

P.L.2015, CHAPTER 84, *approved August 10, 2015*  
Senate, No. 685

1 **AN ACT** concerning the transmission and return of vote by mail  
2 ballots, and amending P.L.2009, c.79.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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

9 4. a. A qualified voter is entitled to apply for and obtain a  
10 mail-in ballot by authorized messenger, who shall be so designated  
11 over the signature of the voter and whose printed name and address  
12 shall appear on the application in the space provided. The  
13 authorized messenger shall be a family member or a registered voter  
14 of the county in which the application is made and shall place his or  
15 her signature on the application in the space so provided in the  
16 presence of the county clerk or the designee thereof. No person  
17 shall serve as an authorized messenger or as a bearer for more than  
18 **[10]** three qualified voters in an election. No person who is a  
19 candidate in the election for which the voter requests a mail-in  
20 ballot shall be permitted to serve as an authorized messenger or  
21 bearer. The authorized messenger shall show a photo identification  
22 card to the county clerk, or the designee thereof, at the time the  
23 messenger submits the application form. The county clerk or the  
24 designee thereof shall authenticate the signature of the authorized  
25 messenger in the event such a person is other than a family member,  
26 by comparing it with the signature of the person appearing on a  
27 State of New Jersey driver's license, or other identification issued or  
28 recognized as official by the federal government, the State, or any  
29 of its political subdivisions, providing the identification carries the  
30 full address and signature of the person. After the authentication of  
31 the signature on the application, the county clerk or the designee  
32 thereof is authorized to deliver to the authorized messenger a ballot  
33 to be delivered to the qualified voter.

34 b. The Secretary of State shall cause to be prepared a standard  
35 authorized messenger application form, which may be included with  
36 the mail-in ballot application forms. The authorized messenger  
37 section of the application shall contain the following language  
38 above the signature of the authorized messenger: "I do hereby  
39 certify that I will deliver the mail-in ballot directly to the voter and  
40 no other person, under penalty of law."  
41 (cf: P.L.2009, c.79, s.4)

42  
43 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
44 as follows:

45 6. a. The county clerk, in the case of any Statewide election,  
46 countywide election, or school election in a regional or other school

**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 district comprising more than one municipality; the municipal clerk,  
2 in the case of any municipal election or school election in a school  
3 district comprising a single municipality; and the commissioners or  
4 other governing or administrative body of the district, in the case of  
5 any election to be held in any fire district or other special district,  
6 other than a municipality, created for specified public purposes  
7 within one or more municipalities, shall publish the following  
8 notice in substantially the following form:

9 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

10 If you are a qualified and registered voter of the State who wants  
11 to vote by mail in the..... (school, municipal, primary,  
12 general, or other) election to be held on..... (date of election)  
13 complete the application form below and send to the undersigned,  
14 or write or apply in person to the undersigned at once requesting  
15 that a mail-in ballot be forwarded to you. The request must state  
16 your home address and the address to which the ballot should be  
17 sent. The request must be dated and signed with your signature.

18 If any person has assisted you to complete the mail-in ballot  
19 application, the name, address and signature of the assistor must be  
20 provided on the application, and you must sign and date the  
21 application for it to be valid and processed. No person shall serve  
22 as an authorized messenger or as a bearer for more than **[10]** three  
23 qualified voters in an election. No person who is a candidate in the  
24 election for which the voter requests a mail-in ballot may provide  
25 any assistance in the completion of the ballot or may serve as an  
26 authorized messenger or bearer.

27 No mail-in ballot will be provided to any applicant who submits  
28 a request therefor by mail unless the request is received at least  
29 seven days before the election and contains the requested  
30 information. A voter may, however, request an application in person  
31 from the county clerk up to 3 p.m. of the day before the election.

32 Voters who want to vote only by mail in all future general  
33 elections in which they are eligible to vote, and who state that on  
34 their application shall, after their initial request and without further  
35 action on their part, be provided a mail-in ballot by the county clerk  
36 until the voter requests that the voter no longer be sent such a  
37 ballot. A voter's failure to vote in the fourth general election  
38 following the general election at which the voter last voted may  
39 result in the suspension of that voter's ability to receive a mail-in  
40 ballot for all future general elections unless a new application is  
41 completed and filed with the county clerk.

