

(CORRECTED COPY)

P.L. 2018, CHAPTER 72, *approved August 10, 2018*

Senate Committee Substitute (*First Reprint*) for

Senate, No. 647

1 AN ACT concerning mail-in and sample ballots, amending various
2 parts of Title 19 of the Revised Statutes, and supplementing
3 chapters 14 and 63 of Title 19 of the Revised Statutes.

4

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

7

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

10 3. a. A qualified voter shall be entitled to vote using a mail-in
11 ballot¹:

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

14 (2)¹ in any ¹single¹ election held in this State.

15 ¹The qualified voter who chooses the option to vote using a mail-
16 in ballot in all future elections shall be furnished with such a ballot
17 by the county clerk without further request on the part of the voter
18 and until the voter requests in writing that the voter no longer be
19 sent a mail-in ballot.

20 The mail-in ballot application form prepared by the Secretary of
21 State shall present the two options in the order provided above.¹

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

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted February 15, 2018.

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

3 e. ¹[(1) A voter who wishes to vote only by mail-in ballot in
4 all future]¹ [general] ¹[elections, including general elections, in
5 which the voter is eligible to vote, and who states that on an
6 application for a mail-in ballot, shall be furnished such a ballot by
7 the county clerk without further request on the part of the voter and
8 until the voter requests that the voter no longer be sent a mail-in
9 ballot. A voter shall]¹ [also] ¹[have the option to indicate on an
10 application for a mail-in ballot that the voter would like to receive
11 such a ballot for]¹ [each election that takes place during the
12 remainder of the calendar year in which the application is
13 completed and submitted] ¹[for future elections. A voter who
14 exercises this option shall be furnished with a mail-in ballot for
15 each future election that takes place during the remainder of the
16 calendar year without further request by the voter.]¹

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

25 ¹[(2)]¹ [In the event that a voter who has requested a mail-in
26 ballot for all general elections does not complete and return such a
27 ballot for canvassing for the fourth general election following the
28 general election at which the voter last voted, the county clerk shall
29 send a notice to that voter to ascertain whether he or she continues
30 to reside at the address from which that voter is registered to vote
31 and continues to be eligible to vote. If the notice is not completed
32 and returned by the voter to the clerk before the 40th day prior to
33 the next general election, a mail-in ballot shall not be sent to the
34 voter for that election. The ability of such a voter to receive a mail-
35 in ballot for all future general elections shall be suspended until the
36 voter submits a new application for such a ballot that indicates that
37 the voter wishes to receive the ballot for all future general elections.

38 (3) ¹f.¹ The county clerk shall not transmit a mail-in ballot for
39 any election to any person who [is deemed by a county
40 commissioner of registration to be an inactive voter] : ¹[(a)] is
41 deemed by a county commissioner of registration to be an inactive
42 voter; or¹ notifies the clerk in writing that the person no longer
43 wishes to receive such a ballot for any election; or ¹[(b)]¹ is no
44 longer eligible to vote and whose registration file has been
45 transferred to the deleted file pursuant to R.S.19:31-19.

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

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

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

9 6. a. The county clerk, in the case of any Statewide election,
10 countywide election, or school election in a regional or other school
11 district comprising more than one municipality; the municipal clerk,
12 in the case of any municipal election or school election in a school
13 district comprising a single municipality; and the commissioners or
14 other governing or administrative body of the district, in the case of
15 any election to be held in any fire district or other special district,
16 other than a municipality, created for specified public purposes
17 within one or more municipalities, shall publish the following
18 notice in substantially the following form:

19 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

20 If you are a qualified and registered voter of the State who wants
21 to vote by mail in the..... (school, municipal, primary,
22 general, or other) election to be held on..... (date of election)
23 **[**complete the application form below and send to the undersigned,
24 or write or apply in person to the undersigned at once requesting
25 that a mail-in ballot be forwarded to you. The request must state
26 your home address and the address to which the ballot should be
27 sent. The request must be dated and signed with your signature.

