuals with
37 disabilities and the elderly, in compliance with the "Americans with
38 Disabilities Act of 1990" (42 U.S.C. 12101 et seq.), and that each
39 polling place provides such voters, including the blind and visually
40 impaired, the same opportunity for access and participation,
41 including privacy and independence, as other voters in compliance
42 with the "Help America Vote Act of 2002" (42 U.S.C. 15481).

43 i. Each polling place used for early voting shall have such
44 appropriate supplies, ballots and other materials deemed necessary
45 by the Secretary of State or as is required currently for a polling
46 place on the day of any election by Title 19 of the Revised Statutes.

47

48 11. (New section) a. A duly-registered voter shall be permitted

1 to participate in early voting after completing an Early Voting Voter
2 Certificate in substantially the following form:

3

4

EARLY VOTING VOTER CERTIFICATE

5

6 I, _____(your name), am a registered voter, residing
7 at _____ (your street address), _____ County,
8 New Jersey. I do solemnly swear or affirm that I am the person so
9 listed on the voter registration rolls of _____ County and that
10 I reside at the above address. I understand that if I commit or
11 attempt to commit fraud in connection with voting, vote
12 fraudulently or vote more than once in an election I could be
13 convicted of a crime of the third degree and fined up to \$15,000 and
14 imprisoned for up to five years. I understand that my failure to sign
15 this certificate invalidates my vote.

16

17

18

(Voter Signature)

19

20

21

(Date)

22

23 Using the completed early voting certificate, and prior to permitting
24 the voter to vote, an election official shall ascertain, in substantially
25 the same manner as required on the day of an election pursuant to
26 Title 19 of the Revised Statutes, that the voter is a duly-registered
27 voter of the county and is entitled to vote in that election. Each
28 early voting voter certificate shall be collected and forwarded to the
29 county board at the end of each day of the early voting period and
30 shall be kept by the board for two years following the date of the
31 election.

32

b. A voter who has voted in an election using the early voting
33 procedure established by this act, P.L. _____,

34

c. (C. _____)(pending before the Legislature as this bill), shall not be
35 permitted to vote by mail-in ballot or in person at the polling place
36 in the voter's election district on the day of the election.

37

38 12. (New section) a. The appointment of challengers for early
39 voting shall be in the same manner as provided in chapter 7 of Title
40 19 of the Revised Statutes for all elections. The name and address
41 of each challenger, including a candidate acting as a challenger or a
42 challenger representing a grouping of two or more candidates,
43 together with the number or name and location of the polling place
44 at which the challenger is to serve, shall be filed with the county
45 board of elections not later than the fifth day preceding the start of
46 the early voting period.

47

b. Each challenger, including a candidate acting as a challenger
48 or a challenger representing a grouping of two or more candidates,

1 shall have all of the powers of challengers serving at other
2 elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

3 c. Any voter whose name does not appear on a challenge list
4 but who is challenged as not qualified or entitled to vote by a
5 challenger duly appointed pursuant to this section shall be entitled
6 to the rights and protections provided by R.S.19:15-18 et seq., and
7 every other applicable section of Title 19 of the Revised Statutes.

8
9 13. (New section) During each early voting period, the county
10 board shall make available to the public a tally of the total number
11 of voters who have cast a ballot at each early voting location during
12 the previous day. The county boards shall prepare an electronic
13 data file listing the names of the individual voters who cast a ballot
14 during the early voting period. This information shall be made
15 available to the public in an electronic format pursuant to rules
16 adopted by the county board and subject to review each year by the
17 Secretary of State. The information shall be updated and made
18 available to the public no later than noon of each day during the
19 early voting period and shall at the same time be provided to the
20 clerk of the county in which early voting is occurring and to the
21 Secretary of State.

22
23 14. (New section) An early vote cast in an election, as provided
24 for in this act, P.L. , c. (C.) (pending before the Legislature
25 as this bill), shall not be canvassed prior to the closing of the polls
26 on the day of an election.

27 Every provisional ballot voted in each such election and
28 determined by a county board to be valid shall be counted and shall
29 be part of the official tally of the results of the election.

30
31 15. (New section) Upon application for reimbursement by a
32 county governing body or a municipal governing body, as may be
33 appropriate, to the Secretary of State and approval of the
34 application by the Director of the Division of Budget and
35 Accounting in the Department of the Treasury, a county or
36 municipality shall be reimbursed by the State for any additional
37 costs incurred by the county or municipality as a result of the early
38 voting provisions of this act, P.L. , c. (C.) (pending before
39 the Legislature as this bill).

40
41 16. (New section) In addition to any publications required under
42 Title 19 of the Revised Statutes, the Secretary of State and each
43 county board of elections shall cause to be published information
44 concerning the early voting procedure on the Department of State's
45 website and on each county's website. The early voting information
46 shall include, but may not be limited to, a notice to the public
47 concerning their eligibility to participate in early voting, the
48 duration of the early voting period, and the locations and hours of

1 operation of specially designated polling places for early voting in
2 each county.

3

4 17. Section 2 of P.L.1965, c.29 (C.19:23-22.4) is amended to
5 read as follows:

6 2. In all counties the county clerk shall cause to be printed a
7 sufficient number of official primary ballots and official primary
8 sample ballots of each political party, in proper form for the mailing
9 of such sample ballots at the times and in the manner and number as
10 required by the provisions of Title 19 of the Revised Statutes, and
11 shall furnish such official primary sample ballots to the proper
12 officer or officers on the earliest possible date preceding the
13 primary election.

14 In the counties described by this section, for each election
15 district within the county in which the primary language of **[10%]**
16 5% or more of the registered voters is **[Spanish]** a language other
17 than English, the county clerk shall similarly cause to be printed
18 **[bilingually]** in English and **[Spanish]** in that other language or
19 languages a sufficient number of official primary sample ballots of
20 each political party, and shall similarly furnish such official primary
21 sample ballots to the proper officer or officers.
22 (cf: P.L.1974, c.51, s.1)

23

24 18. (New section) If a vacancy occurs in the representation of
25 this State in the United States Senate, the Governor shall make a
26 temporary appointment to fill the vacancy within 30 days of the
27 occurrence of the vacancy. If the person vacating the office is a
28 member of a political party, the temporary appointee shall be a
29 member of the same political party, except that no person shall
30 qualify as a temporary appointee if that person has changed political
31 party affiliation to match that of the person vacating the office
32 within 180 days prior to the occurrence of the vacancy or within 30
33 days following the occurrence of the vacancy. The appointee shall
34 serve until the person elected at the next applicable general election
35 is qualified and assumes office.

36 If the vacancy occurs on or before the 70th day preceding the
37 general election for that year, the Governor shall issue a writ of
38 election designating the day of that general election as the election
39 day to fill the vacancy. If the vacancy occurs after the 70th day
40 preceding the general election for that year, the Governor shall
41 issue a writ of election designating the day of the general election in
42 the following year as the election day to fill the vacancy.
43 Notwithstanding the provisions of this section, a vacancy shall not
44 be filled at the general election which immediately precedes the
45 expiration of the term in which the vacancy occurs.

46 If the vacancy occurs after the 70th day preceding a general
47 election but on or before the 70th day preceding the primary
48 election for the next general election, the candidates nominated for

1 election to fill the vacancy shall be selected at that primary election.
2 If the vacancy occurs after the 70th day preceding the primary
3 election for the general election, each political party shall select its
4 candidate to fill such vacancy in the same manner prescribed in
5 R.S.19:13-20 for selecting candidates to fill vacancies arising
6 among candidates nominated at primary elections, except that the
7 time for making such selection and filing the statement thereof shall
8 be within 10 days following the issuance of the writ of election.
9 Petitions of nomination of other candidates shall be filed in the
10 office of the Secretary of State within 10 days of the date of the
11 issuance of the writ. The Secretary of State, on the eleventh day
12 following the date of the issuance of the writ, shall certify to the
13 clerk and county board of each county affected by the vacancy a
14 statement of all candidates selected and nominated for the office so
15 vacated.

16

17 19. (New section) If a vacancy occurs in the representation of
18 this State in the United States House of Representatives, the
19 Governor shall issue a writ of election to fill such vacancy unless
20 the vacancy occurs in an even-numbered year after the 70th day
21 preceding the general election in which case the Governor shall not
22 issue a writ of election.

23 If the vacancy occurs on or before the 70th day preceding the
24 general election for that year, the writ of election shall designate the
25 day of that general election as the election day to fill the vacancy.
26 If the vacancy occurs in an odd-numbered year after the 70th day
27 preceding the general election, the writ of election shall designate
28 the day of the general election in the following year as the election
29 day to fill the vacancy.

30 If the vacancy occurs after the 70th day preceding a general
31 election but on or before the 70th day preceding the primary
32 election for the next general election, the candidates nominated for
33 election to fill the vacancy shall be selected at that primary election.
34 If the vacancy occurs after the 70th day preceding the primary
35 election for the general election, each political party shall select its
36 candidate to fill such vacancy in the same manner prescribed in
37 R.S.19:13-20 for selecting candidates to fill vacancies arising
38 among candidates nominated at primary elections, except that the
39 time for making such selection and filing the statement thereof shall
40 be within 10 days following the issuance of the writ of election.
41 Petitions of nomination of other candidates shall be filed in the
42 office of the Secretary of State within 10 days of the date of the
43 issuance of the writ. The Secretary of State, on the eleventh day
44 following the date of the issuance of the writ, shall certify to the
45 clerk and county board of each county affected by the vacancy a
46 statement of all candidates selected and nominated for the office so
47 vacated.

1 20. R.S.19:27-12 is amended to read as follows:

2 19:27-12. Notice of special elections other than those to fill
3 vacancies in the [United States senate, United States house of
4 representatives,] state senate or general assembly shall be given in
5 accordance with the provisions of any statute, ordinance or
6 resolution relative thereto. If such statute, ordinance or resolution
7 fails to provide for the giving of notice by officials to officials or by
8 officials to the public, such notice shall be given in the manner
9 herein provided for giving notice of the general election so far as
10 may be.

11 (cf: R.S.19:27-12)

12

13 21. R.S.19:29-1 is amended to read as follows:

14 19:29-1. The nomination or election of any person to any
15 public office or party position, or the approval or disapproval of any
16 public proposition, may be contested by the voters of this State or
17 of any of its political subdivisions affected thereby upon 1 or more
18 of the following grounds:

19 a. Malconduct, fraud or corruption on the part of the members
20 of any district board, or of any members of the board of county
21 canvassers, sufficient to challenge the result;

22 b. When the incumbent was not eligible to the office at the time
23 of the election;

24 c. When the incumbent had been duly convicted before such
25 election of any crime which would render him incompetent to
26 exercise the right of suffrage, and the incumbent had not been
27 pardoned at the time of the election;

28 d. When the incumbent had given or offered to any elector or
29 any member of any district board, clerk or canvasser, any bribe or
30 reward, in money, property or thing of value for the purpose of
31 procuring his election;

32 e. When illegal votes have been received, or legal votes
33 rejected at the polls sufficient to change the result;

34 f. For any error by any board of canvassers in counting the
35 votes or declaring the result of the election, if such error would
36 change the result;

37 g. For any other cause which shows that another was the person
38 legally elected;

39 h. The paying, promise to pay or expenditure of any money or
40 other thing of value or incurring of any liability in excess of the
41 amount permitted by this title for any purpose or in any manner not
42 authorized by this title;

43 i. When a petition for nomination is not filed in good faith or
44 the affidavit annexed thereto is false or defective.

45 The term "incumbent" means the person whom the canvassers
46 declare elected or the person who is declared elected as a result of
47 a recount; but in the case of a tie vote as a result of the canvass or
48 recount, either party may contest the election, in which case the

1 term "incumbent" means the person having an equal number of
2 votes with the contestant.

3 A petition brought under this section shall not be dismissed
4 before trial unless it appears to the court that it does not plausibly
5 allege facts that, if believed by the fact finder, could result in a
6 judgment in petitioners' favor. In any petition brought under this
7 section, the burden of proof and persuasion shall be on the
8 petitioner to show by a preponderance of the evidence that one or
9 more of the grounds enumerated in this section have been
10 established.

11 (cf: P.L.1956, c.128, s.1)

12

13 22. R.S.19:31-5 is amended to read as follows:

14 19:31-5. Each person, who is at least 17 years of age at the
15 time he or she applies for registration, who resides in the district in
16 which he or she expects to vote, who will be of the age of 18 years
17 or more **【at the next ensuing】** on or before the first election in
18 which he or she expects to vote, who is a citizen of the United
19 States, and who, if he or she continues to reside in the district until
20 **【the next】** that election, will at the time have fulfilled all the
21 requirements as to length of residence to qualify him or her as a
22 legal voter, shall, unless otherwise disqualified, be entitled to be
23 registered in such district.

24 Whenever an individual registers by mail after January 1, 2003
25 to vote for the first time in his or her current county of residence,
26 that individual shall provide either the individual's New Jersey
27 driver's license number or the last four digits of the individual's
28 Social Security Number, or shall submit with the voter registration
29 form a copy of: (1) a current and valid photo identification card; (2)
30 a current utility bill, bank statement, government check or pay
31 check; (3) any other government document that shows the
32 individual's name and current address; or (4) any other identifying
33 document that the Attorney General has determined to be
34 acceptable for this purpose. If the individual does not provide his
35 or her New Jersey driver's license number or Social Security
36 Number information or submit a copy of any one of these
37 documents, either at the time of registration or at any time
38 thereafter prior to attempting to vote, the individual shall be asked
39 for identification when voting for the first time starting at the first
40 election held after January 1, 2004 at which candidates are seeking
41 federal office or thereafter. This requirement shall not apply to any
42 individual entitled to vote by absentee ballot under the "Uniformed
43 and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et
44 seq.) or to any individual who is provided the right to vote other
45 than in person under section 3 of Pub.L.98-435, the "Voting
46 Accessibility for the Elderly and Handicapped Act," or any other
47 voter entitled to vote otherwise than in person under any other
48 federal law. This requirement shall also not apply to any individual

1 who registers to vote by appearing in person at any voter
2 registration agency or to any individual whose voter registration
3 form is delivered to the county commissioner of registration or to
4 the Attorney General, as the case may be, through a third party by
5 means other than by mail delivery.

6 Once registered, the registrant shall not be required to register
7 again in such district as long as he or she resides therein, except
8 when required to do so by the commissioner, because of the loss of
9 or some defect in his or her registration record.

10 The registrant, when registered as provided in this Title, shall be
11 eligible to vote at any election to be held subsequent to such
12 registration, if he or she shall be a citizen of the United States of the
13 age of 18 years and shall have been a resident of the State for at
14 least 30 days and of the county at least 30 days, when the same is
15 held, subject to any change in his qualifications which may later
16 disqualify him. No registrant shall lose the right to vote, and no
17 registrant's name shall be removed from the registry list of the
18 county in which the person is registered, solely on grounds of the
19 person's failure to vote in one or more elections.

