

ASSEMBLY, No. 2028

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 21 (Morris, Somerset and Union)

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District 40 (Bergen, Essex, Morris and Passaic)

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Assemblymen Catalano and McGuckin

SYNOPSIS

Requires voter who wishes to vote by mail to complete application for mail-in ballot each calendar year; repeals automatic vote-by-mail designation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/5/2021)

1 **AN ACT** concerning applications to vote by mail and amending
2 P.L.1974, c.30 and P.L.2009, c.79 and repealing section 14 of
3 P.L.2018, c.72.

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

7
8 1. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to
9 read as follows:

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

15 **VOTER REGISTRATION APPLICATION**

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

17 (1) This form is being used as:

18 ☐ New registration

19 ☐ Address change

20 ☐ Name change

21 (2) Name:.....

22 Last First Middle

23 (3) Are you a citizen of the United States of America? ☐Yes
24 ☐No

25 (4) Will you be 18 years of age on or before election day? ☐Yes
26 ☐ No

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

29 (5) Street Address where you live:

30

31 Street Address Apt. No.

32

33 (6) City or Town County Zip Code

34 (7) Address Where You Receive Your Mail (if different from
35 above):

36

37 (8) Date of Birth:

38

39 Month Day Year

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

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

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

43

44

45

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

4 (a) your New Jersey driver's license
5 number:.....

6 (b) the last four digits of your Social Security
7 Number.....

8 OR submit with this form a copy of any one of the following
9 documents: a current and valid photo identification card; a current
10 utility bill, bank statement, government check, pay check or any
11 other government or other identifying document that shows your
12 name and current address. If you do not provide either your New
13 Jersey driver's license number or the last four digits of your Social
14 Security Number, or enclose a copy of one of the documents listed
15 above, you will be asked for identification when voting for the first
16 time, unless you are exempt from doing so under federal or State
17 law.

18 (12) Do you wish to declare a political party affiliation?
19 (Optional):

20 ☐ YES. Name of Party:

21 ☐ NO. I do not wish to declare a political party affiliation at
22 this time.

23 (13) ☐ I wish to receive a Mail-in Ballot for all **【future】**
24 elections **【, until】** in which I am eligible to vote this calendar year,
25 unless I request otherwise in writing.

26 (14) Declaration - I swear or affirm that:

27 I am a U.S. citizen.

28 I live at the above address.

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

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

33 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
34 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
35 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
36 PURSUANT TO R.S.19:34-1.

37

38 Signature or mark of the registrant Date

39 (15) If applicant is unable to complete this form, print the name
40 and address of individual who completed this form.

41

42 Name

43

44 Address

45 In addition, the form may include notice to the applicant of
46 information and options relating to the registration and voting
47 process, including but not limited to notice of qualifications

1 required of a registered voter; notice of the final day by which a
2 person must be registered to be eligible to vote in an election;
3 notice of the effect of a failure to provide required identification
4 information; a place at which the applicant may indicate availability
5 for service as a member of the district board of elections; a place at
6 which the applicant may indicate whether he or she requires a
7 polling place which is accessible to individuals with disabilities and
8 the elderly or whether he or she is legally blind; a place at which
9 the applicant may indicate a desire to receive additional information
10 concerning voting by mail; and if the application indicates a
11 political party affiliation, the voter is permitted to vote in the
12 primary election of a political party other than the political party in
13 which the voter was affiliated previously only if the voter
14 registration form with the change of political party affiliation is
15 filed prior to the 50th day next preceding the primary election. The
16 form may also include a space for the voter registration agency to
17 record whether the applicant registered in person, by mail or by
18 other means.

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

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

30 d. The commissioner of registration shall furnish such
31 registration forms upon request in person to any person or
32 organization in such reasonable quantities as such person or
33 organization shall request. The commissioner shall furnish no fewer
34 than two such forms to any person upon request by mail or by
35 telephone.

36 e. Each such registration form shall have annexed thereto
37 instructions specifying the manner and method of registration, and
38 the vote by mail option specified on the form, and stating the
39 qualifications for an eligible voter.

40 f. The Secretary of State shall also furnish such registration
41 forms and such instructions to the Director of the Division of
42 Workers' Compensation, the Director of the Division of
43 Employment Services, and the Director of the Division of
44 Unemployment and Temporary Disability Insurance in the
45 Department of Labor and Workforce Development; to the Director
46 of the Division of Taxation in the Department of the Treasury; to
47 the Executive Director of the New Jersey Transit Corporation; to

1 the appropriate administrative officer of any other public agency, as
2 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
3 6.3); to the Adjutant General of the Department of Military and
4 Veterans' Affairs; and to the chief administrative officer of any
5 voter registration agency, as defined in subsection a. of section 26
6 of P.L.1994, c.182 (C.19:31-6.11).

7 g. All registration forms received by the Secretary of State in
8 the mail or forwarded to the Secretary of State shall be forwarded to
9 the commissioner of registration in the county of the registrant.
10 Each such form, and any registration form received otherwise by a
11 commissioner of registration, shall be forwarded to the county clerk
12 if the vote by mail option is selected on a form.

13 h. An application to register to vote received from the New
14 Jersey Motor Vehicle Commission or a voter registration agency, as
15 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
16 6.11), shall be deemed to have been timely made for the purpose of
17 qualifying an eligible applicant as registered to vote in an election if
18 the date on which the commission or agency shall have received
19 that document in completed form, as indicated in the lower right
20 hand corner of the form, was not later than the 21st day preceding
21 that election.

