

ASSEMBLY, No. 488

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 32 (Bergen and Hudson)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

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District 36 (Bergen and Passaic)

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District 14 (Mercer and Middlesex)

Co-Sponsored by:

**Assemblymen McKeon, Conaway, Caputo, Mukherji and Assemblywoman
Murphy**

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 7/31/2018)

A488 PRIETO, GREENWALD

2

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:

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

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

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

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

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

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

38 (2) For the general election:

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

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

1 (c) The several State, county and municipal offices, and where
2 applicable, school board offices to be filled, notice of any school
3 district propositions to be submitted to the people and, except as
4 provided in R.S.19:14-33 of this Title as to publication of notice of
5 any Statewide proposition directed by the Legislature to be
6 submitted to the people, the State, county and municipal public
7 questions to be voted upon at such general election.

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

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

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

32 (3) For a school election:

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

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

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

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

1 (e) That if the voter has any questions as to where to vote on the
2 day of the election, the voter may contact the county commissioner
3 of registration or municipal clerk to determine the proper polling
4 place location for the voter; and

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

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

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

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

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

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

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

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

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

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

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

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

46 The notice shall contain:

47 the date of the election and the hours during which polling places
48 will be open;

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

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

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

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

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

12 an explanation of the right of the voter to vote in **[privacy]**
13 private, regardless of the voter's physical abilities;

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

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

22 an explanation of the right of the voter to ask for and receive
23 assistance in voting;

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

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

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

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

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

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

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

1 language or languages in the polling places in each such district.
2 The alternate language shall be determined based on information
3 from the latest federal decennial census.

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

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

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

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

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

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

27

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

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

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

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

46 (1) that any person attempting to vote may be challenged by a
47 duly authorized challenger for a political party or a candidate or on
48 a public question, or by a member of the district board of elections,

1 because the voter's name appears on a challenge list prepared by the
2 superintendent of elections of the county or because the challenger
3 or board member has good cause to believe that the voter is not
4 entitled to vote;

5 (2) that members of the district board and all duly authorized
6 challengers are prohibited from challenging, delaying or preventing
7 the right to vote of any person because of that person's race, color,
8 national origin, expected manner of casting a vote or residence in a
9 particular ward, housing complex or section of a municipality or
10 county;

11 (3) the means by which any person who is challenged because
12 that person's name appears on a challenge list prepared by the
13 superintendent of elections of the county may seek to establish the
14 person's right to vote, as provided in R.S.19:32-18;

15 (4) the means by which any person whose name does not appear
16 on a challenge list prepared by the superintendent of elections of the
17 county but who is challenged by a duly authorized challenger or by
18 a member of the district board of elections may seek to establish the
19 person's right to vote, as provided in section 2 of P.L.1991,
20 c.249 (C.19:15-18.1);

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

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

32 (7) that forms to register complaints about the conduct of an
33 election shall be available at each polling place in the county; and

34 (8) the names of the chairman, secretary, clerk and members of
35 the county board of elections and a telephone number at which they
36 may be reached for more information.

37 c. In counties in which the primary language of ~~【10%】~~ 5% or
38 more of the registered voters is ~~【Spanish, two】~~ a language other
39 than English, notices containing the information in subsection b. of
40 this section shall appear side-by-side, one in English and ~~【one in~~
41 ~~Spanish】~~ other notice or notices in that other language or
42 languages. The notices shall be identical in size, content and type
43 face.

44 d. The cost of publishing the notices required by this section
45 shall be paid by the respective counties.

46 (cf: P.L.1991, c.249, s.8)

1 5. R.S.19:14-21 is amended to read as follows:

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

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

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

1 their delivery. County boards of elections which elect to operate
2 under the provisions of this paragraph shall notify their county clerk
3 in sufficient time to enable him to make the necessary arrangements
4 the first year.

5 c. The county clerk in counties having a superintendent of
6 elections shall also deliver to the county board not later than the
7 twelfth day preceding the start of the early voting period for the
8 general election 10 such sample ballots of each election district of
9 each municipality in the county.
10 (cf: P.L.2009, c.110, s.1)

11

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

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

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

28

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

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

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

41

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

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

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

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

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

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

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

43

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

46 2. a. Any voter whose name does not appear on a challenge list
47 prepared by the superintendent of elections of the county but who is

1 challenged as not qualified or entitled to vote by a duly authorized
2 challenger or by a member of a district board of elections shall be
3 permitted to establish his right to vote by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 prohibition on electioneering within 100 feet of a polling place
2 during an election, shall be as provided in chapters 15, 34, 50 and
3 52 of Title 19 of the Revised Statutes and every other applicable
4 section of this Title.