20 (cf: P.L.2004, c.88, s.10)

21

22 23. R.S.19:31-6 is amended to read as follows:

23 19:31-6. Any person qualified to vote in an election shall be
24 entitled to vote in the election if the person shall have registered to
25 vote on or before the 21st day preceding the election by:

26 a. registering in person at any offices designated by the
27 commissioner of registration for providing and receiving
28 registration forms;

29 b. **【completing a voter registration form】** registering
30 automatically while applying for a motor vehicle driver's license
31 **【from an agent of】** or non-driver identification card at the New
32 Jersey Motor Vehicle Commission, as provided for in section 31 of
33 P.L. , c. (C.) (pending before the Legislature as this bill) and
34 section 24 of P.L.1994, c.182 (C.39:2-3.2), or having completed a
35 paper voter registration form at the New Jersey Motor Vehicle
36 Commission prior to the implementation of automatic voter
37 registration pursuant to P.L. , c. (C.) (pending before the
38 Legislature as this bill);

39 c. completing and returning to the **【Attorney General】**
40 Secretary of State or having returned thereto a voter registration
41 form received from a voter registration agency, as defined in
42 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), while
43 applying for services or assistance or seeking a recertification,
44 renewal or change of address at an office of that agency;

45 d. completing and returning to the **【Attorney General】**
46 Secretary of State a voter registration form obtained from a public
47 agency, as defined in subsection a. of section 15 of P.L.1974,
48 c.30 (C.19:31-6.3);

- 1 e. completing and returning to the **【Attorney General】**
 2 Secretary of State or having returned thereto a voter registration
 3 form received from a door-to-door canvass or mobile registration
 4 drive, as provided for in section 19 of P.L.1974, c.30 (C.19:31-6.7);
- 5 f. completing and returning to the **【Attorney General】**
 6 Secretary of State a federal mail voter registration form, as
 7 prescribed in subsection (b) of section 9 of the "National Voter
 8 Registration Act of 1993," (42 U.S.C. s. 1973gg et seq.);
- 9 g. completing and returning to the **【Attorney General】**
 10 Secretary of State or the appropriate county clerk an application for
 11 a federal postcard application form to register to vote, or a federal
 12 write-in absentee ballot, as **【provided for in】** permitted pursuant to
 13 the "Overseas Absentee Voting Act" (42 U.S.C. s. 1973ff-1 et seq.)
 14 and section 4 of P.L.1976, c.23 (C.19:59-4); **【or】**
- 15 h. completing a provisional ballot affirmation statement and
 16 voting the provisional ballot in the previous election, if the person
 17 who submitted the provisional ballot in that election is determined
 18 not to be a registered voter; or
- 19 i. completing and submitting an online voter registration form
 20 available on the Secretary of State's Internet site, as provided under
 21 section 25 of P.L. , c. (C.) (pending before the Legislature as
 22 this bill).

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

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

33 (cf: P.L.2005, c.139, s.8)

34

35 24. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to
 36 read as follows:

37 16. a. The Secretary of State shall cause to be prepared and
 38 shall provide to each county commissioner of registration forms of
 39 size and weight suitable for mailing, which shall require the
 40 information required by R.S.19:31-3 in substantially the following
 41 form:

42 VOTER REGISTRATION APPLICATION

43 Print clearly in ink. Use ballpoint pen or marker.

44 (1) This form is being used as: **【(check one)】**:

45 New registration

46 Address change

47 Name change

1 Vote by mail in future elections

2 (2) Name:.....

3 Last First Middle

4 (3) Are you a citizen of the United States of America?YesNo

5 (4) Will you be 18 years of age on or before election
6 day?Yes No

7 If you checked 'No' in response to either of these questions, do
8 not complete this form.

9 (5) Street Address where you live:

10

11 Street Address Apt. No.

12

13 (6) City or Town County Zip Code

14 (7) Address Where You Receive Your Mail (if different from
15 above):

16

17 (8) Date of Birth:

18

19 Month Day Year

20 (9) (a) Telephone Number (optional).....

21 (b) E-Mail Address (optional).....

22 (10) Name and address of Your Last Voter Registration

23

24

25

26 (11) If you are registering by mail to vote and will be voting for
27 the first time in your current county of residence, please provide
28 one of the following:

29 (a) your New Jersey driver's license
30 number:.....

31 (b) the last four digits of your Social Security
32 Number.....

33 OR submit with this form a copy of any one of the following
34 documents: a current and valid photo identification card; a current
35 utility bill, bank statement, government check, pay check or any
36 other government or other identifying document that shows your
37 name and current address. If you do not provide either your New
38 Jersey driver's license number or the last four digits of your Social
39 Security Number, or enclose a copy of one of the documents listed
40 above, you will be asked for identification when voting for the first
41 time, unless you are exempt from doing so under federal or State
42 law.

43 (12) Do you wish to declare a political party affiliation?
44 (Optional):

45 YES. Name of Party:

46 NO. I do not wish to declare a political party affiliation
47 at this time.

1 (13) You may choose to receive ballots to vote by mail in future
2 elections by selecting either option listed below. YOU ARE NOT
3 REQUIRED TO CHOOSE EITHER OPTION.

4 I wish to receive a Mail-in Ballot for all future elections,
5 until I request otherwise.

6 I wish to receive a Mail-in Ballot for all future general
7 elections only, until I request otherwise.

8 **[(13)](14) Declaration - I swear or affirm that:**

9 I am a U.S. citizen.

10 I live at the above address.

11 I will be at least 18 years old on or before the day of the next
12 election.

13 I am not on parole, probation or serving a sentence due to a
14 conviction for an indictable offense under any federal or State laws.

15 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
16 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
17 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
18 PURSUANT TO R.S.19:34-1.

19

20 Signature or mark of the registrant Date

21 **[(14)](15) If applicant is unable to complete this form, print the**
22 **name and address of individual who completed this form.**

23

24 Name

25

26 Address

27 The form shall state in an appropriate location: “This form shall
28 not be used if an applicant requires the assistance of another person
29 to complete a mail-in ballot or to return a completed mail-in ballot
30 to the county board of elections, pursuant to section 16 of P.L.2009,
31 c.79 (C.19:63-16).”

32 In addition, the form may include notice to the applicant of
33 information and options relating to the registration and voting
34 process, including but not limited to notice of qualifications
35 required of a registered voter; notice of the final day by which a
36 person must be registered to be eligible to vote in an election;
37 notice of the effect of a failure to provide required identification
38 information; a place at which the applicant may indicate availability
39 for service as a member of the district board of elections; a place at
40 which the applicant may indicate whether he or she requires a
41 polling place which is accessible to individuals with disabilities and
42 the elderly or whether he or she is legally blind; a place at which
43 the applicant may indicate a desire to receive additional information
44 concerning **[absentee]** voting by mail; and if the application
45 indicates a political party affiliation, the voter is permitted to vote
46 in the primary election of a political party other than the political
47 party in which the voter was affiliated previously only if the voter
48 registration form with the change of political party affiliation is

1 filed prior to the 50th day next preceding the primary election. The
2 form may also include a space for the voter registration agency to
3 record whether the applicant registered in person, by mail or by
4 other means.

5 b. The reverse side of the registration form shall bear the
6 address of the Secretary of State or the commissioner of registration
7 to whom such form is supplied, and a United States postal permit
8 the charges upon which shall be paid by the State.

9 c. The Secretary of State shall cause to be prepared registration
10 forms of the size, weight and form described in subsection a. of this
11 section in both the English **and Spanish** language and in any other
12 language primarily spoken by at least 5% of the registered voters in
13 an election district, and shall provide such forms to each
14 commissioner of registration of any county in which there is at least
15 one election district in which **bilingual** multilingual sample
16 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
17 section 2 of P.L.1965, c.29 (C.19:23-22.4).

18 d. The commissioner of registration shall furnish such
19 registration forms upon request in person to any person or
20 organization in such reasonable quantities as such person or
21 organization shall request. The commissioner shall furnish no
22 fewer than two such forms to any person upon request by mail or by
23 telephone.

24 e. Each such registration form shall have annexed thereto
25 instructions specifying the manner and method of registration, the
26 vote by mail options specified on the form, and stating the
27 qualifications for an eligible voter.

28 f. The Secretary of State shall also furnish such registration
29 forms and such instructions to the Director of the Division of
30 Workers' Compensation, the Director of the Division of
31 Employment Services, and the Director of the Division of
32 Unemployment and Temporary Disability Insurance in the
33 Department of Labor and Workforce Development; to the Director
34 of the Division of Taxation in the Department of the Treasury; to
35 the Executive Director of the New Jersey Transit Corporation; to
36 the appropriate administrative officer of any other public agency, as
37 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
38 6.3); to the Adjutant General of the Department of Military and
39 Veterans' Affairs; and to the chief administrative officer of any
40 voter registration agency, as defined in subsection a. of section 26
41 of P.L.1994, c.182 (C.19:31-6.11).

42 g. All registration forms received by the Secretary of State in
43 the mail or forwarded to the Secretary of State shall be forwarded to
44 the commissioner of registration in the county of the registrant and
45 to the county clerk if a vote by mail option is selected on a form.

46 h. An application to register to vote received from the New
47 Jersey Motor Vehicle Commission or a voter registration agency, as
48 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-

1 6.11), shall be deemed to have been timely made for the purpose of
2 qualifying an eligible applicant as registered to vote in an election if
3 the date on which the commission or agency shall have received
4 that document in completed form, as indicated in the lower right
5 hand corner of the form, was not later than the 21st day preceding
6 that election.

7 i. Each commissioner of registration shall make note in the
8 permanent registration file of each voter who is required to provide
9 the personal identification information required pursuant to this
10 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
11 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of
12 identification provided by the voter and the date on which it is
13 provided. Prior to the June 2004 primary election, when such a
14 newly registered voter seeks to vote for the first time following his
15 or her registration, the voter will be required to provide such
16 personal identification information. Beginning with the June 2004
17 primary election, when such a newly registered voter seeks to vote
18 for the first time following his or her registration, the voter will not
19 be required to provide such information if he or she had previously
20 provided the personal identification information required pursuant
21 to this section. The required information shall be collected and
22 stored for the time and in the manner required pursuant to
23 regulations promulgated by the Secretary of State.

24 j. The Secretary of State shall amend the voter registration
25 application form if necessary to conform to the requirements of
26 applicable federal or State law.

27 k. In the event that the name of any political party entered on
28 the voter registration form by a voter who wishes to declare a
29 political party affiliation is not legible, the commissioner of
30 registration shall mail the voter a political party declaration form
31 and a letter explaining that the voter's choice was not understood
32 and that the voter should complete and return the declaration form
33 in order to be affiliated with a party.

34 (cf: P.L.2009, c.287, s.1)

35
36 25. (New section) Notwithstanding any other provision of law
37 to the contrary, a person who is qualified to register to vote may
38 submit a voter registration form electronically on the Internet site of
39 the Secretary of State, which form shall contain substantively the
40 same information required to be contained on a paper voter
41 registration form pursuant to section 16 of P.L.1974, c.30 (C.19:31-
42 6.4).

43 a. The Secretary of State shall promulgate deadlines for when
44 an online voter registration form submitted by an applicant pursuant
45 to this section shall be effective ahead of an election to be held in
46 the election district of the applicant submitting the form.

47 b. The applicant completing the form shall affirmatively attest
48 to the truth of the information provided in the form.

1 c. For voter registration purposes, for an applicant who has a
2 valid New Jersey driver's license or non-driver identification card
3 issued by the New Jersey Motor Vehicle Commission, the applicant
4 shall affirmatively assent to the use of his or her signature from his
5 or her driver's license or non-driver identification card.

6 d. For each online voter registration form, for any applicant
7 who has a valid New Jersey driver's license or non-driver
8 identification card issued by the New Jersey Motor Vehicle
9 Commission, the Secretary of State shall obtain an electronic copy
10 of the applicant's signature from his or her driver's license or non-
11 driver identification card directly from the New Jersey Motor
12 Vehicle Commission.

13 e. The Secretary of State shall require an applicant who has a
14 valid New Jersey driver's license or non-driver identification card
15 issued by the New Jersey Motor Vehicle Commission who submits
16 an online voter registration form pursuant to this section to submit
17 all of the following:

18 (1) the number from his or her New Jersey driver's license or
19 non-driver identification card;

20 (2) his or her date of birth; and

21 (3) the last four digits of his or her social security number.

22 f. Upon submission of an online voter registration form
23 pursuant to this section, for an applicant who has a valid New
24 Jersey driver's license or non-driver identification card issued by
25 the New Jersey Motor Vehicle Commission, the electronic voter
26 registration system shall provide for immediate verification of both
27 of the following:

28 (1) that the applicant has a New Jersey driver's license or non-
29 driver identification card and that the number for that driver's
30 license or non-driver identification card provided by the applicant
31 matches the number for that person's driver's license or non-driver
32 identification card that is on file with the New Jersey Motor Vehicle
33 Commission; and

34 (2) that the date of birth provided by the applicant matches the
35 date of birth for that person that is on file with the New Jersey
36 Motor Vehicle Commission.

37 g. Upon submission of an online voter registration form
38 pursuant to this section, for an applicant who has a valid New
39 Jersey driver's license or non-driver identification card issued by
40 the New Jersey Motor Vehicle Commission, the electronic voter
41 registration system shall automatically acknowledge that the online
42 voter registration form has been submitted successfully, and provide
43 instructions on how the person completing the voter registration
44 form may follow-up on the status of the submission either online or
45 by contacting the appropriate county commissioner of registration.

46 h. The Secretary of State shall employ security measures to
47 ensure the accuracy and integrity of voter registration forms
48 submitted electronically pursuant to this section.

1 i. The New Jersey Motor Vehicle Commission and the
2 Secretary of State shall jointly develop a process and the
3 infrastructure to allow the electronic copy of the applicant's
4 signature and other information required under this section that is in
5 the possession of the commission to be transferred to the Secretary
6 of State and to the appropriate county election officials to allow a
7 person who is qualified to register to vote in New Jersey to register
8 to vote under this section.

9 j. If an applicant cannot electronically submit the information
10 required pursuant to subsection e. of this section, the applicant shall
11 nevertheless be able to complete the online voter registration form
12 electronically on the Secretary of State's Internet website and
13 provide a digital signature by uploading a file or signing using a
14 digital touchpad as part of the registration process. For any such
15 applicant that R.S.19:31-5 would require to produce identification if
16 that applicant had registered by mail, the applicant shall be required
17 to, upon voting for the first time after registration, produce any
18 form of identification at the designated polling place required under
19 R.S.19:31-5. The online voter registration system shall notify any
20 such applicant of this requirement.

21 k. The online voter registration Internet site required pursuant
22 to this section shall be available in both English and in any other
23 language primarily spoken by at least one half of one percent of
24 New Jersey's population, and shall be accessible to individuals with
25 disabilities.

26 l. The online voter registration Internet sites required pursuant
27 to this section shall be implemented by July 1, 2016.