42 Voters also have the option of indicating on their mail-in ballot  
43 applications that they would prefer to receive mail-in ballots for  
44 each election that takes place during the remainder of this calendar  
45 year. Voters who exercise this option will be furnished with mail-in  
46 ballots for each election that takes place during the remainder of  
47 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 Dated.....  
6 .....

7 (signature and title of county clerk)

8 .....

9 (address of county clerk)

10 .....

11 (telephone no. of county clerk)

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

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

39 c. The mail-in ballot materials shall contain a notice that any  
40 person voting by mail-in ballot who has registered by mail after  
41 January 1, 2003, who did not provide personal identification  
42 information when registering and is voting for the first time in his  
43 or her current county of residence following registration shall  
44 include copies of the required identification information with the  
45 mail-in ballot, and that failure to include such information shall  
46 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 3. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read  
16 as follows:

17 9. a. Starting on or before the 45th day before the day an  
18 election is held, each county clerk shall forward mail-in ballots by  
19 first-class postage or hand delivery to each mail-in voter whose  
20 request therefor has been approved. Mail-in ballots that have been  
21 approved before the 45th day before an election shall be forwarded  
22 or delivered at least 45 days before the day of the election. Hand  
23 delivery of a mail-in ballot shall be made by the county clerk or the  
24 clerk's designee only to the voter, or the voter's authorized  
25 messenger, who must appear in person. No person shall serve as an  
26 authorized messenger for more than **【10】** three qualified voters in  
27 an election. Ballots that have not been hand delivered shall be  
28 addressed to the voter at the forwarding address given in the  
29 application.

30 b. (1) Whenever the clerk forwards a mail-in ballot by mail to  
31 a mail-in voter between the 45th day and the 13th day before the  
32 day of an election, the ballot shall be transmitted within three  
33 business days of the receipt of the application.

34 (2) Whenever the clerk forwards a mail-in ballot by mail to a  
35 mail-in voter between the 12th day and the seventh day before the  
36 day of an election, the ballot shall be transmitted within two  
37 business days of the receipt of the application.

38 The provisions of this subsection shall not apply to: (a) annual  
39 school elections and special school elections in those school  
40 districts holding such elections, pursuant to P.L.1995,  
41 c.278 (C.19:60-1 et seq.); (b) any municipality in which elections  
42 are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et  
43 seq.); (c) annual elections for members of the boards of fire district  
44 commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any  
45 public question submitted to the voters of a local unit to increase  
46 the amount to be raised by taxation by more than the allowable

1 adjusted tax levy, pursuant to section 11 of P.L.2007,  
2 c.62 (C.40A:4-45.46).

3 c. (Deleted by amendment, P.L.2011, c.37).  
4 (cf: P.L.2011, c.37, s.31)

5

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

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

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

19 To protect your vote:

20 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU  
21 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT  
22 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING  
23 IS COMPLETED:

24 Ballot mailed or transported by  
25 (signature of bearer)  
26 (print name of bearer)  
27 (address of bearer)

28 The reserve side of the outer envelope shall contain the  
29 following:

30 REMINDER

31 For your vote to count, you must:

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

34 2) Seal the envelope.

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

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

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

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

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

17       To protect your vote:

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

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

22       The reverse side of each inner envelope shall contain the  
23 following statement:

24       A PERSON MAY BE FINED AND IMPRISONED AND MAY  
25 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY  
26 LAW if that person attempts to vote fraudulently by mail-in ballot,  
27 prevents the voting of a legal voter, certifies falsely any  
28 information, interferes with a person's secrecy of voting, tampers  
29 with ballots or election documents or helps another person to do so.  
30 (cf: P.L.2009, c.79, s.12)

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32       5. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to  
33 read as follows:

34       16. a. A mail-in voter shall be entitled to mark any mail-in  
35 ballot forwarded to the voter for voting at any election by indicating  
36 the voter's choice of candidates for the offices named, and as to  
37 public questions, if any, stated thereon, in accordance with current  
38 law. In the case of ballots to be voted for any primary election for  
39 the general election, as the case may be, the voter's choice shall be  
40 limited to the candidates of the voter's political party or to any  
41 person or persons whose names are written thereon by the voter.  
42 When so marked, such ballot shall be placed in the inner envelope,  
43 which shall then be sealed, and the voter shall then fill in the form  
44 of certificate attached to the inner envelope, at the end of which the  
45 voter shall sign and print the voter's name. The inner envelope with  
46 the certificate shall then be placed in the outer envelope, which  
47 shall then be sealed.