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

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

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

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

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

1 11. (New section) a. A duly-registered voter shall be permitted
2 to participate in early voting after completing an Early Voting Voter
3 Certificate in substantially the following form:
4

5 EARLY VOTING VOTER CERTIFICATE
6

7 I, _____(your name), am a registered voter, residing
8 at _____ (your street address), _____County,
9 New Jersey. I do solemnly swear or affirm that I am the person so
10 listed on the voter registration rolls of _____County and that
11 I reside at the above address. I understand that if I commit or
12 attempt to commit fraud in connection with voting, vote
13 fraudulently or vote more than once in an election I could be
14 convicted of a crime of the third degree and fined up to \$15,000 and
15 imprisoned for up to five years. I understand that my failure to sign
16 this certificate invalidates my vote.
17

18 _____
19 (Voter Signature)
20

21 _____
22 (Date)
23

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

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

35 c. (C. _____)(pending before the Legislature as this bill), shall not be
36 permitted to vote by mail-in ballot or in person at the polling place
37 in the voter's election district on the day of the election.
38

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

48 b. Each challenger, including a candidate acting as a challenger

1 or a challenger representing a grouping of two or more candidates,
2 shall have all of the powers of challengers serving at other
3 elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

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

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

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

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

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

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

1 duration of the early voting period, and the locations and hours of
2 operation of specially designated polling places for early voting in
3 each county.

4

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

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

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

23 (cf: P.L.1974, c.51, s.1)

24

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

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

47 If the vacancy occurs after the 70th day preceding a general
48 election but on or before the 70th day preceding the primary

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

17

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

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

31 If the vacancy occurs after the 70th day preceding a general
32 election but on or before the 70th day preceding the primary
33 election for the next general election, the candidates nominated for
34 election to fill the vacancy shall be selected at that primary election.
35 If the vacancy occurs after the 70th day preceding the primary
36 election for the general election, each political party shall select its
37 candidate to fill such vacancy in the same manner prescribed in
38 R.S.19:13-20 for selecting candidates to fill vacancies arising
39 among candidates nominated at primary elections, except that the
40 time for making such selection and filing the statement thereof shall
41 be within 10 days following the issuance of the writ of election.
42 Petitions of nomination of other candidates shall be filed in the
43 office of the Secretary of State within 10 days of the date of the
44 issuance of the writ. The Secretary of State, on the eleventh day
45 following the date of the issuance of the writ, shall certify to the
46 clerk and county board of each county affected by the vacancy a
47 statement of all candidates selected and nominated for the office so
48 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 shall
 38 provide to each county commissioner of registration forms of size
 39 and weight suitable for mailing, which shall require the information
 40 required by R.S.19:31-3 in substantially the following form:

41 VOTER REGISTRATION APPLICATION

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

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

- 44 New registration
 45 Address change
 46 Name change
 47 Vote by mail in future elections