28
29 26. Section 17 of P.L.1974, c.30 (C.19:31-6.5) is amended to
30 read as follows:

31 17. a. Upon receipt of any completed registration form, the
32 commissioner of registration shall review it, and if it is found to be
33 in order, shall:

34 (1) Send to the registrant written notification that such registrant
35 is duly registered to vote. No registrant shall be considered a
36 registered voter until the commissioner of registration reviews the
37 application submitted by the registrant and deems it acceptable. On
38 the face of such notification in the upper left-hand corner shall be
39 printed the words: "Do Not Forward. Return Postage Guaranteed.
40 If not delivered in 2 days, return to the Commissioner of
41 Registration."

42 (2) In as timely a manner as possible, enter the information
43 provided for the registrant on the completed registration form, or
44 electronically transfer the information from an online voter
45 registration form completed pursuant to section 25 of
46 P.L. , c. (C.) (pending before the Legislature as this bill), into
47 the Statewide voter registration system established pursuant to
48 section 1 of P.L.2005, c.145 (C.19:31-31).

1 (3) Paste, tape, or photocopy the completed registration form
2 onto an original registration form, and shall paste or tape a copy of
3 such completed registration form onto a duplicate registration form,
4 both of which shall be filed as provided in R.S.19:31-10. Nothing in
5 this paragraph shall preclude any commissioner of registration from
6 keeping the original mail registration form on file.

7 (4) In the case of a registrant currently registered in another
8 county of this State, notify the commissioner of registration of such
9 other county to remove the individual's name from the registry list
10 of voters of the county and place into an appropriate retention file
11 all registration documents or material relating to that voter. The
12 commissioner of registration of the current county of the registrant
13 shall secure and maintain the entire voting history of that registrant.

14 b. The commissioner shall notify a registrant of the reasons for
15 any refusal to approve his registration.

16 c. (Deleted by amendment, P.L.1994, c.182.)

17 (cf: P.L.2005, c.145, s.10)

18
19 27. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to
20 read as follows:

21 1. a. There shall be established in the Department of State a
22 single Statewide voter registration system, as required pursuant to
23 section 303 of the federal "Help America Vote Act of 2002,"
24 Pub.L.107-252 (42 U.S.C. s.15483). The principal computer
25 components of the system shall be under the direct control of the
26 Secretary of State. The Secretary of State shall be responsible for
27 creating the network necessary to maintain the system and
28 providing the computer software, hardware and security necessary
29 to ensure that the system is accessible only to those executive
30 departments and State agencies so designated by the Secretary of
31 State, each county commissioner of registration, each county and
32 municipal clerk, and individuals under certain circumstances, as
33 provided for by this section. The system shall be the official State
34 repository for voter registration information for every legally
35 registered voter in this State, and shall serve as the official voter
36 registration system for the conduct of all elections in the State.

37 b. The Statewide voter registration system shall include, but
38 not be limited to, the following features:

39 (1) the name and registration information of every legally
40 registered voter in the State;

41 (2) the ability to assign a unique identifier to each legally
42 registered voter in the State;

43 (3) interactivity among appropriate State agencies so designated
44 by the Secretary of State, each county commissioner of registration,
45 each county board of elections, and each county clerk such that
46 these entities shall have immediate electronic access to all or
47 selected records in the system, as determined by the Secretary of

- 1 State, to receive or transmit all or selected files in the system and to
2 print or review all or selected files in the system;
- 3 (4) the ability to permit any county commissioner of registration
4 to enter voter registration information on an expedited basis, and to
5 transfer electronically voter registration information from an online
6 voter registration form completed pursuant to section 25 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), at the
8 time the information is provided thereto and to permit the Secretary
9 of State to provide technical support to do so whenever needed;
- 10 (5) the ability to permit each municipal clerk to view or print
11 information in the system;
- 12 (6) the ability to permit an individual, by July 1, 2006, to verify
13 via the Internet whether that individual, and only that individual, is
14 included in the system as a legally registered voter, whether the
15 information pertaining to that individual required by subsection c.
16 of this section is correct, and if not, a means to notify the pertinent
17 county commissioner of registration of the corrections that must be
18 made and to so verify in a way that does not give one individual
19 access to the information required by subsection c. of this section
20 for any other individual;
- 21 (7) a Statewide street address index and map in electronic form
22 that can accurately identify the location of every legally registered
23 voter in this State;
- 24 (8) the ability to record and monitor all requests for mail-in
25 ballots; to enable the county clerk to verify the identity and
26 signature of each person requesting a mail-in ballot; to record the
27 name and address of each voter determined to be eligible to receive
28 a mail-in ballot for a particular election and to note when a mail-in
29 ballot has been transmitted to that voter by mail or hand delivery; to
30 update the system to allow the postal tracking of mail-in ballots
31 using Intelligent Mail barcodes, or a similar successor tracking
32 system; and to make such information available to the Secretary of
33 State so that a voter can be notified whether the application for such
34 a ballot was accepted or rejected, and the reason for the rejection,
35 using the free-access system established by section 5 of
36 P.L.2004, c.88 (C.19:61-5); and
- 37 (9) any other functions required pursuant to Pub.L.107-252 (42
38 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that
39 may be deemed necessary by the Secretary of State.
- 40 c. The Statewide voter registration system shall include, but
41 not be limited to, the following information for every legally
42 registered voter in this State:
- 43 (1) last, first and middle name;
- 44 (2) street address at time of registration or rural route, box
45 number or apartment number, if any;
- 46 (3) city or municipality, and zip code;
- 47 (4) date of birth;

- 1 (5) telephone number and e-mail address, if provided on voter
2 registration form;
- 3 (6) previous name or address if individual re-registered due to
4 change of name or address;
- 5 (7) ward and election district number, if either is available;
- 6 (8) (a) current and valid New Jersey driver's license number; or
7 (b) if the registrant has not been issued a New Jersey driver's
8 license number, the last four digits of the registrant's social security
9 number; or
- 10 (c) unique identifying number for any individual who has not
11 been issued the information sought in subparagraph (a) or (b) of this
12 paragraph;
- 13 (9) notation that a copy of one of the following documents has
14 been submitted with the voter registration application, if required:
15 current and valid photo identification card; a current utility bill,
16 bank statement, government check, pay check or any other
17 government document showing the registrant's name and current
18 address;
- 19 (10) the method by which the individual registered and whether
20 that person needs to provide additional identification information to
21 vote using a voting machine instead of a provisional ballot;
- 22 (11) political party affiliation, if designated;
- 23 (12) **digitalized** digitized signature;
- 24 (13) date of registration or re-registration;
- 25 (14) name and street address of the individual assisting in the
26 completion of the form, if the applicant for registration is unable to
27 do so;
- 28 (15) voting participation record for ten-year period; and
- 29 (16) any other information required pursuant to Pub.L.107-252
30 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or
31 that the Secretary of State determines is necessary to assess the
32 eligibility of an individual to be registered to vote and to vote in
33 this State.
34 (cf: P.L.2009, c.287, s.2)

35
36 28. Section 2 of P.L.2005, c.145 (C.19:31-32) is amended to
37 read as follows:

38 2. a. The Statewide voter registration system shall replace all
39 other computer or electronic-based registry files of voters and other
40 voter registration files established and maintained by each county
41 commissioner of registration for voter registration and election
42 administration purposes established pursuant to the provisions of
43 Title 19 and Title 40 of the Revised Statutes, and shall be the single
44 system for storing and managing the official file of registered voters
45 throughout the State. A commissioner may, however, continue to
46 use and maintain as a supplement to the system the original and
47 duplicate permanent registration binders and voting records and

1 shall continue to use and maintain the signature copy registers or
2 polling records provided for in Title 19 of the Revised Statutes.

3 b. Each county commissioner of registration shall be
4 responsible for adding to, deleting from, amending and otherwise
5 conducting on a regular basis maintenance for the files of every
6 legally registered voter in that commissioner's county as contained
7 in the Statewide voter registration system, pursuant to the
8 provisions of section 303 of Pub.L.107-252 (42 U.S.C. s. 15301 et
9 seq.) and Title 19 of the Revised Statutes. Each commissioner shall
10 be responsible for verifying the accuracy of the name, address and
11 other data of registered voters in the commissioner's respective
12 county as contained in the system. The commissioner who receives
13 the voter registration forms of individuals who have registered to
14 vote in the county or who are re-registering for any reason shall be
15 responsible for entering the information on those forms into the
16 system on an expedited basis, electronically transferring into the
17 system the information from online voter registration forms
18 completed pursuant to section 25 of P.L. , c. (C.) (pending
19 before the Legislature as this bill), and electronically transferring
20 into the system the information from automatic voter registration
21 applicants transmitted by the Chief Administrator of the New Jersey
22 Motor Vehicle Commission and who do not decline registration
23 pursuant to section 31 of P.L. , c. (C.) (pending before the
24 Legislature as this bill), including but not limited to forms and
25 information received pursuant to chapter 31 of Title 19 of the
26 Revised Statutes. The information the commissioner shall use to
27 update and maintain the system shall be that required by subsection
28 c. of section 1 of P.L.2005, c.145 (C.19:31-31).

29 c. The **【Attorney General】** Secretary of State and each county
30 commissioner of registration shall be responsible for developing
31 and providing the technological security measures needed to
32 prevent unauthorized access to the Statewide voter registration
33 system established pursuant to section 1 of P.L.2005,
34 c.145 (C.19:31-31) and to the information for any individual on the
35 system required by subsection c. of section 1 of that act.

36 d. The **【Attorney General】** Secretary of State, in consultation
37 with each county commissioner of registration, shall develop
38 minimum standards to safeguard the accuracy of the files contained
39 in the Statewide voter registration system. Such standards shall
40 include procedures to ensure that reasonable effort is made to
41 remove registrants who are ineligible to vote pursuant to federal or
42 State law and to ensure that eligible voters are not removed in error
43 from the system.

44 e. (1) The **【Attorney General】** Secretary of State and the Chief
45 Administrator of the New Jersey Motor Vehicle Commission in the
46 Department of Transportation shall enter into an agreement to
47 match information in the database of the Statewide voter
48 registration system with information in the database of the

1 commission, including social security numbers, to the extent
2 required to enable verification of the accuracy of the information
3 provided on applications for voter registration, and to locate and
4 utilize for voter registration purposes the digitized signatures of
5 licensed drivers or holders of non-driver identification cards who
6 register to vote using an online voter registration form, as provided
7 pursuant to section 25 of P.L. , c. (C.) (pending before the
8 Legislature as this bill) or using automatic voter registration as
9 provided pursuant to section 31 of P.L. , c. (C.) (pending before
10 the Legislature as this bill).

11 (2) The **【Attorney General】** Secretary of State shall enter into
12 an agreement with the Commissioner of the Department of Health
13 and Senior Services to match information in the database of the
14 Statewide voter registration system with State agency information
15 on death records.

16 (3) The **【Attorney General】** Secretary of State shall enter into
17 an agreement with the Commissioner of the Department of
18 Corrections to match information in the database of the Statewide
19 voter registration system with State agency information on
20 individuals who are incarcerated, on probation, or on parole as the
21 result of a conviction for an indictable offense.

22 (4) The **【Attorney General】** Secretary of State shall enter into
23 an agreement with the Administrative Office of the Courts to match
24 information in the database of the Statewide voter registration
25 system with State agency information on individuals who are
26 incarcerated, on probation, or on parole as the result of a conviction
27 for an indictable offense.

28 (5) The **【Attorney General】** Secretary of State shall enter into
29 an agreement with the State Parole Board to match information in
30 the database of the Statewide voter registration system with State
31 agency information on individuals who are on parole.

32 (cf: P.L.2005, c.145, s.2)

33

34 29. Section 2 of P.L.1991, c.249 (C.19:32-4.1) is amended to
35 read as follows:

36 9. On the day of every municipal, primary, general, special or
37 annual school election the superintendent of elections in counties
38 having a superintendent of elections or the county board of
39 elections in all other counties shall provide to each polling place in
40 the county sufficient numbers of a form on which voters or persons
41 attempting to vote may register any complaint regarding the
42 conduct of the election at the polling place where they voted or
43 attempted to vote. In counties in which the primary language of
44 **【10%】** 5% or more of the registered voters is **【Spanish】** a language
45 other than English, the form for the complaint shall appear in both
46 English and **【Spanish】** that other language or languages. The form
47 shall protect the anonymity of the complainant, if that person so

1 wishes, and shall be accompanied by an envelope with the proper
2 postage and the name and address of the superintendent of elections
3 of the county or the chairman of the county board of elections, as
4 the case may be. A complaint may be used by the superintendent of
5 elections or any other municipal or State investigatory agency to
6 conduct an investigation into possible violation of the State election
7 law. Copies of the form containing the complaint shall be available
8 from the superintendent of elections or the county board of
9 elections, as the case may be. The original form of the complaint,
10 or a copy, shall be kept on file with the superintendent of elections
11 or the county board of elections, as the case may be, for two years
12 after the election for which it was filed.

13 (cf: P.L.2011, c.134, s.44)

14

15 30. R.S.19:49-4 is amended to read as follows:

16 19:49-4. a. (1) The officer or officers whose duty it may be
17 under this subtitle to provide and furnish official ballots for any
18 polling place where a voting machine is to be used shall also
19 provide 2 sample ballots or more, or instruction ballots, which
20 sample or instruction ballot shall be arranged in the form of a
21 diagram showing such portion of the face of the voting machine as
22 it will appear after the official ballots are arranged thereon or
23 therein for voting on election day. Such sample or instruction
24 ballots shall be open to the inspection of all voters on election day,
25 in all elections where voting machines are used.

26 (2) For election districts in which the primary language of
27 **【10%】 5%** or more of the registered voters is **【Spanish】 a language**
28 **other than English**, the officer or officers whose duty it may be
29 under this subtitle to provide and furnish official ballots for any
30 polling place where a voting machine is to be used shall also
31 provide 2 sample ballots or more, or instruction ballots, printed
32 **【bilingually】** in English and **【Spanish】 in that other language or**
33 **languages**. Such sample or instruction ballots shall be open to the
34 inspection of all voters on election day, in appropriate election
35 districts, in all elections where voting machines are used.