1       b. No mail-in voter shall permit any person in any way, except  
2 as provided by this act, to unseal, mark or inspect the voter's ballot,  
3 interfere with the secrecy of the voter's vote, complete or sign the  
4 certificate, or seal the inner or outer envelope, nor shall any person  
5 do so.

6       c. A mail-in voter shall be entitled to assistance from a family  
7 member in performing any of the actions provided for in this  
8 section. The family member or other person providing such  
9 assistance shall certify that he or she assisted the voter and will  
10 maintain the secrecy of the vote by both printing and signing his or  
11 her name in the space provided on the certificate. In no event may a  
12 candidate for election provide such assistance, nor may any person,  
13 at the time of providing such assistance, campaign or electioneer on  
14 behalf of any candidate.

15       d. (1) The sealed outer envelope with the inner envelope and  
16 the ballot enclosed therein shall then either be mailed to the county  
17 board of elections to which it is addressed or delivered personally  
18 by the voter or a bearer designated by the voter to the board. To be  
19 counted, the ballot must be received by the board or its designee  
20 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the  
21 closing of the polls, as may be appropriate, on the day of an  
22 election.

23       (2) Whenever a person delivers a ballot to the county board, that  
24 person shall provide proof of the person's identity in the form of a  
25 New Jersey driver's license, or another form of identification issued  
26 or recognized as official by the federal government, the State, or  
27 any of its subdivisions, providing the identification carries the full  
28 address and signature of the person. The person shall sign a record  
29 maintained by the county of all mail-in ballots personally delivered  
30 to it.

31       (3) No person shall serve as an authorized messenger or as a  
32 bearer for more than **[10]** three qualified voters in an election. No  
33 person who is a candidate in the election for which the voter  
34 requests a mail-in ballot shall be permitted to serve as an authorized  
35 messenger or bearer. The bearer, by signing the certification  
36 provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies  
37 that he or she received a mail-in ballot directly from the voter, and  
38 no other person, and is authorized to deliver the ballot to the  
39 appropriate board of election or designee on behalf of the voter.  
40 (cf: P.L.2011, c.134, s.54)

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

44       28. a. Any person who knowingly **[and with intent to commit**  
45 **fraud]** violates any of the provisions of P.L.2009, c.79 (C.19:63-1  
46 et al.), or who, not being entitled to vote thereunder, fraudulently  
47 votes or attempts to vote thereunder, or enables or attempts to

1 enable another person not entitled to vote thereunder to vote  
2 fraudulently thereunder, or who prevents or attempts to prevent by  
3 fraud the voting of any person legally entitled to vote under this act,  
4 or who shall knowingly certify falsely in any paper required under  
5 this act, or who, at any time, tampers with any ballot or document  
6 used in an election or interferes with the secrecy of the voting of  
7 any person, is guilty of a crime of the third degree, and upon  
8 conviction thereof shall be subject, in addition to such other  
9 penalties as are authorized by law, to disenfranchisement, unless  
10 and until pardoned or restored by law to the right of suffrage.

11 b. Any person who knowingly [and with intent to commit  
12 fraud] aids and abets another in violating any of the provisions of  
13 this section is guilty of a crime of the third degree and upon  
14 conviction thereof shall be subject, in addition to such other  
15 penalties as are authorized by law, to disenfranchisement, unless  
16 and until pardoned or restored by law to the right of suffrage.

17 (cf: P.L.2009, c.79, s.28)

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19 7. This act shall take effect immediately.

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24 Reduces number of voters for whom person can serve as  
25 messenger; limits to three number of voted mail-in ballots  
26 transmittable by bearer; modifies conviction standard under vote by  
27 mail law.