1 (2) Name:.....
2 Last First Middle
3 (3) Are you a citizen of the United States of America? Yes No
4 (4) Will you be 18 years of age on or before election
5 day? Yes No
6 If you checked 'No' in response to either of these questions, do
7 not complete this form.
8 (5) Street Address where you live:
9
10 Street Address Apt. No.
11
12 (6) City or Town County Zip Code
13 (7) Address Where You Receive Your Mail (if different from
14 above):
15
16 (8) Date of Birth:
17
18 Month Day Year
19 (9) (a) Telephone Number (optional).....
20 (b) E-Mail Address (optional).....
21 (10) Name and address of Your Last Voter Registration
22
23
24
25 (11) If you are registering by mail to vote and will be voting for
26 the first time in your current county of residence, please provide
27 one of the following:
28 (a) your New Jersey driver's license
29 number:.....
30 (b) the last four digits of your Social Security
31 Number.....
32 OR submit with this form a copy of any one of the following
33 documents: a current and valid photo identification card; a current
34 utility bill, bank statement, government check, pay check or any
35 other government or other identifying document that shows your
36 name and current address. If you do not provide either your New
37 Jersey driver's license number or the last four digits of your Social
38 Security Number, or enclose a copy of one of the documents listed
39 above, you will be asked for identification when voting for the first
40 time, unless you are exempt from doing so under federal or State
41 law.
42 (12) Do you wish to declare a political party affiliation?
43 (Optional):
44 YES. Name of Party:
45 NO. I do not wish to declare a political party affiliation
46 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 under
17 this subtitle to provide and furnish official ballots for any polling
18 place where a voting machine is to be used shall also provide 2
19 sample ballots or more, or instruction ballots, which sample or
20 instruction ballot shall be arranged in the form of a diagram
21 showing such portion of the face of the voting machine as it will
22 appear after the official ballots are arranged thereon or therein for
23 voting on election day. Such sample or instruction ballots shall be
24 open to the inspection of all voters on election day, in all elections
25 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
37 ballots printed entirely in black ink, a facsimile of the face of the
38 machine, of a reduced size, one of which sample ballots shall be
39 mailed to each registered voter, except that for election districts in
40 which the primary language of **【10%】 5%** or more of the registered
41 voters is **【Spanish】 a language other than English**, sample ballots
42 printed **【bilingually】** in English and **【Spanish】 in that other**
43 **language or languages** shall be mailed to each registered voter. Any
44 reference to sample ballot envelopes in any section of this Title to
45 the contrary notwithstanding, in all counties where voting
46 machines are used and wherein the commissioner of registration
47 has the facilities to mail out sample ballots direct to the registrants

1 of such county and has elected so to do, as otherwise in this Title
2 provided, the commissioner of registration in any such county may
3 request the county clerk of such county to have the sample ballots
4 prepared in the manner following:

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

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

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

41 c. For all general and special elections the county clerk, and for
42 all primary and municipal elections the municipal clerks, shall, at
43 least 30 days preceding any such election, make the arrangements
44 necessary to be made with the postmaster or postmasters in their
45 respective counties and municipalities to have the said sample
46 ballots mailed under the postal laws and regulations, and forthwith
47 notify the said commissioner of registration in writing to that effect.
48 (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,
43 P.L. , c. (pending before the Legislature as this bill). Vacancies
44 shall be filled in the same manner as the original appointments.
45 The Secretary of State, or designee, shall serve as the chair of the
46 task 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
25 P.L. , 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
33 addressed**, or shall** with the postage prepaid, or it may be
34 presented in person to the county board of elections at the office of
35 said board.

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

37

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

40 2. As used in this act:

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

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

1 c. **["Federal election"** means any general, special or primary
2 held for the purpose of nominating or electing any candidate for the
3 office of President or Vice President of the United States,
4 Presidential elector, United States Senator or member of the United
5 States House of Representatives] "Election" shall have the same
6 meaning as defined in R.S.19:1-1, and include any federal, State, or
7 local election, and any public question placed before the voters.

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

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

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

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

1 f. “Dependent” means an individual recognized as a dependent
2 by a military service.

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

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

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

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

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

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

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

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

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

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

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

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

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

37

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

40 5. a. [An] Other than a federal postcard application or federal
41 write-in absentee ballot, an application for an overseas ballot shall
42 be in substantially the following form:

43 APPLICATION FOR AN OVERSEAS BALLOT

44 I, the undersigned, certify the following as a basis for an
45 application as citizen of the United States residing outside the
46 United States to receive a ballot to be voted at the election to be