36 b. There shall be furnished a sufficient number of sample ballots
37 printed entirely in black ink, a facsimile of the face of the machine,
38 of a reduced size, one of which sample ballots shall be mailed to
39 each registered voter, except that for election districts in which the
40 primary language of **【10%】 5%** or more of the registered voters is
41 **【Spanish】 a language other than English**, sample ballots printed
42 **【bilingually】** in English and **【Spanish】 in that other language or**
43 **languages** shall be mailed to each registered voter. Any reference
44 to sample ballot envelopes in any section of this Title to the
45 contrary notwithstanding, in all counties where voting machines
46 are used and wherein the commissioner of registration has the
47 facilities to mail out sample ballots direct to the registrants of such
48 county and has elected so to do, as otherwise in this Title provided,

1 the commissioner of registration in any such county may request
2 the county clerk of such county to have the sample ballots prepared
3 in the manner following:

4 (1) The county clerk shall have said sample ballots for all
5 general and special elections printed in such manner that, when
6 folded, the words "Official General Election Sample Ballot" or as
7 the case may be, shall appear on the reverse side thereof, together
8 with the words "In cases where the sample ballot is to be sent to an
9 addressee who does not receive his mail by delivery to his home or
10 through rural free delivery "if not delivered within 5 days return to
11 the commissioner of registration' and in all other cases "if not
12 delivered within 2 days return to the commissioner of registration.'
13 Do not Forward. Return Postage Guaranteed" over the return
14 address of the commissioner of registration. Such portion of the
15 ballot may contain such additional words that conform with United
16 States Postal regulations that will prevent such envelope from being
17 forwarded to the voter at any other address than that appearing on
18 the envelope, and that will cause such envelope to be returned to the
19 commissioner of registration, with information thereon from the
20 post office showing the reason for nondelivery.

21 (2) The county clerk in drawing the specifications for the
22 printing of the official primary ballots shall include the requirement
23 that the municipal clerks shall have primary sample ballots printed
24 in such manner that, when folded, the words "Official Primary
25 Election Sample Ballot" shall appear on the reverse side thereof,
26 together with the words "In cases where the sample ballot is to be
27 sent to an addressee who does not receive his mail by delivery to
28 his home or through rural free delivery "if not delivered within 5
29 days return to the commissioner of registration' and in all other
30 cases "if not delivered within 2 days return to the commissioner of
31 registration.' Do Not Forward. Return Postage Guaranteed" over
32 the return address of the commissioner of registration. Such portion
33 of the ballot may contain such additional words that conform with
34 United States Postal regulations that will prevent such envelope
35 from being forwarded to the voter at any other address than that
36 appearing on the envelope, and that will cause such envelope to be
37 returned to the commissioner of registration, with information
38 thereon from the post office showing the reason for nondelivery.

39 (3) Five sample ballots shall be posted as now required by law.

40 c. For all general and special elections the county clerk, and for
41 all primary and municipal elections the municipal clerks, shall, at
42 least 30 days preceding any such election, make the arrangements
43 necessary to be made with the postmaster or postmasters in their
44 respective counties and municipalities to have the said sample
45 ballots mailed under the postal laws and regulations, and forthwith
46 notify the said commissioner of registration in writing to that effect.
47 (cf: P.L.1974, c.30, s.14)

1 31. (New section) a. Notwithstanding any law, rule, or
2 regulation to the contrary, the Chief Administrator of the New
3 Jersey Motor Vehicle Commission shall transmit to the Secretary of
4 State electronic records containing the legal name, age, residence,
5 citizenship, and digitized signature of each applicant for a motor
6 vehicle driver's license or non-driver identification card, who meets
7 the criteria specified by the Secretary of State that would make that
8 applicant eligible to be a legal voter, for automatic voter registration
9 purposes as specified under this section. The Chief Administrator
10 shall not transmit to the Secretary of State the electronic records of
11 any applicant for a motor vehicle driver's license or non-driver
12 identification card who is not a citizen of the United States.

13 Upon receiving an applicant's electronic record and digitized
14 signature, the Secretary of State shall transmit the information to
15 the county commissioner of registration, as constituted under
16 R.S.19:31-2, of the county in which the applicant resides. The
17 county commissioner of registration shall notify the applicant, by
18 mail, of the automatic voter registration, and shall inform the
19 applicant of the process to decline being registered to vote or, if not
20 declining, of the option to select a political party affiliation. If the
21 applicant does not decline the voter registration within 21 calendar
22 days after the county commissioner of registration issues the
23 notification, the applicant's electronic record and digitized
24 signature shall constitute a complete voter registration form for the
25 purposes of Title 19 of the Revised Statutes, and the applicant shall
26 be registered to vote if the county commissioner of registration
27 determines that the applicant is eligible to register to vote pursuant
28 to Article II, Section I, paragraph 3 of the New Jersey Constitution
29 and Title 19 of the Revised Statutes, and is not disqualified. A
30 county commissioner of registration shall delete the electronic
31 record and digitized signature of an applicant who declines to be
32 registered to vote pursuant to this section.

33 The Chief Administrator shall also transmit to the Secretary of
34 State the electronic record and digitized signature of an applicant
35 who is updating the legal name or address information on an
36 existing motor vehicle driver's license or non-driver identification
37 card, who meets the criteria specified by the Secretary of State that
38 would qualify that applicant as a legal voter, for automatic voter
39 registration purposes as specified under this section and for
40 updating an existing voter registration record.

41 The Secretary of State, in consultation with the Chief
42 Administrator, shall develop a system prior to the effective date of
43 this section by which any person who is eligible for the protections
44 detailed in section 1 of P.L.1994, c.148 (C.19:31-3.2) shall be
45 provided the option of registration detailed therein, in lieu of the
46 automatic voter registration specified in this section. Nothing in
47 this section shall be construed to in any way impede the protections

1 afforded to potential voters pursuant to section 1 of P.L.1994,
2 c.148 (C.19:31-3.2).

3 The Secretary of State shall develop an informational pamphlet
4 to be provided to each applicant for a motor vehicle driver's license
5 or non-driver identification card describing the process for
6 automatic voter registration. The secretary, in consultation with the
7 Chief Administrator of the New Jersey Motor Vehicle Commission
8 and the Automatic Voter Registration Task Force established under
9 subsection b. of this section, shall promulgate the rules and
10 regulations necessary to implement the provisions of this section.
11 Such rules and regulations shall safeguard and protect from
12 disclosure the private information of all applicants for a motor
13 vehicle driver's license or non-driver identification card whose
14 electronic records are not transmitted to the Secretary of State, who
15 decline being registered to vote, or who are eligible for the
16 protections detailed under section 1 of P.L.1994, c.148 (C.19:31-
17 3.2). The automatic voter registration process provided for in this
18 section shall be implemented by the secretary and the chief
19 administrator by January 1, 2017.

20 b. There is established an "Automatic Voter Registration Task
21 Force" with the duty to study and make recommendations on the
22 effective implementation of automatic voter registration under this
23 section. The task force shall consist of 11 members as follows:

- 24 (1) the Secretary of State, ex officio, or a designee;
- 25 (2) the Chief Administrator of the New Jersey Motor Vehicle
26 Commission, ex officio, or a designee;
- 27 (3) the Attorney General, ex officio, or a designee;
- 28 (4) a public member appointed by the Governor, who shall be an
29 advocate for immigrant communities in New Jersey;
- 30 (5) a public member appointed by the Governor, who shall be an
31 advocate for victims of domestic violence;
- 32 (6) two public members appointed by the Governor, who shall
33 be advocates for expanded access to voting rights;
- 34 (7) a member to be appointed by the President of the Senate;
- 35 (8) a member to be appointed by the Minority Leader of the
36 Senate;
- 37 (9) a member to be appointed by the Speaker of the General
38 Assembly; and
- 39 (10) a member to be appointed by the Minority Leader of the
40 General Assembly.

41 All appointments to the task force shall be made within 30 days
42 of the effective date of this act, P.L. ,
43 c. (pending before the Legislature as this bill). Vacancies shall be
44 filled in the same manner as the original appointments. The
45 Secretary of State, or designee, shall serve as the chair of the task
46 force. The chair shall appoint a secretary who need not be a
47 member of the task force. The members of the task force shall
48 serve without compensation but may be reimbursed, within the

1 limits of funds made available to the task force, for necessary travel
2 expenses incurred in the performance of their duties. The chair
3 shall call an initial meeting of the task force within seven days of
4 the appointment of a majority of its members and hold hearings at
5 the times and in the places it may deem appropriate and necessary
6 to fulfill its duties. The task force shall be entitled to call to its
7 assistance and avail itself of the services of the employees of any
8 State, county or municipal department, board, bureau, commission
9 or agency as it may require and as may be available to it for its
10 purposes. The task force may seek the advice of experts in relevant
11 fields as deemed appropriate by the membership of the task force.
12 A report of the task force's findings and recommendations shall be
13 submitted to the Governor and, pursuant to section 2 of P.L.1991,
14 c.164 (C:52:14-19.1), to the President of the Senate and Speaker of
15 the General Assembly no later than June 30, 2016.

16

17 32. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to
18 read as follows:

19 24. a. The Secretary of State, with the assistance and
20 concurrence of the **【Director of the Division of Motor Vehicles】**
21 Chief Administrator of the New Jersey Motor Vehicle Commission,
22 shall **【formulate a means of permitting a person to】** develop and
23 implement an automated process for an applicant to simultaneously
24 apply for a motor vehicle driver's license or non-driver
25 identification card and to register to vote which satisfies both the
26 requirements necessary to receive a license to operate a motor
27 vehicle, pursuant to R.S.39:3-10, or a non-driver identification card,
28 and to be permitted to register to vote, pursuant to R.S.19:4-1, and
29 in accordance with section 31 of P.L. , c. (C.) (pending before
30 the Legislature as this bill).

31 The **【Division of Motor Vehicles】** New Jersey Motor Vehicle
32 Commission, upon receipt of a completed **【voter registration】**
33 application under this section, **【shall stamp or otherwise mark the**
34 **lower right hand corner of the document with the date on which it**
35 **was so received and forward the document】** shall transmit the
36 applicant's electronic record and digitized signature to the Secretary
37 of State in accordance with a schedule developed by rule or
38 regulation pursuant section 31 of P.L. , c. (C.) (pending before
39 the Legislature as this bill), but no later than the 10th day following
40 the date of acceptance.

41 b. Each application **【for voter registration】** which is received
42 by the **【Division of Motor Vehicles】** New Jersey Motor Vehicle
43 Commission shall be considered and processed as the replacement
44 for any pre-existing voter registration of the applicant.

45 c. Each change of address notification submitted to the
46 **【Director of the Division of Motor Vehicles】** Chief Administrator
47 of the New Jersey Motor Vehicle Commission for the purpose of

1 maintaining current information on a person's motor vehicle license
2 or non-driver identification card shall be **reported** electronically
3 transmitted to the Secretary of State no later than the 10th day
4 following its receipt by the **Division of Motor Vehicles** New
5 Jersey Motor Vehicle Commission and shall serve as notification
6 for the change of address process, **unless the registrant indicates**
7 **that the change of address is not for voter registration purposes**, in
8 accordance with section 31 of P.L. , c. (C.) (pending before the
9 Legislature as this bill).

10 (cf: P.L.1994, c.182, s.24)

11

12 33. Section 23 of P.L.1994, c.182 (C.39:3-10m) is amended to
13 read as follows:

14 23. Notwithstanding any law, rule or regulation to the contrary,
15 the electronic record and digitized signature of each applicant for a
16 State motor vehicle driver's license application or non-driver
17 identification card, including any application for a renewal thereof,
18 submitted to an agent of the **Division of Motor Vehicles in the**
19 **Department of Law and Public Safety** New Jersey Motor Vehicle
20 Commission shall be **offered an opportunity to register to vote**
21 electronically transmitted to the Secretary of State for automatic
22 voter registration purposes, when the applicant meets the criteria
23 specified by the Secretary of State that would qualify that applicant
24 as a legal voter, in accordance with section 31 of P.L. ,
25 c. (C.) (pending before the Legislature as this bill).

26 (cf: P.L.1994, c.182, s.23)

27

28 34. Section 22 of P.L.1964, c.134 (C.19:58-22) is amended to
29 read as follows:

30 22. Said sealed outer envelope with the inner envelope and the
31 ballot enclosed therein, shall then be mailed **with sufficient**
32 **postage** to the county board of elections to which it is addressed**,**
33 **or shall** with the postage prepaid, or it may be presented in person
34 to the county board of elections at the office of said board.

35 (cf: P.L.1964, c.134, s. 22)

36

37 35. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read
38 as follows:

39 2. As used in this act:

40 a. "United States" means each of the several states, the District
41 of Columbia, Commonwealth of Puerto Rico, Guam, American
42 Samoa and the United States Virgin Islands; the term does not mean
43 or include the Canal Zone or any other territory or possession of the
44 United States.

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

46 c. **["Federal election"** means any general, special or primary
47 held for the purpose of nominating or electing any candidate for the

1 office of President or Vice President of the United States,
2 Presidential elector, United States Senator or member of the United
3 States House of Representatives] “Election” shall have the same
4 meaning as defined in R.S.19:1-1, and include any federal, State, or
5 local election, and any public question placed before the voters.

6 d. "Overseas voter" means any person in military service, or
7 that person’s spouse, partner in civil union, domestic partner, or
8 dependent, who, by reason of the person’s active duty or service,
9 is , in the case of the person, absent on the date of an election from
10 the place of residence in New Jersey where the person is or would
11 be qualified to vote, [and] or in the case of the person’s spouse,
12 partner in civil union, domestic partner, or dependent, absent on the
13 date of an election from the place of residence in New Jersey where
14 that spouse, partner in civil union, domestic partner, or dependent,
15 is or would be qualified to vote.

16 The term also means any citizen of the United States residing
17 abroad who (1) immediately prior to [his] departure from the
18 United States was domiciled in New Jersey and (a) was last
19 registered to vote, or [had all the qualifications] last eligible
20 to register and vote, in New Jersey; or (b) [had all the qualifications]
21 would have been eligible to register and vote in New Jersey [other
22 than having] except that the citizen had not attained 18 years of age
23 [but has since attained that age] the requirement of which has since
24 been met; or (c) would have been eligible to register and vote in
25 New Jersey [, but for residence , have the qualifications to register
26 and vote in New Jersey] except that the citizen had not met the
27 residency requirement; (2) [does not maintain a residence in the
28 United States and] is not registered or qualified to vote elsewhere
29 in the United States; and (3) holds a valid passport or passport card
30 [of identity and registration] or other proof of citizenship issued
31 under authority of the Secretary of State of the United States.

32 The term also means any citizen of the United States who was
33 born outside of the United States, is not described above, and,
34 except for the residency requirement of New Jersey, otherwise
35 satisfies the State’s voter eligibility requirements, if the last place
36 where a parent or legal guardian of the voter was, or under
37 P.L.1976, c.23 (C.19:59-1 et seq.) would have been, eligible to
38 register and vote before departure from the United States is within
39 New Jersey and the voter has not previously registered to vote
40 elsewhere in the United States.

41 e. "Electronic means" means any transmission made by an
42 electronic telefacsimile machine or a similar device or by any other
43 form of electronic transmission including, but not exclusive to
44 electronic mail, that transports an authentic copy of a document
45 from one user to another.

46 f. “Dependent” means an individual recognized as a dependent
47 by a military service.

1 g. “Federal postcard application” means the application
2 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.
3 s.1973ff(b)(2)).