28 If any person has assisted you to complete the mail-in ballot
29 application, the name, address and signature of the assistor must be
30 provided on the application, and you must sign and date the
31 application for it to be valid and processed. No person shall serve
32 as an authorized messenger or as a bearer for more than three
33 qualified voters in an election. No person who is a candidate in the
34 election for which the voter requests a mail-in ballot may provide
35 any assistance in the completion of the ballot or may serve as an
36 authorized messenger or bearer.

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

42 Voters who want to vote only by mail in all future general
43 elections in which they are eligible to vote, and who state that on
44 their application shall, after their initial request and without further
45 action on their part, be provided a mail-in ballot by the county clerk
46 until the voter requests that the voter no longer be sent such a
47 ballot. A voter's failure to vote in the fourth general election

1 following the general election at which the voter last voted may
2 result in the suspension of that voter's ability to receive a mail-in
3 ballot for all future general elections unless a new application is
4 completed and filed with the county clerk. **】**, the following applies:

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

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

11 No person may serve as an authorized messenger or bearer for
12 more than three qualified voters in an election.

13 No person who is a candidate in the election for which the voter
14 requests a mail-in ballot may provide any assistance in the
15 completion of the ballot or serve as an authorized messenger or
16 bearer.

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

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

25 **【**Voters also have the option of indicating on their mail-in ballot
26 applications that they would prefer to receive mail-in ballots for
27 each election that takes place during the remainder of this calendar
28 year. Voters who exercise this option will be furnished with mail-in
29 ballots for each election that takes place during the remainder of
30 this calendar year, without further action on their part. **】**

31 Application forms may be obtained by applying to the
32 undersigned either in writing or by telephone, or the application
33 form provided below may be completed and forwarded to the
34 undersigned.

35 Dated.....

36

37 (signature and title of county clerk)

38

39 (address of county clerk)

40

41 (telephone no. of county clerk)

42 b. (1) The Secretary of State shall be responsible for providing
43 all information regarding overseas ballots to each overseas voter
44 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
45 seq.). The secretary shall also make available valid overseas voter
46 registration and ballot applications to any voter who is a member of
47 the armed forces of the United States and who is a permanent

1 resident of this State, or who is an overseas voter who wishes to
2 register to vote or to vote in any jurisdiction in this State. The
3 secretary shall provide such public notice as may be deemed
4 necessary to inform members of the armed forces of the United
5 States and overseas voters how to obtain valid overseas voter
6 registration and ballot applications.

7 (2) The Secretary of State shall undertake a program to inform
8 voters in this State about their eligibility to vote by mail pursuant to
9 this act. Dissemination of this information shall be included in the
10 standard notices required by this section and other provisions of
11 current law, including but not limited to the notice requirements of
12 R.S.19:12-7, and shall be effectuated by such means as the secretary
13 deems appropriate and to the extent that funds for such
14 dissemination are appropriated including, but not limited to, by
15 means of Statewide or local electronic media, public service
16 announcements broadcast by such media, notices on the Internet site
17 of the Department of State or any other department or agency of the
18 Executive Branch of State government or its political subdivisions
19 deemed appropriate by the secretary, and special mailings or notices
20 in newspapers or other publications circulating in the counties or
21 municipalities of this State.

22 c. The mail-in ballot materials shall contain a notice that any
23 person voting by mail-in ballot who has registered by mail after
24 January 1, 2003, who did not provide personal identification
25 information when registering and is voting for the first time in his
26 or her current county of residence following registration shall
27 include copies of the required identification information with the
28 mail-in ballot, and that failure to include such information shall
29 result in the rejection of the ballot.

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

33 Notices relating to any Statewide or countywide election shall be
34 published in at least two newspapers published in each county. All
35 officials charged with the duty of publishing such notices shall
36 publish the same in at least one newspaper published in each
37 municipality or district in which the election is to be held, or if no
38 newspaper is published in the municipality or district, then in a
39 newspaper published in the county and circulating in the
40 municipality or district. All such notices shall be display
41 advertisements.

42 (cf: P.L.2015, c.84, s.2)

43

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

46 16. a. The Secretary of State shall cause to be prepared and
47 shall provide to each county commissioner of registration forms of

1 size and weight suitable for mailing, which shall require the
2 information required by R.S.19:31-3 in substantially the following
3 form:

4 VOTER REGISTRATION APPLICATION

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

6 (1) This form is being used as: **[(check one)]**:

7 New registration

8 Address change

9 Name change

10 (2) Name:.....