1 held on (date of election) **【that is to say】** for (fill in
2 elected office or public question, or both):
3 1. I am a citizen of the United States;
4 2. I presently reside at (if mail should be
5 addressed other than to my residence, also provide address for
6 mail);
7 3. I was born on (month, day, year)
8 4. **【a.】** I hold a:
9 a. valid U.S. Passport #, dated, or
10 b. **【I hold a United States Citizens Identity and Registration**
11 Card (Form FS 225) dated issued by (name and
12 location of U.S. Embassy or Consulate) **】** valid U.S. Passport Card #
13, dated, or
14 c. valid Certificate of Citizenship (Form N-600), dated
15, or
16 d. other valid form of identification recognized as such under
17 federal or state law: (form of identification), dated
18 5. a. Immediately prior to taking up residence abroad I was
19 domiciled in New Jersey and resided at (street address),
20 (municipality), (county) (If formerly registered
21 to vote from that address check here ()) or
22 b. I was born outside of the United States and my parent or
23 legal guardian, before leaving the United States, was last domiciled
24 in New Jersey, residing at (street address),
25 (municipality),(county).
26 6. I **【do not maintain a domicile in the United States and】** am
27 not registered, entitled or applying to vote in any state other than
28 New Jersey.
29 7. I understand that any false statement knowingly made in this
30 application subjects me to the penalties provided by law for
31 fraudulent voting.
32 Applicant
33 (Signature)
34 Dated:..... Applicant
35 (Print or type name)
36 b. There shall also be sent to the applicant by air mail or
37 electronic means such instructions and portions of the law or
38 regulations as the Secretary of State shall direct.
39 c. Any overseas voter requesting that a ballot be sent to that
40 voter by electronic means shall indicate on the application for the
41 ballot the telephone number and location to which the ballot is to be
42 sent or the electronic address of the voter, as may be appropriate.
43 (cf: P.L.2008, c.61, s.5)
44
45 39. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read
46 as follows:

1 6. Each county clerk, upon receipt of an application for an
2 overseas ballot, including a federal postcard application, shall
3 determine whether or not the applicant is qualified to vote such a
4 ballot, make a list of those applications approved and disapproved,
5 which list shall be open to inspection by election officials and the
6 public, and shall forward an overseas ballot to each person whose
7 application is approved. For each voter whose application is
8 approved, the county clerk shall deliver to the county board of
9 elections the completed application form for retention by the board
10 for signature comparison with that on the certificate on the inner
11 envelope containing the ballot upon its receipt.

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

13
14 40. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read
15 as follows:

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

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

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

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

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

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

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

44 c. Notwithstanding the provisions of subsections a. and b. of
45 this section, a copy of a voted overseas ballot may be transmitted by
46 electronic means to the appropriate county board of elections in this

1 State. Such a ballot shall be subject to the provisions of sections 3
2 and 4 of P.L.1995, c.195 (C.19:59-14 and C.19:59-15).
3 (cf: P.L.2008, c.61, s.11)
4

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

7 12. An overseas voter may request, on any application form
8 used, an overseas ballot for all elections held during the calendar
9 year in which the request is made. Any instructions sent to an
10 applicant pursuant to section 5 of P.L.1976, c.23 (C.19:59-5) shall
11 inform the applicant that such a request may be made. If such a
12 request is made, an overseas ballot shall be sent in a timely manner
13 to the voter for all such elections and by the transmission method
14 first requested by the voter unless the voter instructs otherwise.
15 (cf: P.L.2008, c.61, s.13)
16

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

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

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

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

33 c. provide such additional information relating to voting by
34 overseas voters from this State as the Department of Defense
35 determines is necessary.

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

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

1 and include a statement that any other use or disclosure of the
2 electronic address is prohibited.

3
4 45. (New section) If a voter's mistake or omission in the
5 completion of a document does not prevent a determination of
6 whether a voter is eligible to vote, the mistake or omission shall not
7 invalidate the document. Failure to satisfy a technical requirement,
8 such as using paper or envelopes of a specified size or weight, shall
9 not invalidate the submitted document. In the case of a federal
10 write-in absentee ballot or a vote for a write-in candidate on a
11 regular ballot, if the intention of the voter is discernable, an
12 abbreviation, misspelling, or other minor variation in the form of
13 the name of a candidate or a political party shall be accepted as a
14 valid vote.

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

17
18 46. Section 8 of P.L.2005, c.148 (C.19:62-8) is amended to read
19 as follows:

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

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

32
33 47. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
34 as follows:

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

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

47 c. Any voter wanting to vote by mail in any election may apply
48 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)

1 for a mail-in ballot to be sent to the voter. A voter who is a member
2 of the armed forces of the United States may use a federal postcard
3 application form to apply for a mail-in ballot.