4 h. “Federal write-in absentee ballot” means the ballot described
5 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

6 i. “Military service” means the active and reserve components
7 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the
8 United States; the Merchant Marine; the commissioned corps of the
9 Public Health Service or the commissioned corps of the National
10 Oceanic and Atmospheric Administration of the United States; or
11 the National Guard or State militia.

12 (cf: P.L.2008, c.61, s.2)

13
14 36. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read
15 as follows:

16 3. Upon compliance with the provisions of this act, P.L.1976,
17 c.23 (C.19:59-1 et seq.), any person meeting the qualifications of an
18 **["Overseas voter"]** overseas voter may register to vote and may
19 apply for and vote by absentee ballot in any election held in the
20 election district of this State in which the voter, or in the case of an
21 overseas voter who was born outside of the United States described
22 in paragraph (3) of subsection d. of section 2 of P.L.1976,
23 c.23 (C.19:59-2), in which the voter’s parent or legal guardian, was
24 formerly domiciled.

25 (cf: P.L.2008, c.61, s.3)

26
27 37. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
28 as follows:

29 4. a. Requests for an application to vote in an election as an
30 overseas voter may be made by or on behalf of an applicant to the
31 county clerk of the county in which the applicant, or in the case of
32 an overseas voter who was born outside of the United States
33 described in paragraph (3) of subsection d. of section 2 of P.L.1976,
34 c.23 (C.19:59-2), in which the applicant’s parent or legal guardian,
35 was formerly domiciled, or to the Secretary of State of New Jersey
36 if the applicant does not know the county of **["the applicant's"]**
37 former domicile. All such applications shall be forwarded to such
38 voters by air mail or electronic means, if so requested by the voter.
39 Any overseas voter requesting that an application for a ballot be
40 sent to that voter by electronic means shall supply in the request to
41 the Secretary of State or the county clerk, as appropriate, the
42 telephone number and location to which the application is to be sent
43 or the electronic address of the voter, as may be appropriate, and, if
44 known, the address where the voter, or the voter’s parent or legal
45 guardian, as appropriate, was domiciled before departure from the
46 United States. To qualify **["an applicant"]** for a ballot to be sent **["a**
47 **ballot"]** by air mail **["in order to vote in an election"]**, the applicant's
48 completed application shall be received by the appropriate county

1 clerk or the Secretary of State on or before the thirtieth day
 2 preceding the election. To qualify **【an applicant to be sent】** for a
 3 ballot to be distributed by electronic means **【in order to vote in an**
 4 **election】**, the applicant's completed application shall be received by
 5 the appropriate county clerk **【on or before the fourth day】** or the
 6 Secretary of State by 3:00 p.m. on the day preceding the election.

7 b. An overseas voter may use the federal postcard application
 8 form to register to vote or to apply for an overseas ballot for **【a**
 9 **federal】** any election. The voter may send the form by air mail or
 10 electronic means to either the appropriate county clerk or the
 11 Secretary of State and, in the case of **【an】** the use of a federal
 12 postcard application for a ballot, may request that the ballot be sent
 13 by air mail or electronic means. Any voter sending the form by
 14 electronic means shall also mail simultaneously the federal postcard
 15 application form to the appropriate county clerk or the Secretary of
 16 State. Any federal postcard application for a ballot sent by an
 17 overseas voter and received by a county clerk or the Secretary of
 18 State shall also be considered a request for registration if that voter
 19 is not already registered.

20 c. An overseas voter may use the federal write-in absentee
 21 ballot to vote in an election or to vote in favor or against any public
 22 question placed before the voters in an election. An overseas voter
 23 may use the federal write-in absentee ballot to register to vote, if
 24 that voter is not already registered, or to request an overseas ballot
 25 for all elections held during the calendar year in which the request
 26 is made. The voter may send the federal write-in absentee ballot by
 27 air mail or electronic means to either the appropriate county clerk or
 28 the Secretary of State and, in the case of the use of a federal write-
 29 in absentee ballot as an application for an overseas ballot, may
 30 request that the ballot be sent by air mail or electronic means. Any
 31 voter sending the federal write-in absentee ballot by electronic
 32 means shall also mail it simultaneously to the appropriate county
 33 clerk or the Secretary of State.

34 (cf: P.L.2008, c.61, s.4)

35

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

38 5. a. **【An】** Other than a federal postcard application or federal
 39 write-in absentee ballot, an application for an overseas ballot shall
 40 be in substantially the following form:

41 APPLICATION FOR AN OVERSEAS BALLOT

42 I, the undersigned, certify the following as a basis for an
 43 application as citizen of the United States residing outside the
 44 United States to receive a ballot to be voted at the election to be
 45 held on (date of election) **【that is to say】** for (fill in
 46 elected office or public question, or both):

47 1. I am a citizen of the United States;

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

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

5 4. **【a.】** I hold a:

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

7 b. **【I hold a United States Citizens Identity and Registration**
8 Card (Form FS 225) dated issued by (name and
9 location of U.S. Embassy or Consulate)**】 valid U.S. Passport Card #**
10, dated, or

11 c. valid Certificate of Citizenship (Form N-600), dated
12, or

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

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

19 b. I was born outside of the United States and my parent or
20 legal guardian, before leaving the United States, was last domiciled
21 in New Jersey, residing at (street address),
22 (municipality),(county).

23 6. I **【do not maintain a domicile in the United States and】** am
24 not registered, entitled or applying to vote in any state other than
25 New Jersey.

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

29 Applicant

30 (Signature)

31 Dated:.....Applicant

32 (Print or type name)

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

36 c. Any overseas voter requesting that a ballot be sent to that
37 voter by electronic means shall indicate on the application for the
38 ballot the telephone number and location to which the ballot is to be
39 sent or the electronic address of the voter, as may be appropriate.

40 (cf: P.L.2008, c.61, s.5)

41

42 39. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read
43 as follows:

44 6. Each county clerk, upon receipt of an application for an
45 overseas ballot, including a federal postcard application, shall
46 determine whether or not the applicant is qualified to vote such a
47 ballot, make a list of those applications approved and disapproved,
48 which list shall be open to inspection by election officials and the

1 public, and shall forward an overseas ballot to each person whose
2 application is approved. For each voter whose application is
3 approved, the county clerk shall deliver to the county board of
4 elections the completed application form for retention by the board
5 for signature comparison with that on the certificate on the inner
6 envelope containing the ballot upon its receipt.

7 (cf: P.L.2008, c.61, s.6)

8

9 40. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read
10 as follows:

11 7. **【The】** Other than a federal write-in absentee ballot, the
12 county clerk shall prescribe the form of the overseas ballot.

13 (cf: P.L.2008, c.61, s.7)

14

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

17 10. a. For overseas ballots other than such ballots sent to the
18 voter by electronic means, the procedure for completing the ballot
19 shall be as follows:

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

28 b. For overseas ballots sent to the voter by electronic means,
29 the procedure for completing the ballot shall be as follows:

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

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

44 (cf: P.L.2008, c.61, s.11)

45

46 42. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to
47 read as follows:

1 12. An overseas voter may request, on any application form
2 used, an overseas ballot for all elections held during the calendar
3 year in which the request is made. Any instructions sent to an
4 applicant pursuant to section 5 of P.L.1976, c.23 (C.19:59-5) shall
5 inform the applicant that such a request may be made. If such a
6 request is made, an overseas ballot shall be sent in a timely manner
7 to the voter for all such elections and by the transmission method
8 first requested by the voter unless the voter instructs otherwise.

9 (cf: P.L.2008, c.61, s.13)

10
11 43. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to
12 read as follows:

13 26. For the purpose of complying with the federal “Uniformed
14 and Overseas Citizens Absentee Voting Act,” 42 U.S.C. s. 1973ff-1
15 et seq., the office of the Secretary of State shall:

16 a. be designated as the single State office responsible for
17 providing information to all overseas voters who wish to register to
18 vote or vote in any jurisdiction in the State with respect to voter
19 registration procedures and vote by mail procedures to be used by
20 overseas voters for all elections **【for federal offices】** ;

21 b. work with the federal Election Assistance Commission and
22 the federal Department of Defense to develop standards to report
23 data on the number of overseas voter ballots transmitted and
24 received by mail or electronic means pursuant to the “Overseas
25 Residents Absentee Voting Law,” P.L.1976, c.23 (C.19:59-1 et
26 seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

27 c. provide such additional information relating to voting by
28 overseas voters from this State as the Department of Defense
29 determines is necessary.

30 (cf: P.L.2011, c.37, s.26)

31
32 44. (New section) An electronic address provided by an
33 overseas voter to the county clerk or the Secretary of State shall not
34 be made available to the public or any individual or organization
35 other than an authorized agent of the county clerk or the Secretary
36 of State and shall be exempt from disclosure under P.L.1963,
37 c.73 (C.47:1A-1 et seq.). The address may be used only for official
38 communications with the voter that are related to the voting
39 process, including transmitting ballots and election materials if the
40 voter has requested electronic transmission, and verifying the
41 voter’s mailing address and physical location. The request for an
42 electronic address shall describe the purposes for which the
43 electronic address may be used and include a statement that any
44 other use or disclosure of the electronic address is prohibited.

45
46 45. (New section) If a voter’s mistake or omission in the
47 completion of a document does not prevent a determination of
48 whether a voter is eligible to vote, the mistake or omission shall not

1 invalidate the document. Failure to satisfy a technical requirement,
2 such as using paper or envelopes of a specified size or weight, shall
3 not invalidate the submitted document. In the case of a federal
4 write-in absentee ballot or a vote for a write-in candidate on a
5 regular ballot, if the intention of the voter is discernable, an
6 abbreviation, misspelling, or other minor variation in the form of
7 the name of a candidate or a political party shall be accepted as a
8 valid vote.

9 This section shall be applied consistent with the requirements of
10 subsection d. of section 4 of P.L.1995, c.195 (C.19:59-15).

11

12 46. Section 8 of P.L.2005, c.148 (C.19:62-8) is amended to read
13 as follows:

14 8. Prior to transmitting a ballot to the county board of
15 elections, a registered voter shall mark it and place it in the inner
16 envelope. The inner envelope shall then be placed in the outer
17 envelope and that envelope shall be signed and certified by the
18 voter pursuant to instructions provided with the ballot. The voter
19 may return the envelopes containing the marked ballot to the county
20 board by United States mail or by depositing it at the office of the
21 county board or any other place of deposit designated for that
22 purpose. **【If the voter returns the ballot by United States mail, the
23 voter shall provide the postage.】** Each outer envelope shall be a
24 postage prepaid return envelope.

25 (cf: P.L.2005, c.148, s.8)

26

27 47 Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
28 as follows:

29 3. a. A qualified voter shall be entitled to vote using a mail-in
30 ballot in any election held in this State.

31 b. Not less than seven days before an election in which a voter
32 wants to vote by mail, the voter may apply to the person designated
33 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
34 application shall be in writing, shall be signed by the applicant and
35 shall state the applicant's place of voting residence and the address
36 to which the ballot shall be sent. The Secretary of State shall
37 prepare a mail-in application form and shall have the authority to
38 promulgate any rules and regulations the secretary deems necessary
39 to effectuate the purposes of this subsection. A voter registration
40 form shall also be usable for this purpose.

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

46 d. Any voter who fails to apply for a mail-in ballot before the
47 seven-day period prescribed in subsection b. of this section may

1 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
2 of the day before the election.

3 e. (1) A voter who wishes to vote only by mail-in ballot in all
4 future **【general】** elections, including general elections, in which the
5 voter is eligible to vote, and who states that on an application for a
6 mail-in ballot, shall be furnished such a ballot by the county clerk
7 without further request on the part of the voter and until the voter
8 requests that the voter no longer be sent a mail-in ballot. A voter
9 shall also have the option to indicate on an application for a mail-in
10 ballot that the voter would like to receive such a ballot for **【each**
11 **election that takes place during the remainder of the calendar year**
12 **in which the application is completed and submitted】** future general
13 elections only. A voter who exercises this option shall be furnished
14 with a mail-in ballot for each future general election **【that takes**
15 **place during the remainder of the calendar year】** without further
16 request by the voter. A person voting by mail-in ballot who
17 registered by mail after January 1, 2003, who did not provide
18 personal identification information when registering pursuant to
19 section 16 of P.L.1974, c.30 (C.19:31-6.4) and is voting for the first
20 time in his or her current county of residence following registration
21 shall include copies of the required identification information with
22 the mail-in ballot. Failure to include such information with the
23 mail-in ballot shall result in its rejection.

24 (2) In the event that a voter who has requested a mail-in ballot
25 for all future elections does not complete and return such a ballot
26 for canvassing for four consecutive elections following the election
27 at which the voter last voted, the voter shall be treated as if he or
28 she requested a mail-in ballot for future general elections only and
29 shall continue to be furnished with mail-in ballots for future general
30 elections in accordance with paragraph (3) of this subsection, and
31 the ability of such a voter to receive a mail-in ballot for future
32 elections other than general elections shall be suspended until the
33 voter submits a new application for such a ballot that indicates that
34 the voter wishes to receive a ballot for all future elections.

35 **【(2)】** (3) In the event that a voter who has requested a mail-in
36 ballot for **【all】** future general elections only does not complete and
37 return such a ballot for canvassing for the fourth general election
38 following the general election at which the voter last voted, the
39 county clerk shall send a notice to that voter to ascertain whether he
40 or she continues to reside at the address from which that voter is
41 registered to vote and continues to be eligible to vote. If the notice
42 is not completed and returned by the voter to the clerk before the
43 **【40th】** 45th day prior to the next general election, a mail-in ballot
44 shall not be sent to the voter for that general election. The ability of
45 such a voter to receive a mail-in ballot for **【all】** future general
46 elections only shall be suspended until the voter submits a new
47 application for such a ballot that indicates that the voter wishes to

1 receive **the** a ballot for **all** future general elections only or for
2 all future elections.

3 **[(3)]** (4) The county clerk shall not transmit a mail-in ballot
4 for any election to any person who is deemed by a county
5 commissioner of registration to be an inactive voter or whose
6 registration file has been transferred to the deleted file pursuant to
7 R.S.19:31-19.

8 (5) Any mail-in ballot that is sent to a qualified voter and that is
9 returned to the county clerk for any reason shall be forwarded to the
10 commissioner of registration, who shall so note the return in the
11 voter record of that voter.

12 (cf: P.L.2009, c.79, s.3)

13

14 48. (New section) a. Any voter who has opted to receive a
15 mail-in ballot for all future elections, or for future general elections
16 only, pursuant to law, and has not returned a voted ballot to the
17 county board of elections but appears with a mail-in ballot at the
18 polling place to which the voter would be assigned if voting in
19 person on the day of a general election or any other election, shall
20 be permitted to vote in person by using the same voting machine
21 used by other qualified voters at that polling place after the voter
22 surrenders the mail-in ballot to a designated poll worker. All mail-
23 in ballots thus collected shall be transmitted to the county board of
24 elections by the designated poll worker after the closing of the
25 polls.