11 Last First Middle

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

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

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

17 (5) Street Address where you live:

18

19 Street Address Apt. No.

20

21 (6) City or Town County Zip Code

22 (7) Address Where You Receive Your Mail (if different from
23 above):

24

25 (8) Date of Birth:

26

27 Month Day Year

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

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

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

31

32

33

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

37 (a) your New Jersey driver's license
38 number:.....

39 (b) the last four digits of your Social Security
40 Number.....

41 OR submit with this form a copy of any one of the following
42 documents: a current and valid photo identification card; a current
43 utility bill, bank statement, government check, pay check or any
44 other government or other identifying document that shows your
45 name and current address. If you do not provide either your New
46 Jersey driver's license number or the last four digits of your Social
47 Security Number, or enclose a copy of one of the documents listed

1 above, you will be asked for identification when voting for the first
2 time, unless you are exempt from doing so under federal or State
3 law.

4 (12) Do you wish to declare a political party affiliation?
5 (Optional):

6 YES. Name of Party:

7 NO. I do not wish to declare a political party affiliation
8 at this time.

9 (13) ~~1~~ I wish to receive a Mail-in Ballot for all future~~1~~
10 ~~1~~ [general] ~~1~~ [elections] ~~1~~ [only] ~~1~~ [, until I request otherwise in
11 ~~1~~ writing] I wish to receive a Mail-in Ballot for all future elections,
12 ~~1~~ until I request otherwise in writing~~1~~.

13 ~~1~~ [(13)] ~~1~~ [(14)] (14)~~1~~ Declaration - I swear or affirm that:

14 I am a U.S. citizen.

15 I live at the above address.

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

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

20 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
21 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
22 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
23 PURSUANT TO R.S.19:34-1.

24
25 Signature or mark of the registrant Date

26 ~~1~~ [(14)] ~~1~~ [(15)] (15)~~1~~ If applicant is unable to complete this form,
27 print the name and address of individual who completed this form.

28

29 Name

30

31 Address

32 ~~1~~ ["The form shall state in an appropriate location: "This form
33 shall not be used if an applicant requires the assistance of another
34 person to complete a mail-in ballot or to return a completed mail-in
35 ballot to the county board of elections, pursuant to section 16 of
36 P.L.2009, c.79 (C.19:63-16)."]"~~1~~

37 In addition, the form may include notice to the applicant of
38 information and options relating to the registration and voting
39 process, including but not limited to notice of qualifications
40 required of a registered voter; notice of the final day by which a
41 person must be registered to be eligible to vote in an election;
42 notice of the effect of a failure to provide required identification
43 information; a place at which the applicant may indicate availability
44 for service as a member of the district board of elections; a place at
45 which the applicant may indicate whether he or she requires a
46 polling place which is accessible to individuals with disabilities and

1 the elderly or whether he or she is legally blind; a place at which
2 the applicant may indicate a desire to receive additional information
3 concerning **【absentee】** voting by mail; and if the application
4 indicates a political party affiliation, the voter is permitted to vote
5 in the primary election of a political party other than the political
6 party in which the voter was affiliated previously only if the voter
7 registration form with the change of political party affiliation is
8 filed prior to the 50th day next preceding the primary election. The
9 form may also include a space for the voter registration agency to
10 record whether the applicant registered in person, by mail or by
11 other means.

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

16 c. The Secretary of State shall cause to be prepared registration
17 forms of the size, weight and form described in subsection a. of this
18 section in both the English and Spanish language and shall provide
19 such forms to each commissioner of registration of any county in
20 which there is at least one election district in which bilingual
21 sample ballots must be provided pursuant to R.S.19:14-21,
22 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

23 d. The commissioner of registration shall furnish such
24 registration forms upon request in person to any person or
25 organization in such reasonable quantities as such person or
26 organization shall request. The commissioner shall furnish no
27 fewer than two such forms to any person upon request by mail or by
28 telephone.

29 e. Each such registration form shall have annexed thereto
30 instructions specifying the manner and method of registration, and
31 the vote by mail option specified on the form, and stating the
32 qualifications for an eligible voter.