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

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

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

40 ~~[(2)]~~ (3) In the event that a voter who has requested a mail-in
41 ballot for ~~all~~ future general elections only does not complete and
42 return such a ballot for canvassing for the fourth general election
43 following the general election at which the voter last voted, the
44 county clerk shall send a notice to that voter to ascertain whether he
45 or she continues to reside at the address from which that voter is
46 registered to vote and continues to be eligible to vote. If the notice
47 is not completed and returned by the voter to the clerk before the

1 ~~【40th】~~ 45th day prior to the next general election, a mail-in ballot
2 shall not be sent to the voter for that general election. The ability of
3 such a voter to receive a mail-in ballot for ~~【all】~~ future general
4 elections only shall be suspended until the voter submits a new
5 application for such a ballot that indicates that the voter wishes to
6 receive ~~【the】~~ a ballot for ~~【all】~~ future general elections only or for
7 all future elections.

8 ~~【(3)】~~ (4) The county clerk shall not transmit a mail-in ballot for
9 any election to any person who is deemed by a county
10 commissioner of registration to be an inactive voter or whose
11 registration file has been transferred to the deleted file pursuant to
12 R.S.19:31-19.

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

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

18

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

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

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

44

45 49. (New section) Notwithstanding the provisions of R.S.19:14-
46 25 or R.S.19:23-30 to the contrary, the sample ballot for a general
47 election, or any other election, shall not be mailed to any qualified

1 voter who has been sent a mail-in ballot for that election, pursuant
2 to section 3 of P.L.2009, c.79 (C.19:63-3).

3

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

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

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

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

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

21

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

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

34 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

35 If you are a qualified and registered voter of the State who wants
36 to vote by mail in the..... (school, municipal, primary,
37 general, or other) election to be held on..... (date of election)

38 **【**complete the application form below and send to the undersigned,
39 or write or apply in person to the undersigned at once requesting
40 that a mail-in ballot be forwarded to you. The request must state
41 your home address and the address to which the ballot should be
42 sent. The request must be dated and signed with your signature.

43 If any person has assisted you to complete the mail-in ballot
44 application, the name, address and signature of the assistor must be
45 provided on the application, and you must sign and date the
46 application for it to be valid and processed. No person shall serve
47 as an authorized messenger for more than 10 qualified voters in an
48 election. No person who is a candidate in the election for which the

1 voter requests a mail-in ballot may provide any assistance in the
2 completion of the ballot or may serve as an authorized messenger or
3 bearer.

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

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

20 You must complete the application form below and send it to the
21 county clerk where you reside, write or apply in person to the
22 county clerk where you reside, or use a voter registration form to
23 request a mail-in ballot.

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

27 No person may serve as an authorized messenger for more than
28 10 qualified voters in an election.

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

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

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

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

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

1 **【**Voters also have the option of indicating on their mail-in ballot
2 applications that they would prefer to receive mail-in ballots for
3 each election that takes place during the remainder of this calendar
4 year. Voters who exercise this option will be furnished with mail-in
5 ballots for each election that takes place during the remainder of
6 this calendar year, without further action on their part.**】**

7 Application forms may be obtained by applying to the
8 undersigned either in writing or by telephone, or the application
9 form provided below may be completed and forwarded to the
10 undersigned.

11
12 Dated.....
13
14 (signature and title of county clerk)
15
16 (address of county clerk)
17
18 (telephone no. of county clerk)

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

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

46 c. The mail-in ballot materials shall contain a notice that any
47 person voting by mail-in ballot who has registered by mail after
48 January 1, 2003, who did not provide personal identification

1 information when registering and is voting for the first time in his
2 or her current county of residence following registration shall
3 include copies of the required identification information with the
4 mail-in ballot, and that failure to include such information shall
5 result in the rejection of the ballot.

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

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

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

19

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

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

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

34 To protect your vote:

35 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
36 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
37 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
38 IS COMPLETED:

39 Ballot mailed or transported by

40 (signature of bearer)

41 (print name of bearer)

42 (address of bearer)

43 The reserve side of the outer envelope shall contain the
44 following:

45 REMINDER

46 For your vote to count, you must:

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

- 1 2) Seal the envelope.
2 3) Place the envelope into the larger envelope addressed to the
3 board of elections and seal that envelope.
4 4) If another person will be mailing your ballot or bringing it to
5 the board of elections, MAKE CERTAIN THAT PERSON
6 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
7 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
8 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
9 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
10 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
11 BEARER.