26 b. Any voter who has applied for and received a mail-in ballot
27 and has not returned the voted mail-in ballot to the county board of
28 elections or given it to a bearer for that purpose, but appears at the
29 polling place in the voter's election district on the day of the
30 election without the mail-in ballot and wishes to vote, shall be
31 permitted to vote in person by provisional ballot, as provided for in
32 section 20 of P.L.2009, c.79 (C.19:63-20).

33 c. The Secretary of State shall promulgate regulations to: (1)
34 establish a procedure for the collection and processing of mail-in
35 ballots by the county board of elections under subsection a. of this
36 section; and (2) record that a voter has been permitted to vote at the
37 polling place of the voter's election district on the day of an
38 election after surrendering a mail-in ballot.

39

40 49. (New section) Notwithstanding the provisions of R.S.19:14-
41 25 or R.S.19:23-30 to the contrary, the sample ballot for a general
42 election, or any other election, shall not be mailed to any qualified
43 voter who has been sent a mail-in ballot for that election, pursuant
44 to section 3 of P.L.2009, c.79 (C.19:63-3).

45

46 50. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read
47 as follows:

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

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

9 In the case of voter registration forms that include a selected vote
10 by mail option, a copy of each such form shall be transmitted to and
11 received by the appropriate county clerk, who shall be responsible
12 for providing mail-in ballots to each qualified voter requesting such
13 ballots for the future elections indicated on the voter registration
14 form, until the voter requests otherwise.

15 (cf: P.L.2009, c.79, s.5)

16

17 51. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
18 as follows:

19 6. a. The county clerk, in the case of any Statewide election,
20 countywide election, or school election in a regional or other school
21 district comprising more than one municipality; the municipal clerk,
22 in the case of any municipal election or school election in a school
23 district comprising a single municipality; and the commissioners or
24 other governing or administrative body of the district, in the case of
25 any election to be held in any fire district or other special district,
26 other than a municipality, created for specified public purposes
27 within one or more municipalities, shall publish the following
28 notice in substantially the following form:

29 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

30 If you are a qualified and registered voter of the State who wants
31 to vote by mail in the..... (school, municipal, primary,
32 general, or other) election to be held on..... (date of election)
33 **【**complete the application form below and send to the undersigned,
34 or write or apply in person to the undersigned at once requesting
35 that a mail-in ballot be forwarded to you. The request must state
36 your home address and the address to which the ballot should be
37 sent. The request must be dated and signed with your signature.

38 If any person has assisted you to complete the mail-in ballot
39 application, the name, address and signature of the assistor must be
40 provided on the application, and you must sign and date the
41 application for it to be valid and processed. No person shall serve
42 as an authorized messenger for more than 10 qualified voters in an
43 election. No person who is a candidate in the election for which the
44 voter requests a mail-in ballot may provide any assistance in the
45 completion of the ballot or may serve as an authorized messenger or
46 bearer.

47 No mail-in ballot will be provided to any applicant who submits
48 a request therefor by mail unless the request is received at least

1 seven days before the election and contains the requested
2 information. A voter may, however, request an application in
3 person from the county clerk up to 3 p.m. of the day before the
4 election.

5 Voters who want to vote only by mail in all future general
6 elections only in which they are eligible to vote, and who state that
7 on their application shall, after their initial request and without
8 further action on their part, be provided a mail-in ballot by the
9 county clerk until the voter requests that the voter no longer be sent
10 such a ballot. A voter's failure to vote in the fourth general election
11 following the general election at which the voter last voted may
12 result in the suspension of that voter's ability to receive a mail-in
13 ballot for all future general elections unless a new application is
14 completed and filed with the county clerk.】 , the following applies:

15 You must complete the application form below and send it to the
16 county clerk where you reside, write or apply in person to the
17 county clerk where you reside, or use a voter registration form to
18 request a mail-in ballot.

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

22 No person may serve as an authorized messenger for more than
23 10 qualified voters in an election.

24 No person who is a candidate in the election for which the voter
25 requests a mail-in ballot may provide assistance in the completion
26 of the ballot or serve as an authorized messenger or bearer.

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

31 Voters who want to vote by mail in all future elections will, after
32 their initial request and without further action on their part, be
33 provided with a mail-in ballot until the voter requests otherwise.

34 Voters who want to vote only by mail in future general elections
35 only will, after their initial request and without further action on
36 their part, be provided with a mail-in ballot until the voter requests
37 otherwise.

38 A voter's failure to vote in four consecutive elections following
39 the election at which the voter last voted will result in the
40 suspension of that voter's ability to receive a mail-in ballot for
41 future elections, unless a new application is completed and filed
42 with the county clerk.

43 **【**Voters also have the option of indicating on their mail-in ballot
44 applications that they would prefer to receive mail-in ballots for
45 each election that takes place during the remainder of this calendar
46 year. Voters who exercise this option will be furnished with mail-in
47 ballots for each election that takes place during the remainder of
48 this calendar year, without further action on their part.】

1 Application forms may be obtained by applying to the
2 undersigned either in writing or by telephone, or the application
3 form provided below may be completed and forwarded to the
4 undersigned.

5
6 Dated.....
7

8 (signature and title of county clerk)

9

10 (address of county clerk)

11

12 (telephone no. of county clerk)

13 b. (1) The Secretary of State shall be responsible for providing
14 all information regarding overseas ballots to each overseas voter
15 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
16 seq.). The secretary shall also make available valid overseas voter
17 registration and ballot applications to any voter who is a member of
18 the armed forces of the United States and who is a permanent
19 resident of this State, or who is an overseas voter who wishes to
20 register to vote or to vote in any jurisdiction in this State. The
21 secretary shall provide such public notice as may be deemed
22 necessary to inform members of the armed forces of the United
23 States and overseas voters how to obtain valid overseas voter
24 registration and ballot applications.

25 (2) The Secretary of State shall undertake a program to inform
26 voters in this State about their eligibility to vote by mail pursuant to
27 this act. Dissemination of this information shall be included in the
28 standard notices required by this section and other provisions of
29 current law, including but not limited to the notice requirements of
30 R.S.19:12-7, and shall be effectuated by such means as the secretary
31 deems appropriate and to the extent that funds for such
32 dissemination are appropriated including, but not limited to, by
33 means of Statewide or local electronic media, public service
34 announcements broadcast by such media, notices on the Internet site
35 of the Department of State or any other department or agency of the
36 Executive Branch of State government or its political subdivisions
37 deemed appropriate by the secretary, and special mailings or notices
38 in newspapers or other publications circulating in the counties or
39 municipalities of this State.

40 c. The mail-in ballot materials shall contain a notice that any
41 person voting by mail-in ballot who has registered by mail after
42 January 1, 2003, who did not provide personal identification
43 information when registering and is voting for the first time in his
44 or her current county of residence following registration shall
45 include copies of the required identification information with the
46 mail-in ballot, and that failure to include such information shall
47 result in the rejection of the ballot.

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

4 Notices relating to any Statewide or countywide election shall be
5 published in at least two newspapers published in each county. All
6 officials charged with the duty of publishing such notices shall
7 publish the same in at least one newspaper published in each
8 municipality or district in which the election is to be held, or if no
9 newspaper is published in the municipality or district, then in a
10 newspaper published in the county and circulating in the
11 municipality or district. All such notices shall be display
12 advertisements.

13 (cf: P.L.2011, c.134, s.50)

14

15 52. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to
16 read as follows:

17 12. Each county clerk shall send, with each mail-in ballot,
18 printed directions for the preparation and transmitting of the ballots
19 as required by this act. The directions shall be printed in such
20 manner and form as the Secretary of State shall require, together
21 with two envelopes of such sizes that one will contain the other.

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

29 To protect your vote:

30 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
31 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
32 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
33 IS COMPLETED:

34 Ballot mailed or transported by

35 (signature of bearer)

36 (print name of bearer)

37 (address of bearer)

38 The reserve side of the outer envelope shall contain the
39 following:

40 REMINDER

41 For your vote to count, you must:

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

44 2) Seal the envelope.

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

47 4) If another person will be mailing your ballot or bringing it to
48 the board of elections, MAKE CERTAIN THAT PERSON

1 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
2 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
3 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
4 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
5 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
6 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
11 after the mail-in ballot has been placed therein and the flap thereof
12 shall be of such length and size as to leave sufficient margin, after
13 sealing, for the printing thereon of the certificate hereinafter
14 described. The flap shall be so arranged that, after the inner
15 envelope has been sealed, the certificate can be contained, with the
16 inner envelope, in the outer envelope, and that the margin
17 containing the certificate can be detached without unsealing the
18 inner envelope.

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

23 To protect your vote:

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

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

28 The reverse side of each inner envelope shall contain the
29 following statement:

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

36 (cf: P.L.2009, c.79, s.12)

37

38 53. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to
39 read as follows:

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

43 CERTIFICATE OF MAIL-IN VOTER

44 I,, whose home address is

45 (print your name clearly) (street

46, DO HEREBY CERTIFY,

47 address or R.D. number) (municipality) **【Subject】** subject to the

48 penalties for fraudulent voting, that I am the person who applied for

1 the enclosed ballot. I MARKED AND SEALED THIS BALLOT
2 AND CERTIFICATE IN SECRET. However, a family member
3 may assist me in doing so.

4

5 (signature of voter)

6 Any person providing assistance shall complete the following:

7 I do hereby certify that I am the person who provided assistance
8 to this voter and declare that I will maintain the secrecy of this
9 ballot.

10

11 (signature of person providing
12 assistance)

13

14 (printed name of person providing
15 assistance)

16

17

18 (address of person providing
19 assistance)

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

24 CERTIFICATE OF MAIL-IN VOTER

25 I,, whose home address is.....

26 (print your name clearly) (street address or R.D.
27 number) (municipality)

28, DO HEREBY CERTIFY,

29 subject to the penalties for fraudulent voting, that I am the person
30 who applied for the enclosed ballot for the primary election. I
31 MARKED AND SEALED THIS BALLOT AND CERTIFICATE
32 IN SECRET. However, a family member may assist me in doing
33 so.

34

35 (signature of voter)

36 Any person providing assistance shall complete the following:

37 I do hereby certify that I am the person who provided assistance
38 to this voter and declare that I will maintain the secrecy of this
39 ballot.

40

41 (signature of person providing
42 assistance)

43

44 (printed name of person
45 providing assistance)

46

47

48 (address of person providing assistance)

1 c. The clerk of each county shall be permitted to affix to the
2 margin of the flap on the inner envelope of the mail-in ballot
3 transmitted thereby to a mail-in ballot voter an alternative
4 certificate, substantially similar to the certificate provided for by
5 subsection a. or b. of this section, that permits the voter to certify
6 the correctness of the voter's name, street, mailing address or R.D.
7 number, and municipality as it appears on the label of the mail-in
8 ballot received by the voter.

9 (cf: P.L.2011, c.134, s.53)

10
11 54. Section 20 of P.L.2009, c.79 (C.19:63-20) is amended to
12 read as follows:

13 20. a. Any person who has applied for a mail-in ballot and has
14 had the mail-in ballot either delivered in person or forwarded by
15 mail, and voted and returned the voted ballot to the county board,
16 shall not be permitted to vote in person at the polling place in the
17 voter's election district on the day of the election.

18 b. Any person who: (1) has applied for a mail-in ballot and not
19 received either the ballot or an explanation for not receiving such a
20 ballot pursuant to notification by the county clerk or from the free-
21 access system established pursuant to section 5 of P.L.2004,
22 c.88 (C.19:61-5) to provide such information; **【or】** (2) has applied
23 for and received a mail-in ballot and has not transmitted it to the
24 county board of elections or given it to a bearer for delivery to the
25 county board before the time for the opening of the polls on the day
26 of an election; or (3) has applied for and received a mail-in ballot
27 and has not transmitted it to the county board of elections or given
28 it to the bearer for delivery to the county board, but appears at the
29 polling place without the ballot and wishes to vote, shall be
30 permitted to vote in person by provisional ballot at the polling place
31 in the voter's election district on the day of the election.

32 (cf: P.L.2009, c.79, s.20)

33
34 55. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
35 as follows:

36 3. Except as may otherwise be provided by law for initial
37 elections conducted in a municipality following its adoption of a
38 plan or form of government, or a charter or an amendment thereto,
39 regular municipal elections shall be held in each municipality
40 governed by this act on the second Tuesday in May, or the day of
41 the general election in November if chosen by the municipality
42 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
43 7.1), in the years in which municipal officers are to be elected. The
44 municipal election shall be held at the same place or places and
45 conducted in the same manner, so far as possible, as the general
46 election. The election officers shall be those provided for
47 conducting the general election.

1 A municipality holding municipal elections on the second
2 Tuesday in May, in addition to those elections and by an ordinance
3 adopted by its governing body, may also conduct early voting for
4 those municipal elections, in accordance with the provisions of
5 P.L. , c. (C.) (pending before the Legislature as this bill). A
6 municipality holding municipal elections on the day of the general
7 election in November shall conduct early voting in accordance with
8 the provisions of P.L. , c. (C.) (pending before the
9 Legislature as this bill).

10 Notwithstanding the provisions of this section, the Secretary of
11 State may change in any year the date provided for a regular
12 municipal election if the date coincides with a period of religious
13 observance that limits significantly the usual activities of the
14 followers of a particular religion or that would result in significant
15 religious consequences for such followers. The secretary shall
16 inform the municipal clerks, county clerks and boards of election of
17 the adjustment no later than the first working day in January of the
18 year in which the adjustments are to occur.

19 As used in this section "a period of religious observance" means
20 any day or portion thereof on which a religious observance imposes
21 a substantial burden on an individual's ability to vote.

22 (cf: P.L.2009, c.196, s.4)

23

24 56. (New section) There is hereby established in the Division of
25 Elections in the Department of State an Office of Accessible
26 Elections. It shall be the duty of the office to monitor accessibility
27 problems arising in the course of election administration; receive
28 complaints from voters; inform the Secretary of State on best
29 practices in making the various election processes, technologies,
30 materials, and procedures accessible to persons with disabilities;
31 and disseminate that information among all election jurisdictions in
32 this State. When appropriate, the office shall work closely with the
33 Voting Accessibility Advisory Committee in each county,
34 established pursuant to section 11 of P.L.1991, c.429 (C.19:8-3.7),
35 in undertaking its duties. The office shall also work with the
36 Secretary of State to ensure that all Internet sites administered by
37 the Division of Elections are available to the public in both English
38 and Spanish languages and are accessible to persons with
39 disabilities within six months following the effective date of this
40 section.

41

42 57. (New section) Upon application for reimbursement by a
43 county governing body or a municipal governing body, as may be
44 appropriate, to the Secretary of State and approval of the
45 application by the Director of the Division of Budget and
46 Accounting in the Department of the Treasury, a county or
47 municipality shall be reimbursed by the State for any additional
48 costs incurred by the county or municipality as a result of providing

1 postage for voted ballots that are returned by mail, pursuant to the
2 provisions of this act, P.L. , c. (pending before the Legislature as
3 this bill). There shall be appropriated annually from the General
4 Fund to the Secretary of State such sums as the State Treasurer and
5 the Director of the Division of Budget and Accounting in the
6 Department of the Treasury determine are necessary for the State to
7 reimburse counties and municipalities for any additional costs
8 incurred as a result of providing postage for voted ballots that are
9 returned by mail, pursuant to the provisions of this act, P.L. ,
10 c. (pending before the Legislature as this bill).