33 f. The Secretary of State shall also furnish such registration
34 forms and such instructions to the Director of the Division of
35 Workers' Compensation, the Director of the Division of
36 Employment Services, and the Director of the Division of
37 Unemployment and Temporary Disability Insurance in the
38 Department of Labor and Workforce Development; to the Director
39 of the Division of Taxation in the Department of the Treasury; to
40 the Executive Director of the New Jersey Transit Corporation; to
41 the appropriate administrative officer of any other public agency, as
42 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
43 6.3); to the Adjutant General of the Department of Military and
44 Veterans' Affairs; and to the chief administrative officer of any
45 voter registration agency, as defined in subsection a. of section 26
46 of P.L.1994, c.182 (C.19:31-6.11).

1 g. All registration forms received by the Secretary of State in
2 the mail or forwarded to the Secretary of State shall be forwarded to
3 the commissioner of registration in the county of the registrant
4 ~~and~~ . Each such form, and any registration form received
5 otherwise by a commissioner of registration, shall be forwarded¹ to
6 the county clerk if the vote by mail option is selected on a form.

7 h. An application to register to vote received from the New
8 Jersey Motor Vehicle Commission or a voter registration agency, as
9 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
10 6.11), shall be deemed to have been timely made for the purpose of
11 qualifying an eligible applicant as registered to vote in an election if
12 the date on which the commission or agency shall have received
13 that document in completed form, as indicated in the lower right
14 hand corner of the form, was not later than the 21st day preceding
15 that election.

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

33 j. The Secretary of State shall amend the voter registration
34 application form if necessary to conform to the requirements of
35 applicable federal or State law.

36 k. In the event that the name of any political party entered on
37 the voter registration form by a voter who wishes to declare a
38 political party affiliation is not legible, the commissioner of
39 registration shall mail the voter a political party declaration form
40 and a letter explaining that the voter's choice was not understood
41 and that the voter should complete and return the declaration form
42 in order to be affiliated with a party.

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

44

45 4. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to
46 read as follows:

1 1. a. There shall be established in the Department of State a
2 single Statewide voter registration system, as required pursuant to
3 section 303 of the federal "Help America Vote Act of 2002,"
4 Pub.L.107-252 (42 U.S.C. s.15483). The principal computer
5 components of the system shall be under the direct control of the
6 Secretary of State. The Secretary of State shall be responsible for
7 creating the network necessary to maintain the system and
8 providing the computer software, hardware and security necessary
9 to ensure that the system is accessible only to those executive
10 departments and State agencies so designated by the Secretary of
11 State, each county commissioner of registration, each county and
12 municipal clerk, and individuals under certain circumstances, as
13 provided for by this section. The system shall be the official State
14 repository for voter registration information for every legally
15 registered voter in this State, and shall serve as the official voter
16 registration system for the conduct of all elections in the State.

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

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

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

23 (3) interactivity among appropriate State agencies so designated
24 by the Secretary of State, each county commissioner of registration,
25 each county board of elections, and each county clerk such that
26 these entities shall have immediate electronic access to all or
27 selected records in the system, as determined by the Secretary of
28 State, to receive or transmit all or selected files in the system and to
29 print or review all or selected files in the system;

30 (4) the ability to permit any county commissioner of registration
31 to enter voter registration information on an expedited basis at the
32 time the information is provided thereto and to permit the Secretary
33 of State to provide technical support to do so whenever needed;

34 (5) the ability to permit each municipal clerk to view or print
35 information in the system;

36 (6) the ability to permit an individual, by July 1, 2006, to verify
37 via the Internet whether that individual, and only that individual, is
38 included in the system as a legally registered voter, whether the
39 information pertaining to that individual required by subsection c.
40 of this section is correct, and if not, a means to notify the pertinent
41 county commissioner of registration of the corrections that must be
42 made and to so verify in a way that does not give one individual
43 access to the information required by subsection c. of this section
44 for any other individual;

45 (7) a Statewide street address index and map in electronic form
46 that can accurately identify the location of every legally registered
47 voter in this State;

