

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 4315

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED JANUARY 9, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Freiman

SYNOPSIS

Creates fund to reimburse local units of government for cost of certain mail-in ballot procedures; appropriates \$3,000,000.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning funding to offset the cost to local units of
2 government in implementing certain aspects of the law on mail-
3 in ballots, clarifying the effectiveness of such laws, amending
4 P.L.1996, c.24, P.L.2009, c.79, and P.L.2018, c.72,
5 supplementing P.L.2009, c.79 (C.19:63-1 et seq.), and making an
6 appropriation.

7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10

11 1. (New section) There is created a special, non-lapsing fund in
12 the Department of State that shall be designated the “Mail-In Ballot
13 Local Reimbursement Fund.” The fund shall be maintained as a
14 separate account and administered by the Secretary of State. The
15 fund shall consist of: (1) any monies appropriated by the State for
16 the purposes of the fund; and (2) all interest and investment
17 earnings received on monies in the fund. The fund shall be used to
18 offset the additional direct expenditures required for the
19 implementation of P.L.2018, c.72 and P.L.2019, c.265 and any rule
20 or regulation issued pursuant thereto.

21 There shall be appropriated annually through the annual
22 appropriations act such amounts as shall be deemed necessary for
23 the purposes of the fund.

24 The clerk of each county, shall, on or before January 1 of each
25 year following the year for which the county, or any municipality,
26 board of education, or fire district therein, is seeking
27 reimbursement, certify to the Department of State, in a manner
28 prescribed by the department, the total cost incurred by the county,
29 municipality, board of education, or fire district in implementing
30 the provisions of P.L.2018, c.72 and P.L.2019, c.265.

31

32 2. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is amended to
33 read as follows:

34 14. a. The clerk of each county shall add to the list of registered
35 voters receiving a mail-in ballot for all future elections without
36 further request each voter in the county who requested and received
37 a mail-in ballot for the 2016 general election, and each voter who
38 requested and received a mail-in ballot for any election in 2017 and
39 2018 by filing a mail-in ballot application following the deadline
40 for applying for a 2016 general election mail-in ballot. Each voter
41 so added to the list shall have the option to inform the clerk in
42 writing that the voter does not wish to receive a mail-in ballot
43 automatically for all future elections.

44 b. The county clerks shall transmit to each voter who will
45 automatically receive such a ballot for all future elections pursuant

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 to subsection a. of this section a notice informing the voter that he
2 or she will automatically receive a mail-in ballot for all future
3 elections unless the voter informs the clerk in writing that he or she
4 does not wish to receive a mail-in ballot for all future elections.

5 c. The additional direct expenditures required for the
6 implementation of this section shall be offset pursuant to section 1
7 of P.L. , c. (C.) (pending before the Legislature as this
8 bill).

9 (cf: P.L.2019, c.265, s.1)

10

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

13 3. a. A qualified voter shall be entitled to vote using a mail-in
14 ballot:

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

17 (2) in any single election held in this State.

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

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

25 The additional direct expenditures required for the
26 implementation of the provisions of this subsection as amended by
27 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
28 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

47 e. A person voting by mail-in ballot who registered by mail
48 after January 1, 2003, who did not provide personal identification

1 information when registering pursuant to section 16 of P.L.1974,
2 c.30 (C.19:31-6.4) and is voting for the first time in his or her
3 current county of residence following registration shall include
4 copies of the required identification information with the mail-in
5 ballot. Failure to include such information with the mail-in ballot
6 shall result in its rejection.

7 f. The county clerk shall not transmit a mail-in ballot for any
8 election to any person who: is deemed by a county commissioner of
9 registration to be an inactive voter; or notifies the clerk in writing
10 that the person no longer wishes to receive such a ballot for any
11 election; or is no longer eligible to vote and whose registration file
12 has been transferred to the deleted file pursuant to R.S.19:31-19.

13 g. 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.2018, c.72, s.1)

18

19 4. Section 2 of P.L.1996, c.24 (C.52:13H-2) is amended to read
20 as follows:

21 2. Except as provided in section 3 of this act, any provision of
22 a law enacted on or after January 17, 1996, or any part of a rule or
23 regulation originally adopted after July 1, 1996 pursuant to a law
24 regardless of when that law was enacted, which is determined in
25 accordance with the provisions of this act to be an unfunded
26 mandate upon boards of education, counties, municipalities, or fire
27 districts designated by municipal ordinance, because it does not
28 authorize resources to offset the additional direct expenditures
29 required for the implementation of the law or the rule or regulation,
30 shall cease to be mandatory in its effect and shall expire. A
31 provision of a law or part of a rule or regulation determined to be an
32 unfunded mandate shall resume its mandatory effect if, after
33 enactment of the law or adoption of a rule or regulation, resources
34 are authorized to offset the additional direct expenditures required
35 for the implementation thereof.

36 A law or a rule or regulation which is determined to be an
37 unfunded mandate shall not be considered to establish a standard of
38 care for the purpose of civil liability.

39 (cf: P.L.2010, c.106, s.2)

40

41 5. There is appropriated from the State General Fund to the
42 Department of State for deposit into the "Mail-In Ballot Local
43 Reimbursement Fund," created pursuant to section 1 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill), the sum
45 of \$3,000,000 for the purposes specified therein.

46

47 6. (New section) To the extent deemed expired by the Council
48 on Local Mandates, established by section 4 of P.L.1996, c.24

1 (C.52:13H-4) pursuant to Article VIII, Section II, paragraph 5 of
2 the New Jersey Constitution, the provisions of P.L.2018, c.72 and
3 P.L.2019, c.265 shall be accorded full force and effect retroactive to
4 the effective dates thereof, the funding for which shall be provided
5 as in sections 1 and 5 of this act, P.L. , c. (C.) (pending
6 before the Legislature as this bill), and section 3 of P.L.2019, c.265,
7 to offset the additional direct expenditures required for the
8 implementation of P.L.2018, c.72 and P.L.2019, c.265 as required
9 under Article VIII, Section II, paragraph 5 of the New Jersey
10 Constitution.

11

12 7. This act shall take effect immediately.