11

12 58. (New section) a. No political party or person shall:

13 (1) engage in or implement a deceptive voting practice or
14 authorize or aid, abet, counsel, command, induce, procure, conspire
15 with, or direct another political party or person to engage in or
16 implement a deceptive voting practice;

17 (2) intentionally obscure the identity, or authorize or aid, abet,
18 counsel, command, induce, procure, conspire with, or direct another
19 political party or person to obscure the identity, of the political
20 party or person engaging in a deceptive voting practice;

21 (3) direct, authorize, or encourage any person to deface or
22 remove any lawfully placed printed or electronic material or signs
23 advocating the election or defeat of a candidate or the adoption or
24 defeat of a public question;

25 (4) implement a deceptive voting practice in any election district
26 in which a decision to conduct such activities would be based on the
27 racial or ethnic composition of the district, provided that the
28 conduct of such activities in, or directed toward, an election district
29 having a substantial proportion of racial or ethnic populations shall
30 be considered relevant evidence that the decision is based on the
31 racial or ethnic composition of the district;

32 (5) seek to have any private individual deputized as a member of
33 law enforcement in connection with a deceptive voting practice; or

34 (6) authorize, direct, or encourage any individual to dress or
35 conduct himself or herself in a manner that falsely implies that the
36 individual is a member of law enforcement in connection with a
37 deceptive voting practice.

38 b. As used in this section,

39 “deceptive voting practice” means the knowing provision of false
40 information to any other person or political party regarding the
41 time, place, or manner of conducting any election in this State or
42 the qualifications for or restrictions on voter, candidate, or petition
43 signer eligibility for any election in this State; or the use or
44 attempted use of intimidation, threats, or coercion to prevent
45 potential voters from registering to vote or to prevent voters or
46 potential voters from casting a free and secret ballot in any election
47 in this State. A deceptive voting practice shall include the mailing,
48 publishing, broadcasting, telephoning or transmitting by any means

1 of any information that would otherwise constitute a deceptive
2 voting practice;

3 “person” means any corporation, association, operation, firm,
4 partnership, trust or other form of business or political association,
5 as well as a natural person; and

6 "political party" means a party which, at the most recently
7 preceding general election held for all of the members of the
8 General Assembly, polled for members of the General Assembly at
9 least 10% of the total vote cast in this State.

10 c. Any political party or person violating this section shall be
11 guilty of a crime of the third degree. Each violation of this section
12 shall constitute a separate violation.

13 d. Nothing contained in this section shall be construed as
14 interfering with the responsibilities of challengers appointed
15 pursuant to N.J.S.19:7-1 et seq.

16

17 59. (New section) Each county board of elections, immediately
18 following the certification of the election results of each election,
19 shall document and account for any allegation of voter fraud that
20 arose during the election and how each allegation was addressed.
21 Each county board shall prepare a report with that information
22 which shall be submitted to the Secretary of State within 30 days
23 following the certification of the election results. The Secretary of
24 State shall annually prepare a report containing the information
25 submitted to it by each county board of elections, detailing all of the
26 allegations of voter fraud that arose during the election and how
27 they were addressed in each county. The report shall be prepared
28 by the Secretary of State within 180 days following the election,
29 and shall be made available to the public on the website of the New
30 Jersey Division of Elections. Every five years the secretary shall
31 prepare a report to be submitted to the Governor, and to the
32 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
33 containing recommendations on how the election laws should be
34 amended or supplemented to prevent voter fraud.

35

36 60. There is appropriated from the General Fund to the Secretary
37 of State such sums as the State Treasurer and the Director of the
38 Division of Budget and Accounting in the Department of the
39 Treasury determine are necessary for the State to reimburse
40 counties and municipalities for any additional costs incurred as a
41 result of providing postage for voted ballots that are returned by
42 mail, pursuant to the provisions of this act, P.L. ,
43 c. (pending before the Legislature as this bill).

44

45 61. There is appropriated from the General Fund as State aid to
46 each county governing body and to each municipal governing body
47 that approves conducting early voting such sums as the State
48 Treasurer and the Director of the Division of Budget and

1 Accounting in the Department of the Treasury deem necessary to
2 effectuate the purpose of section 15 of P.L. ,
3 c. (C.) (pending before the Legislature as this bill).

4
5 62. The following sections are repealed:

6 R.S.19:3-26;

7 R.S.19:3-27;

8 R.S.19:27-4;

9 R.S.19:27-6; and

10 Section 1 of P.L.1945, c.206 (C.19:27-10.1).

11
12 63. This act shall take effect on the January 1 next following the
13 date of enactment.

14 15 16 STATEMENT

17
18 This bill establishes “The Democracy Act” to revise various
19 voter registration and voting procedures. Specifically, the bill
20 establishes early voting, online voter registration, automatic voter
21 registration, and allows for the pre-registration of 17-year-olds.
22 The bill expands various language accessibility provisions in
23 current law by lowering the population threshold that triggers
24 requirements for the publication of certain election notices and
25 materials in languages other than English. The bill also makes
26 various changes to current procedures for voting by mail, military
27 and overseas voting under the Overseas Residents Absentee Voting
28 Law, and filling vacancies in the United States Senate and House of
29 Representatives. Finally, the bill establishes an Office of Accessible
30 Elections in the Division of Elections in the Department of State;
31 codifies portions of a 1982 federal consent decree that prohibits
32 certain actions by persons and political parties concerning the
33 implementation of deceptive voting practices during elections, and
34 extends its application to all persons and political parties; lowers
35 the standard for challenging election voter fraud in court; and
36 requires the periodic reporting on incidents of voter fraud during the
37 conduct of an election.

38 39 *Early Voting*

40
41 The bill establishes an in-person early voting procedure (sections
42 2, 3, 5 through 8, 10 through 16, 55, and 61), to allow voters to cast
43 their votes at any specially designated polling places in their
44 respective county of residence, starting on the 15th day before the
45 general election, and ending at 3 PM on the calendar day before the
46 election. A municipality holding municipal elections on the second
47 Tuesday in May, by an ordinance adopted by its governing body,

1 may also conduct in-person early voting for those municipal
2 elections.

3 Under the bill, a registered voter would be permitted to vote in-
4 person at a designated polling place before the day of a general
5 election using a paper ballot. The ballot used to conduct in-person
6 early voting will be labeled “Early Voting / Vote By Mail Ballot,”
7 and will also be used to conduct the vote by mail process for the
8 general election provided for in “The Vote By Mail Law.”
9 However, a person who missed the voter registration deadline
10 would be permitted to register to vote, and to vote, on an early
11 voting day using a provisional ballot as provided for in the bill.

12 Designated polling places must be open for early voting on
13 Monday through Saturday from 10 AM to 8 PM, and on Sunday
14 from 10 AM to 6 PM. A duly-registered voter will be permitted to
15 vote after signing an early voting voter certificate, and after the
16 voter’s eligibility to vote is ascertained in substantially the same
17 manner as done on election day. At least once each day during the
18 early voting period, and prior to the start of the regularly scheduled
19 election, each county board must make such changes as may be
20 necessary to the voter’s record in the Statewide voter registration
21 system and the signature copy register used at each polling place to
22 indicate that a voter has voted in that election using the early voting
23 procedure. A voter who participates in early voting would not be
24 permitted to vote by mail-in ballot or in person on election day.

25 The bill provides that each county board of elections is to
26 designate three early voting locations in each county, except that
27 the county board must designate a total of five public locations for
28 early voting if the number of registered voters in the county is at
29 least 150,000 but less than 300,000, and must designate a total of
30 seven public locations for early voting if the number of registered
31 voters in the county is 300,000 or more. Under the bill, the number
32 of registered voters in each county must be determined ahead of the
33 selection of early voting sites pursuant to a uniform standard to be
34 developed by the Secretary of State. Whenever possible, early
35 voting sites must be geographically located so as to ensure both
36 access in the part of the county that features the greatest
37 concentration of population, according to the most recent federal
38 decennial census of the United States, and access in various
39 geographic areas of the county. No public school building may
40 serve as an early voting location. Once early voting locations are
41 designated in each county, county boards of election must, as
42 provided by the Secretary of State, evaluate and, if deemed
43 necessary, revise these locations in order to accommodate
44 significant changes in the number of registered voters within each
45 county, reflect the population distribution and density within each
46 county, or enhance convenience when an early voting site has
47 proven to be inconvenient for the voters, or because of similar
48 circumstances. The Secretary of State must develop the criteria to

1 be used by county boards of election to revise the location of early
2 voting sites and must prescribe how often such revision must take
3 place.

4 The election officers responsible for conducting early voting
5 would be the same as those responsible for conducting a general
6 election. The number of such officers and their hours of service
7 would be as determined by each county board of elections. The
8 compensation for such officers would be as provided for by current
9 law for poll workers serving at a school election.

10 The bill provides that each county board will be responsible for
11 forming and executing a written plan for the security of the ballots
12 used during the early voting period, including voted ballots and
13 election materials, based on guidelines established by the Secretary
14 of State and submitted thereto no later than December 15 of each
15 year. The written security plan is to ensure, to the greatest extent
16 possible, the integrity of the voting process and the security of
17 ballots used during the early voting period. The security plan must
18 specify a chain of custody of ballots and voted ballots, which must
19 include the transfer of voted ballots to each county board of
20 elections at the end of each early voting day for safekeeping until
21 canvassing on election day. For the elections that early voting is
22 available, the procedures concerning the conduct of voters at the
23 polling place and the appointment of challengers, as well as the
24 prohibition on electioneering within 100 feet of a polling place, will
25 be as provided for in current law.

26 The bill also provides that, in addition to any publications
27 required under Title 19 of the Revised Statutes, the Secretary of
28 State and county boards of elections must publish on the
29 Department of State's website and the respective county's website
30 information concerning the early voting procedure. The early
31 voting information must include, but may not be limited to, a notice
32 to the public concerning their eligibility to participate in early
33 voting, the duration of the early voting period, and the locations and
34 hours of operation of specially designated polling places for early
35 voting in each county.

36 The bill appropriates as State aid to each county governing body
37 and to each municipal governing body that approves conducting
38 early voting such sums as the State Treasurer and the Director of
39 the Division of Budget and Accounting in the Department of the
40 Treasury deem necessary to effectuate early voting.

41

42 *Online Voter Registration*

43

44 The bill requires the Secretary of State to establish a secure
45 Internet website to allow eligible voters to register to vote using an
46 online voter registration form (sections 23, 25 through 28). The bill
47 also authorizes the use of digitized signatures from the New Jersey

1 Motor Vehicle Commission's database in connection with online
2 voter registration forms.

3 Under the bill, the Secretary of State must employ security
4 measures to ensure the accuracy and integrity of voter registration
5 forms submitted electronically. The secretary must require an
6 applicant who submits an online voter registration form to submit
7 the number from his or her New Jersey driver's license or non-
8 driver identification card issued by the New Jersey Motor Vehicle
9 Commission; his or her date of birth; and the last four digits of his
10 or her social security number. Upon submission of the online voter
11 registration form, the electronic voter registration system must
12 immediately verify that the applicant has a New Jersey driver's
13 license or non-driver identification card; that the number for that
14 driver's license or non-driver identification card provided by the
15 applicant matches the number for that person's driver's license or
16 non-driver identification card that is on file with the New Jersey
17 Motor Vehicle Commission; and that the date of birth provided by
18 the applicant matches the date of birth for that person that is on file
19 with the New Jersey Motor Vehicle Commission. The system must
20 also automatically acknowledge that the online voter registration
21 form has been submitted successfully, and provide instructions on
22 how the person completing the voter registration form may follow-
23 up on the status of the submission either online or by contacting the
24 appropriate county commissioner of registration.

25 Under the bill, an applicant completing the online voter
26 registration form must affirmatively attest to the truth of the
27 information provided therein, and affirmatively assent to the use of
28 his or her signature from his or her driver's license or non-driver
29 identification card. For each online voter registration form, the
30 secretary must obtain an electronic copy of the applicant's signature
31 from his or her driver's license or non-driver identification card
32 directly from the New Jersey Motor Vehicle Commission. The
33 secretary would promulgate deadlines for when an online voter
34 registration form submitted by an applicant would be effective
35 ahead of an election to be held in the election district of the
36 applicant submitting the form.

37 The bill also specifies a manner for completing the form if an
38 applicant cannot electronically submit the identification information
39 required. The online voter registration Internet site would be
40 available in both English and in any other language primarily
41 spoken by at least one half of one percent of New Jersey's
42 population, and must be accessible to individuals with disabilities.

43 The information on the online voter registration forms would be
44 electronically transferred by county commissioners of registration
45 into the Statewide voter registration system already established by
46 law. Under the bill, online voter registration must be implemented
47 by July 1, 2016.

1 *Automatic Voter Registration*

2

3 The bill requires the New Jersey Motor Vehicle Commission
4 (NJMVC) to automatically transmit applicant information to the
5 Secretary of State for automatic voter registration purposes
6 (sections 23, 31 through 33). The bill also permits an applicant to
7 decline to finalize a voter registration form within 21 days of
8 receiving a notice of voter registration from the county
9 commissioner of registration.

10 Under current law, a person may register to vote at various
11 locations, including designated public agencies, voter registration
12 agencies, and when applying for a driver's license. Completed
13 voter registration forms are submitted from these entities to the
14 Secretary of State or the appropriate county commissioner of
15 registration for processing. This bill would require the Chief
16 Administrator of the NJMVC to transmit to the Secretary of State
17 electronic records containing the legal name, age, residence,
18 citizenship, and digitized signature of each applicant for a motor
19 vehicle driver's license or non-driver identification card who meets
20 the criteria specified by the Secretary of State that would qualify
21 that applicant as a legal voter, for automatic voter registration
22 purposes.

23 Under the bill, upon receiving the applicant's electronic record
24 and digitized signature, the Secretary of State would transmit the
25 information to the county commissioner of registration of the
26 county in which the applicant resides. The county commissioner of
27 registration would notify each applicant, by mail, of the automatic
28 voter registration, and would inform each applicant of the process
29 to decline being registered to vote or, if not declining, of the option
30 to select a political party affiliation. If an applicant does not
31 decline the voter registration within 21 calendar days after the
32 county commissioner of registration issues the notification, the
33 applicant's electronic record and digitized signature would
34 constitute a complete voter registration form. The applicant would
35 be registered to vote if the county commissioner of registration
36 determines that the applicant is eligible to register to vote pursuant
37 to Article II, Section I, paragraph 3 of the New Jersey Constitution
38 and Title 19 of the Revised Statutes, and is not disqualified. A
39 county commissioner of registration would be required to delete the
40 electronic record and digitized signature of a person who declines to
41 be registered to vote.