1 (8) the ability to record and monitor all requests for mail-in
2 ballots; to enable the county clerk to verify the identity and
3 signature of each person requesting a mail-in ballot; to record the
4 name and address of each voter determined to be eligible to receive
5 a mail-in ballot for a particular election and to note when a mail-in
6 ballot has been transmitted to that voter by mail or hand delivery; to
7 update the system to allow the postal tracking of mail-in ballots
8 using Intelligent Mail barcodes, or a similar successor tracking
9 system, upon the finding by the Secretary of State that such
10 technology is viable; and to make such information available to the
11 Secretary of State so that a voter can be notified whether the
12 application for such a ballot was accepted or rejected, and the
13 reason for the rejection, using the free-access system established by
14 section 5 of P.L.2004, c.88 (C.19:61-5); and

15 (9) any other functions required pursuant to Pub.L.107-252 (42
16 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that
17 may be deemed necessary by the Secretary of State.

18 c. The Statewide voter registration system shall include, but
19 not be limited to, the following information for every legally
20 registered voter in this State:

21 (1) last, first and middle name;

22 (2) street address at time of registration or rural route, box
23 number or apartment number, if any;

24 (3) city or municipality, and zip code;

25 (4) date of birth;

26 (5) telephone number and e-mail address, if provided on voter
27 registration form;

28 (6) previous name or address if individual re-registered due to
29 change of name or address;

30 (7) ward and election district number, if either is available;

31 (8) (a) current and valid New Jersey driver's license number; or

32 (b) if the registrant has not been issued a New Jersey driver's
33 license number, the last four digits of the registrant's social security
34 number; or

35 (c) unique identifying number for any individual who has not
36 been issued the information sought in subparagraph (a) or (b) of this
37 paragraph;

38 (9) notation that a copy of one of the following documents has
39 been submitted with the voter registration application, if required:
40 current and valid photo identification card; a current utility bill,
41 bank statement, government check, pay check or any other
42 government document showing the registrant's name and current
43 address;

44 (10) the method by which the individual registered and whether
45 that person needs to provide additional identification information to
46 vote using a voting machine instead of a provisional ballot;

47 (11) political party affiliation, if designated;

- 1 (12) digitalized signature;
- 2 (13) date of registration or re-registration;
- 3 (14) name and street address of the individual assisting in the
- 4 completion of the form, if the applicant for registration is unable to
- 5 do so;
- 6 (15) voting participation record for ten-year period; and
- 7 (16) any other information required pursuant to Pub.L.107-252
- 8 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or
- 9 that the Secretary of State determines is necessary to assess the
- 10 eligibility of an individual to be registered to vote and to vote in
- 11 this State.

12 (cf: P.L.2009, c.287, s.2)

13
14 5. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read
15 as follows:

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

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

24 In the case of voter registration forms that include a selected vote
25 by mail option, a copy of each such form shall be transmitted to and
26 received by the appropriate county clerk, who shall be responsible
27 for providing mail-in ballots to each qualified voter requesting such
28 ballots for future elections, until the voter requests otherwise in
29 writing.

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

31
32 6. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to
33 read as follows:

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

37 CERTIFICATE OF MAIL-IN VOTER

38 I,, whose home address is

39 (print your name clearly) (street

40, DO HEREBY CERTIFY,

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

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

43 the enclosed ballot. I MARKED AND SEALED THIS BALLOT

44 AND CERTIFICATE IN SECRET. However, a family member

45 may assist me in doing so.

46
47 (signature of voter)

1 Any person providing assistance shall complete the following:

2 I do hereby certify that I am the person who provided assistance
3 to this voter and declare that I will maintain the secrecy of this
4 ballot.

5
6 (signature of person providing
7 assistance)

8
9 (printed name of person providing
10 assistance)

11
12
13 (address of person providing
14 assistance)

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

19 CERTIFICATE OF MAIL-IN VOTER

20 I,, whose home address is.....
21 (print your name clearly) (street address or R.D.
22 number) (municipality)

23, DO HEREBY CERTIFY,
24 subject to the penalties for fraudulent voting, that I am the person
25 who applied for the enclosed ballot for the primary election ¹of the
26 political party¹. I MARKED AND SEALED THIS BALLOT
27 AND CERTIFICATE IN SECRET. However, a family member
28 may assist me in doing so.