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

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

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

28 To protect your vote:

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

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

33 The reverse side of each inner envelope shall contain the
34 following statement:

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

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

42

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

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

1 CERTIFICATE OF MAIL-IN VOTER
 2 I,, whose home address is
 3 (print your name clearly) (street
 4, DO HEREBY CERTIFY,
 5 address or R.D. number) (municipality) **【Subject】** subject to the
 6 penalties for fraudulent voting, that I am the person who applied for
 7 the enclosed ballot. I MARKED AND SEALED THIS BALLOT
 8 AND CERTIFICATE IN SECRET. However, a family member
 9 may assist me in doing so.

10
 11 (signature of voter)

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

16
 17 (signature of person providing
 18 assistance)

19
 20 (printed name of person providing
 21 assistance)

22
 23
 24 (address of person providing
 25 assistance)

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

30 CERTIFICATE OF MAIL-IN VOTER
 31 I,, whose home address is.....
 32 (print your name clearly) (street address or R.D.
 33 number) (municipality)
 34, DO HEREBY CERTIFY,
 35 subject to the penalties for fraudulent voting, that I am the person
 36 who applied for the enclosed ballot for the primary election. I
 37 MARKED AND SEALED THIS BALLOT AND CERTIFICATE
 38 IN SECRET. However, a family member may assist me in doing
 39 so.

40
 41 (signature of voter)

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

46
 47 (signature of person providing
 48 assistance)

1
 2 (printed name of person
 3 providing assistance)
 4
 5
 6 (address of person providing assistance)

7 c. The clerk of each county shall be permitted to affix to the
 8 margin of the flap on the inner envelope of the mail-in ballot
 9 transmitted thereby to a mail-in ballot voter an alternative
 10 certificate, substantially similar to the certificate provided for by
 11 subsection a. or b. of this section, that permits the voter to certify
 12 the correctness of the voter’s name, street, mailing address or R.D.
 13 number, and municipality as it appears on the label of the mail-in
 14 ballot received by the voter.
 15 (cf: P.L.2011, c.134, s.53)

16
 17 54. Section 20 of P.L.2009, c.79 (C.19:63-20) is amended to
 18 read as follows:

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

24 b. Any person who: (1) has applied for a mail-in ballot and not
 25 received either the ballot or an explanation for not receiving such a
 26 ballot pursuant to notification by the county clerk or from the free-
 27 access system established pursuant to section 5 of P.L.2004,
 28 c.88 (C.19:61-5) to provide such information; **【or】** (2) has applied
 29 for and received a mail-in ballot and has not transmitted it to the
 30 county board of elections or given it to a bearer for delivery to the
 31 county board before the time for the opening of the polls on the day
 32 of an election; or (3) has applied for and received a mail-in ballot
 33 and has not transmitted it to the county board of elections or given
 34 it to the bearer for delivery to the county board, but appears at the
 35 polling place without the ballot and wishes to vote, shall be
 36 permitted to vote in person by provisional ballot at the polling place
 37 in the voter's election district on the day of the election.
 38 (cf: P.L.2009, c.79, s.20)

39
 40 55. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
 41 as follows:

42 3. Except as may otherwise be provided by law for initial
 43 elections conducted in a municipality following its adoption of a
 44 plan or form of government, or a charter or an amendment thereto,
 45 regular municipal elections shall be held in each municipality
 46 governed by this act on the second Tuesday in May, or the day of
 47 the general election in November if chosen by the municipality
 48 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-

1 7.1), in the years in which municipal officers are to be elected. The
2 municipal election shall be held at the same place or places and
3 conducted in the same manner, so far as possible, as the general
4 election. The election officers shall be those provided for
5 conducting the general election.

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

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

24 As used in this section "a period of religious observance" means
25 any day or portion thereof on which a religious observance imposes
26 a substantial burden on an individual's ability to vote.
27 (cf: P.L.2009, c.196, s.4)

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

46
47 57. (New section) Upon application for reimbursement by a
48 county governing body or a municipal governing body, as may be

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

16

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

18 (1) engage in or implement a deceptive voting practice or
19 authorize or aid, abet, counsel, command, induce, procure, conspire
20 with, or direct another political party or person to engage in or
21 implement a deceptive voting practice;

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

26 (3) direct, authorize, or encourage any person to deface or
27 remove any lawfully placed printed or electronic material or signs
28 advocating the election or defeat of a candidate or the adoption or
29 defeat of a public question;