42 The bill also requires the Chief Administrator to transmit to the
43 Secretary of State the electronic record and digitized signature of an
44 applicant who is updating the legal name or address information on
45 an existing motor vehicle driver's license or non-driver
46 identification card, who meets the criteria specified by the Secretary
47 of State that would qualify that applicant as a legal voter, for

1 automatic voter registration purposes and for updating an existing
2 voter registration record.

3 Under the bill, the Secretary of State must develop an
4 informational pamphlet to be provided to each applicant for a motor
5 vehicle driver's license or non-driver identification card describing
6 the process for automatic voter registration. The secretary, in
7 consultation with the Chief Administrator of the New Jersey Motor
8 Vehicle Commission and the Automatic Voter Registration Task
9 Force established under the bill, are directed to promulgate the rules
10 and regulations necessary to implement the bill. The automatic
11 voter registration process would be implemented by the secretary
12 and the chief administrator by January 1, 2017.

13 These provisions are modeled after an automatic voter
14 registration law recently enacted in Oregon.

15

16 *Pre-registration of 17-year-olds*

17

18 The bill allows a 17-year-old to file a voter registration form
19 (section 22). Under current law, a person who at the time he or she
20 applies to register to vote resides in the district in which he or she
21 expects to vote, and who will be 18 years old or more at the next
22 ensuing election, is permitted to register to vote, provided the
23 person: (1) is a citizen of the United States; (2) continues to reside
24 in the district until the next election; and (3) will, at the time of the
25 election, have fulfilled all the requirements as to length of residence
26 to qualify him or her as a legal voter. This section of the bill
27 clarifies that a person who is 17 years of age will be able to register
28 to vote, and may vote at the next election occurring on or after the
29 person's 18th birthday.

30

31 *Language Accessibility*

32

33 The bill expands various language accessibility provisions in
34 current law by lowering the population threshold that triggers
35 requirements for the publication of certain election notices and
36 materials in languages other than English (sections 1, 3 through 5,
37 8, 9, 17, 24, 29, and 30). Under current law, whenever at least 10%
38 of the population in an election district or county, as the case may
39 be, primarily speaks Spanish, certain election notices and materials
40 are required to be printed and distributed in both the English and
41 Spanish languages. This bill reduces that threshold to 5%, and
42 applies it to primary speakers of any language other than English.
43 Specifically, these bill provisions would apply to multilingual
44 requirements applicable to polling place staffing, publication of
45 voter information and voting procedure notices, sample ballots,
46 official ballots, challenged voter affidavits and instructions, and
47 voter complaint forms.

1 *Voting by Mail*

2

3 The bill changes various vote by mail procedures to facilitate
4 voting by mail in future election, postal tracking of ballots, and
5 postage paid return ballots (sections 24, 27, 34, 46 through 54, 57,
6 and 60).

7 Under current law, a registered voter can choose to vote by mail-
8 in ballot in all future general elections, until the voter notifies the
9 county clerk that the voter no longer wishes to do so, or unless the
10 voter fails to vote in the fourth general election following the
11 general election in which the voter last voted. Current law also
12 gives the registered voter who applies for a mail-in ballot the option
13 to receive a mail-in ballot for each election occurring in the
14 remainder of that calendar year.

15 The bill amends current law to provide that a registered voter can
16 choose to vote by mail-in ballot in all future elections, or for future
17 general elections only. The bill provides that, if a voter who
18 requested a mail-in ballot for all future elections does not vote by
19 such means in four consecutive elections following the election in
20 which the voter last voted, the voter will receive a mail-in ballot for
21 future general elections only, and the ability of the voter to receive
22 a mail-in ballot for all other elections would be suspended until the
23 voter submits a new application indicating that the voter wishes to
24 vote by mail-in ballot in all future elections.

25 The bill also provides that any voter who has requested a mail-in
26 ballot but wishes to vote in person at the appropriate polling place
27 would be permitted to do so using the same voting machine used by
28 other qualified voters at that election after surrendering the ballot to
29 a designated poll worker, instead of voting by provisional ballot as
30 the law now provides.

31 The bill also requires the State to pay postage for voted ballots
32 returned by mail. Under current law, the mail is the primary means
33 by which mail-in voting ballots, presidential election ballots, and
34 ballots used in small municipalities that hold elections by mail, are
35 returned to a county board of elections. Currently, these ballots
36 require the voter to pay the postage to return the voted ballot, unless
37 the county clerk has chosen to provide a postage prepaid return
38 envelope as allowed by law. The bill amends current law to require
39 the balloting materials used for mail-in voting ballots, presidential
40 election ballots, and ballots used in small municipalities that hold
41 elections by mail include a postage prepaid return envelope for the
42 return of the voted ballot by mail to the county board of elections.
43 The bill provides that the county or municipality will be reimbursed
44 by the State for any additional costs incurred in providing postage
45 for voted ballots that are returned by mail. Under the bill, the
46 county or municipality must apply for reimbursement to the
47 Secretary of State and receive approval of the application from the

1 Director of the Division of Budget and Accounting in the
2 Department of the Treasury.

3 The bill makes an appropriation, and provides for the annual
4 appropriation from the General Fund to the Secretary of State such
5 sums as the State Treasurer and the Director of the Division of
6 Budget and Accounting in the Department of the Treasury
7 determine are necessary for the State to reimburse counties and
8 municipalities for any additional costs incurred in providing postage
9 for voted ballots returned by mail.

10

11 *Military and Overseas Voting*

12

13 The bill revises the Overseas Residents Absentee Voting Law to
14 more closely resemble the federal overseas voting laws (sections 35
15 through 45). Based on principles suggested in the Uniform Military
16 and Overseas Voters Act, which was approved and recommended
17 for enactment by the Uniform Law Commission in 2010, this bill
18 would incorporate into New Jersey law the few concepts that have
19 not yet been addressed. The bill adds definitions for previously
20 undefined statutory terms. The bill also expands the definition of
21 “overseas voter” to expressly include legally recognized partners of
22 military service personnel, voters born outside of the United States,
23 and overseas voters with a residence in New Jersey.

24 Additionally, the bill permits the use of the federal postcard
25 application to apply for an overseas ballot or to register to vote in
26 all elections held in the State. Under the bill, for a ballot to be
27 distributed via electronic means, the completed application must be
28 received by 3 p.m. on the day preceding the election. Under current
29 law, the application must be received on or before the fourth day
30 preceding the election.

31 The bill permits an overseas voter to use the federal write-in
32 absentee ballot to vote, to register to vote, and to request an
33 overseas ballot for all elections.

34 The bill also eliminates references to an outdated form of
35 identification and adds other types of valid identification that may
36 be used in an application for an overseas ballot. In addition to
37 using a valid U.S. Passport, the bill permits an individual to use a
38 valid U.S. Passport Card, a valid Certificate of Citizenship, or any
39 other valid form of identification recognized under federal or State
40 law.

41 The bill expressly limits the permitted uses, or disclosures, of a
42 voter’s electronic address and requires that these limitations be
43 described on the request to use an electronic address. In completing
44 any document under the provisions of this bill, a voter’s mistake or
45 omission that is not substantive in nature would not invalidate the
46 document. On write-in ballots, where the intention of the voter is
47 discernable, the ballot would not be invalidated.

1 *Filling Congressional Vacancies*

2

3 The bill establishes a new procedure for filling vacancies in the
4 United States Senate and House of Representatives (sections 18
5 through 20, 62).

6 Under the bill, the Governor would be required to make a
7 temporary appointment to fill a Senate vacancy within 30 days of
8 the occurrence of the vacancy. If the person vacating the office is a
9 member of a political party, the temporary appointee must be a
10 member of the same political party. No person would qualify as a
11 temporary appointee if that person has changed political party
12 affiliation to match that of the person vacating the office within 180
13 days prior to the occurrence of the vacancy or within 30 days
14 following the occurrence of the vacancy. The appointee would serve
15 until a successor is elected and assumes office.

16 If the vacancy occurs on or before the 70th day preceding the
17 general election, the vacancy would be filled at that general
18 election. If the vacancy occurs after the 70th day preceding the
19 general election, the vacancy would be filled at the following year's
20 general election. A vacancy would not be filled at the general
21 election which immediately precedes the expiration of the term in
22 which the vacancy occurs. If the vacancy in the Senate occurs after
23 the 70th day preceding a general election but on or before the 70th
24 day preceding the primary election, the candidates would be
25 nominated at that primary election. If the vacancy occurs after the
26 70th day preceding the primary election, the candidates would be
27 nominated by the State committee of the relevant political party, as
28 provided by law, within 10 days of the issuance of the writ of
29 election. Petitions of nomination of other candidates must be filed
30 with the Secretary of State within the same 10-day time span.

31 The bill also establishes the procedure for the filling of vacancies
32 in the United States House of Representatives. In the case of a
33 vacancy in the House, the Governor would not make a temporary
34 appointment. Instead, the Governor would issue a writ of election
35 to fill the vacancy, except that no writ of election would be issued if
36 the vacancy occurs in an even-numbered year after the 70th day
37 preceding the general election. If the vacancy occurs on or before
38 the 70th day preceding the general election, the vacancy would be
39 filled at that general election. If the vacancy occurs in an odd-
40 numbered year and after the 70th day preceding the general
41 election, the vacancy would be filled at the following year's general
42 election. If the vacancy occurs after the 70th day preceding a
43 general election but on or before the 70th day preceding the primary
44 election, the candidates would be nominated at that primary
45 election. If the vacancy occurs after the 70th day preceding the
46 primary election, the candidates would be nominated by those
47 members of the county committee or committees wherein the
48 vacancy has occurred who represent those portions of the respective

1 county or counties which are comprised in the district from which
2 the candidate is to be elected, as provided by law, within 10 days of
3 the issuance of the writ of election. Petitions of nomination of other
4 candidates must be filed with the Secretary of State within the same
5 10-day time span.

6 The following sections of law would be repealed:

- 7 • R.S.19:3-26, which provides the procedure for filling a U.S.
8 Senate vacancy and permits the Governor to make a
9 temporary appointment to fill the vacancy and to call a
10 special election to fill the vacancy;
- 11 • R.S.19:3-27, which requires the Governor to issue a writ of
12 election to fill a vacancy in the House of Representatives
13 unless the term is set to expire within six months of the
14 occurrence of the vacancy;
- 15 • R.S.19:27-4, which requires the Governor to issue a writ of
16 election to fill a vacancy in the Senate or House of
17 Representatives unless the term is set to expire within six
18 months of the occurrence of the vacancy;
- 19 • R.S.19:27-6, which provides the timeframe and procedure
20 for the Governor to issue a writ of election to fill a
21 congressional vacancy and provides the Governor discretion
22 to call a special election; and
- 23 • Section 1 of P.L.1945, c.206 (C.19:27-10.1), which provides
24 the procedure for filling a vacancy in the House of
25 Representatives between the specified dates preceding the
26 primary and general elections if more than one year remains
27 on the unexpired term.

28 The bill also amends a section of law to remove a reference to
29 special elections to the United States Senate or House of
30 Representatives. Under the bill, congressional vacancies would
31 only be filled on a general election day or, in the case of Senate
32 vacancies, temporarily by appointment by the Governor.

33

34 *Office of Accessible Elections*

35

36 The bill establishes an Office of Accessible Elections in the
37 Division of Elections in the Department of State (section 56). The
38 duty of the office would be to monitor accessibility problems
39 arising in the course of election administration; receive complaints
40 from voters; inform the Secretary of State on best practices in
41 making the various election processes, technologies, materials, and
42 procedures accessible to persons with disabilities; and disseminate
43 that information among all election jurisdictions in this State. When
44 appropriate, the office would work closely with the Voting
45 Accessibility Advisory Committee in each county, established
46 under N.J.S.A.19:8-3.7, and also would work with the Secretary of
47 State to ensure that all Internet sites administered by the Division of
48 Elections are available to the public in both English and Spanish

1 languages and are accessible to persons with disabilities within six
2 months following the effective date of the bill.

3

4 *Deceptive Voting Practices*

5

6 The bill contains provisions that would apply to both major
7 political parties, as well as to any person, based upon a 1982 federal
8 court consent decree that settled assertions that the Republican
9 National Committee had attempted to suppress minority voter
10 turnout in New Jersey (section 58). It would ban deceptive voting
11 practices by a political party or any person that knowingly provides
12 false information to any other person or political party regarding the
13 time, place, or manner of conducting elections or voter
14 qualifications, or intimidation, threats, or coercion to prevent the
15 casting of a free and secret ballot.

16 In addition, the bill forbids any political party or person from:
17 directing, authorizing, or encouraging any person to deface or
18 remove any lawfully placed printed or electronic campaign material
19 or signs of any other political party or person; implementing a
20 deceptive voting practice in any election district in which a decision
21 to conduct such activities would be based on the racial or ethnic
22 composition of the district; seeking to have any private individual
23 deputized as a member law enforcement in connection with a
24 deceptive voting practice; or authorizing, directing, or encouraging
25 any individual to dress or conduct himself or herself in a manner
26 that falsely implies that the individual is a member of law
27 enforcement.

28

29 *Voter Fraud Court Challenges and Incident Reports*

30

31 The bill changes the standard for challenging election voter fraud
32 in court, and requires periodic reporting of incidents of voter fraud
33 during the conduct of an election (sections 21 and 59).

34 Under current law, the nomination or election of any person to
35 any public office or party position, or the approval or disapproval of
36 any public proposition, may be contested by the voters of this State
37 or of any of its political subdivisions affected thereby upon various
38 grounds. These grounds include when illegal votes have been
39 received, or legal votes rejected at the polls sufficient to change the
40 result. The bill provides that a petition must not be dismissed
41 before trial unless it appears to the court that it does not plausibly
42 allege facts that, if believed by the fact finder, could result in a
43 judgment in petitioners' favor. In any petition brought under that
44 statute, the burden of proof and persuasion would be on the
45 petitioner to show by a preponderance of the evidence that one or
46 more of the grounds enumerated in this section have been
47 established.

1 The bill also requires each county board of elections,
2 immediately following the certification of the election results of
3 each election, to document and account for any allegation of voter
4 fraud that arose during the election and how each allegation was
5 addressed. Under the bill, each county board must prepare a report
6 with that information which must be submitted to the Secretary of
7 State within 30 days following the certification of the election
8 results. The Secretary of State must annually prepare a report
9 containing the information submitted to it by each county board of
10 elections, detailing all of the allegations of voter fraud that arose
11 during the election and how they were addressed in each county.
12 The report would be prepared by the Secretary of State within 180
13 days following the election, and must be made available to the
14 public on the website of the New Jersey Division of Elections.
15 Every five years the secretary must prepare a report to be submitted
16 to the Governor and to the Legislature, containing recommendations
17 on how the election laws should be amended or supplemented to
18 prevent voter fraud.