29
30 (signature of voter)

31 Any person providing assistance shall complete the following:

32 I do hereby certify that I am the person who provided assistance
33 to this voter and declare that I will maintain the secrecy of this
34 ballot.

35
36 (signature of person providing
37 assistance)

38
39 (printed name of person
40 providing assistance)

41
42
43 (address of person providing
44 assistance)

45 c. The clerk of each county shall be permitted to ¹print on or¹
46 affix to the margin of the flap on the inner envelope of the mail-in
47 ballot transmitted thereby to a mail-in ballot voter an alternative

1 certificate, substantially similar to the certificate provided for by
2 subsection a. or b. of this section, that permits the voter to certify
3 the correctness of the voter's name, street, mailing address or R.D.
4 number, and municipality as it appears on the label of the mail-in
5 ballot received by the voter.

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

7
8 7. Section 20 of P.L.2009, c.79 (C.19:63-20) is amended to
9 read as follows:

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

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

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

30
31 8. Section 22 of P.L.2009, c.22 (C.19:63-22) is amended to read
32 as follows:

33 22. On the day of each election each county board of elections
34 shall open in the presence of the commissioner of registration, or
35 the designee thereof, the inner envelopes that contain the mail-in
36 ballots with the votes cast for the election. The inner envelopes
37 containing the ballots that the board or the Superior Court has
38 rejected shall not be so opened, but shall be retained as provided for
39 by this act. The board shall then proceed to canvass the votes cast
40 on the mail-in ballots, but no such ballot shall be counted in any
41 primary election for the general election if the ballot of the political
42 party marked for voting thereon differs from the designation of the
43 political party in the primary election of which such ballot is
44 intended to be voted as marked on the envelope by the county board
45 of elections.

46 Every mail-in ballot that bears a postmark date of the day of the
47 election and that is received by the county board within 48 hours

1 after the time of the closing of the polls for the election that the
2 ballot was prepared shall be considered valid and shall be
3 canvassed.

4 Immediately after the canvass is completed, the respective
5 county boards of election shall certify the result of the canvass to
6 the county clerk or the municipal or district clerk or other
7 appropriate officer, as the case may be, showing the result of the
8 canvass by municipality and ward. The votes thus canvassed shall
9 be counted in determining the result of the election.

10 The county board of elections shall, immediately after the
11 canvass is completed for any primary election, certify the results of
12 the votes cast for members of the county committees to the
13 respective municipal clerks, and those votes shall be counted in
14 determining the result of the election.

15 (cf: P.L.2011, c.134, s.56)

16

17 9. (New section) ¹**【Notwithstanding the provisions of any law**
18 **to the contrary, the】** A county clerk shall not be required to send a¹
19 sample ballot for any election ¹**【shall not be mailed】¹** to a voter
20 who has been sent a mail-in ballot for that election, pursuant to
21 section 3 of P.L.2009, c.79 (C.19:63-3), and whose voted ballot has
22 been received by the county board of elections prior to the
23 transmission of sample ballots to voters required by R.S.19:14-25.
24 A county ¹**【board】¹** may send an acknowledgment to a voter when
25 his or her mail-in ballot has been received by the board.

26

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

28 19:19-1. The board of county canvassers of each county shall
29 meet on the **【Monday】** Wednesday next, after any such election, at
30 12 o'clock noon, at the courthouse of the county, for the purpose of
31 checking the canvass which shall have been made by the county
32 clerk from the statements of the district boards filed in his office as
33 hereinbefore provided. For such purpose the county clerk shall
34 have prepared a compilation in tabulated form of such statements
35 and the combined results shown thereby for the use of the board of
36 canvassers.

37 (cf: P.L.1959, c.117, s.1)

38

39 11. R.S.19:21-1 is amended to read as follows:

40 19:21-1. a. The Board of State Canvassers shall meet at Trenton
41 as soon as practicable but no later than the **【28th】** 30th day after the
42 day of election, for the purpose of canvassing and estimating the
43 votes cast for each person for whom any vote or votes shall have
44 been cast for one or more members of the United States senate or of
45 the house of representatives, or for electors of president and vice
46 president, or for governor and lieutenant governor, or for members

1 of the Legislature, and upon each public question voted upon by the
2 voters of the entire state or political division thereof greater than a
3 county and of determining and declaring the person or persons who
4 shall, by the greatest number of votes, have been duly elected to
5 such office or offices, and the result of the vote cast upon any
6 public question setting forth that it was approved or rejected.