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

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

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

43 b. As used in this section,

44 “deceptive voting practice” means the knowing provision of false
45 information to any other person or political party regarding the
46 time, place, or manner of conducting any election in this State or
47 the qualifications for or restrictions on voter, candidate, or petition
48 signer eligibility for any election in this State; or the use or

1 attempted use of intimidation, threats, or coercion to prevent
2 potential voters from registering to vote or to prevent voters or
3 potential voters from casting a free and secret ballot in any election
4 in this State. A deceptive voting practice shall include the mailing,
5 publishing, broadcasting, telephoning or transmitting by any means
6 of any information that would otherwise constitute a deceptive
7 voting practice;

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

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

15 c. Any political party or person violating this section shall be
16 guilty of a crime of the third degree. Each violation of this section
17 shall constitute a separate violation.

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

21

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

40

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

1 general election, and ending at 3 PM on the calendar day before the
2 election. A municipality holding municipal elections on the second
3 Tuesday in May, by an ordinance adopted by its governing body,
4 may also conduct in-person early voting for those municipal
5 elections.

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

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

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

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

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

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

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

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

44

45 *Online Voter Registration*

46

47 The bill requires the Secretary of State to establish a secure
48 Internet website to allow eligible voters to register to vote using an

1 online voter registration form (sections 23, 25 through 28). The bill
2 also authorizes the use of digitized signatures from the New Jersey
3 Motor Vehicle Commission's database in connection with online
4 voter registration forms.

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

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

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

45 The information on the online voter registration forms would be
46 electronically transferred by county commissioners of registration
47 into the Statewide voter registration system already established by

1 law. Under the bill, online voter registration must be implemented
2 by July 1, 2016.

3

4 *Automatic Voter Registration*

5

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

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

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

45 The bill also requires the Chief Administrator to transmit to the
46 Secretary of State the electronic record and digitized signature of an
47 applicant who is updating the legal name or address information on
48 an existing motor vehicle driver's license or non-driver

1 identification card, who meets the criteria specified by the Secretary
2 of State that would qualify that applicant as a legal voter, for
3 automatic voter registration purposes and for updating an existing
4 voter registration record.

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

15 These provisions are modeled after an automatic voter
16 registration law recently enacted in Oregon.

17

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

19

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

32

33 *Language Accessibility*

34

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

1 official ballots, challenged voter affidavits and instructions, and
2 voter complaint forms.

3

4 *Voting by Mail*

5

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

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

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

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

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

1 county or municipality must apply for reimbursement to the
2 Secretary of State and receive approval of the application from the
3 Director of the Division of Budget and Accounting in the
4 Department of the Treasury.

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

12

13 *Military and Overseas Voting*

14

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

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

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

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

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

1 document. On write-in ballots, where the intention of the voter is
2 discernable, the ballot would not be invalidated.

3

4 *Filling Congressional Vacancies*

5

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

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

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

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

1 primary election, the candidates would be nominated by those
2 members of the county committee or committees wherein the
3 vacancy has occurred who represent those portions of the respective
4 county or counties which are comprised in the district from which
5 the candidate is to be elected, as provided by law, within 10 days of
6 the issuance of the writ of election. Petitions of nomination of other
7 candidates must be filed with the Secretary of State within the same
8 10-day time span.

9 The following sections of law would be repealed:

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

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

36 *Office of Accessible Elections*

37
38
39 The bill establishes an Office of Accessible Elections in the
40 Division of Elections in the Department of State (section 56). The
41 duty of the office would be to monitor accessibility problems
42 arising in the course of election administration; receive complaints
43 from voters; inform the Secretary of State on best practices in
44 making the various election processes, technologies, materials, and
45 procedures accessible to persons with disabilities; and disseminate
46 that information among all election jurisdictions in this State. When
47 appropriate, the office would work closely with the Voting
48 Accessibility Advisory Committee in each county, established

1 under N.J.S.A.19:8-3.7, and also would work with the Secretary of
2 State to ensure that all Internet sites administered by the Division of
3 Elections are available to the public in both English and Spanish
4 languages and are accessible to persons with disabilities within six
5 months following the effective date of the bill.

6

7 *Deceptive Voting Practices*

8

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

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

31

32 *Voter Fraud Court Challenges and Incident Reports*

33

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

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

1 more of the grounds enumerated in this section have been
2 established.

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