7 b. For the purpose of canvassing and estimating the votes cast
8 for each person for whom any vote or votes shall have been cast in
9 any special election, the board shall meet in Trenton as soon as
10 practicable but no later than the **[28th]** 30th day after the day of the
11 special election.

12 (cf: P.L.2009, c.66, s.4)

13

14 12. R.S.19:28-1 is amended to read as follows:

15 19:28-1. When any candidate at any election shall have reason to
16 believe that an error has been made in counting the votes of that
17 election, the candidate may, within a period of **[15]** 17 days
18 following such election, apply to a judge of the Superior Court
19 assigned to the county wherein such district or districts are located,
20 for a recount of the votes cast at the election in any district or
21 districts.

22 When ten voters at any election shall have reason to believe that
23 an error has been so made in counting the votes upon any public
24 question at any election, such voters may, within a period of **[15]**
25 17 days following such election, apply to a judge of the Superior
26 Court assigned to the county wherein such district or districts are
27 located, for a recount of the votes cast at the election in any district
28 or districts on such public question.

29 (cf: P.L.2005, c.150)

30

31 13. R.S.19:29-3 is amended to read as follows:

32 19:29-3. The petition contesting any nomination to public office,
33 election to party office or position or the proposal of any
34 proposition shall be filed not later than **[10]** 12 days after the
35 primary election.

36 The petition contesting any election to public office or approval
37 or disapproval of any proposition shall be filed not later than **[30]**
38 32 days after such election, unless the ground of action is
39 discovered from the statements, deposit slips or vouchers filed
40 under this Title, subsequent to such primary or other election, in
41 which event such petition may be filed **[10]** 12 or **[30]** 32 days
42 respectively after such statements, deposit slips or vouchers are
43 filed.

44 Any petition of contest may be filed within **[10]** 12 days after
45 the result of any recount has been determined or announced.

46 (cf: P.L.2011, c.134, s.39)

1 14. (New section) a. The clerk of each county shall add to the
2 list of registered voters receiving a mail-in ballot for all future
3 elections without further request each voter in the county who
4 requested and received a mail-in ballot for the 2016 general
5 election. Each voter so added to the list shall have the option to
6 inform the clerk in writing that the voter does not wish to receive a
7 mail-in ballot automatically for all future elections.

8 b. The county clerks shall transmit to each voter who will
9 automatically receive such a ballot for all future elections pursuant
10 to subsection a. of this section a notice informing the voter that he
11 or she will automatically receive a mail-in ballot for all future
12 elections unless the voter informs the clerk in writing that he or she
13 does not wish to receive a mail-in ballot for all future elections.

14
15 ¹15. Notwithstanding the specified operative date, if applicable,
16 provided in section 16 of this act, P.L. , c. (pending before the
17 Legislature as this bill):

18 a) the provisions of this act that are the responsibility of the
19 Secretary of State shall take effect immediately and shall be
20 completed within seven business days following the effective date;
21 and

22 b) a county clerk may, at the clerk's discretion, implement any or
23 all provisions of this act that are the responsibility of a county clerk
24 immediately following the effective date, notwithstanding the
25 specified operative date if applicable, if the clerk determines that
26 such implementation is practical, and shall also inform the county
27 board of elections of his or her determination as soon as possible
28 after the determination is made.¹

29
30 ¹~~[15.]~~ 16.¹ This act shall take effect immediately if an election
31 is to occur more than ¹~~[30]~~ 60¹ days prior to the day this act takes
32 effect; except that if this act would become ¹~~[operative]~~ effective¹
33 less than ¹~~[30]~~ 60¹ days before the day of an election, this act shall
34 instead take effect ¹~~[on]~~ immediately but remain inoperative until¹
35 the day following that election ¹, except as otherwise provided in
36 section 15 of this act¹.

37
38
39
40
41 _____
42 Permits registered voters to receive mail-in ballots automatically
for all elections under certain conditions.