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

39 j. The Secretary of State shall amend the voter registration
40 application form if necessary to conform to the requirements of
41 applicable federal or State law.

42 k. In the event that the name of any political party entered on
43 the voter registration form by a voter who wishes to declare a
44 political party affiliation is not legible, the commissioner of
45 registration shall mail the voter a political party declaration form
46 and a letter explaining that the voter's choice was not understood
47 and that the voter should complete and return the declaration form

1 in order to be affiliated with a party.
2 (cf: P.L.2018, c.72, s.3)

3

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

6 3. a. A qualified voter shall be entitled to vote using a mail-in
7 ballot by completing a mail-in ballot application each calendar year,
8 indicating the voter's desire to vote:

9 (1) in all **【future】** elections, including general elections, held in
10 this State in the calendar year, in which the voter is eligible to vote;
11 or

12 (2) in any single election held in this State in the calendar year,
13 in which the voter is eligible to vote.

14 The qualified voter who chooses the option to vote using a mail-
15 in ballot in all **【future】** elections held in this State in the calendar
16 year shall be furnished with such a ballot by the county clerk
17 without further request on the part of the voter **【and until】** for that
18 calendar year, unless the voter requests in writing that the voter no
19 longer be 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.

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

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

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

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

11 (cf: P.L.2018, c.72, s.1)

12
13 3. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read
14 as follows:

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

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

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

29 (cf: P.L.2018, c.72, s.5)

30
31 4. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
32 as follows:

33 6. a. The county clerk, in the case of any Statewide election,
34 countywide election, or school election in a regional or other school
35 district comprising more than one municipality; the municipal clerk,
36 in the case of any municipal election or school election in a school
37 district comprising a single municipality; and the commissioners or
38 other governing or administrative body of the district, in the case of
39 any election to be held in any fire district or other special district,
40 other than a municipality, created for specified public purposes
41 within one or more municipalities, shall publish the following
42 notice in substantially the following form:

43 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

44 If you are a qualified and registered voter of the State who wants
45 to vote by mail in the..... (school, municipal, primary,
46 general, or other) election to be held on..... (date of
47 election), the following applies:

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

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

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

9 No person who is a candidate in the election for which the voter
10 requests a mail-in ballot may provide any assistance in the
11 completion of the ballot or serve as an authorized messenger or
12 bearer.

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

17 Voters who want to vote by mail in all **【future】** elections held in
18 the same calendar year will, after their initial request and without
19 further action on their part in that calendar year, be provided with a
20 mail-in ballot **【until】** unless the voter requests otherwise in writing.

21 Application forms may be obtained by applying to the
22 undersigned either in writing or by telephone, or the application
23 form provided below may be completed and forwarded to the
24 undersigned.

25 Dated.....
26
27 (signature and title of county clerk)
28
29 (address of county clerk)
30
31 (telephone no. of county clerk)

32 b. (1) The Secretary of State shall be responsible for
33 providing all information regarding overseas ballots to each
34 overseas voter eligible for such a ballot pursuant to P.L.1976, c.23
35 (C.19:59-1 et seq.). The secretary shall also make available valid
36 overseas voter registration and ballot applications to any voter who
37 is a member of the armed forces of the United States and who is a
38 permanent resident of this State, or who is an overseas voter who
39 wishes to register to vote or to vote in any jurisdiction in this State.
40 The secretary shall provide such public notice as may be deemed
41 necessary to inform members of the armed forces of the United
42 States and overseas voters how to obtain valid overseas voter
43 registration and ballot applications.

44 (2) The Secretary of State shall undertake a program to inform
45 voters in this State about their eligibility to vote by mail pursuant to
46 this act. Dissemination of this information shall be included in the
47 standard notices required by this section and other provisions of

1 current law, including but not limited to the notice requirements of
2 R.S.19:12-7, and shall be effectuated by such means as the secretary
3 deems appropriate and to the extent that funds for such
4 dissemination are appropriated including, but not limited to, by
5 means of Statewide or local electronic media, public service
6 announcements broadcast by such media, notices on the Internet site
7 of the Department of State or any other department or agency of the
8 Executive Branch of State government or its political subdivisions
9 deemed appropriate by the secretary, and special mailings or notices
10 in newspapers or other publications circulating in the counties or
11 municipalities of this State.

12 c. The mail-in ballot materials shall contain a notice that any
13 person voting by mail-in ballot who has registered by mail after
14 January 1, 2003, who did not provide personal identification
15 information when registering and is voting for the first time in his
16 or her current county of residence following registration shall
17 include copies of the required identification information with the
18 mail-in ballot, and that failure to include such information shall
19 result in the rejection of the ballot.

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

23 Notices relating to any Statewide or countywide election shall be
24 published in at least two newspapers published in each county. All
25 officials charged with the duty of publishing such notices shall
26 publish the same in at least one newspaper published in each
27 municipality or district in which the election is to be held, or if no
28 newspaper is published in the municipality or district, then in a
29 newspaper published in the county and circulating in the
30 municipality or district. All such notices shall be display
31 advertisements.

32 (cf: P.L.2018, c.72, s.2)

33

34 5. Within 30 days of the implementation date of this act, the
35 county clerk in each county shall transmit to each voter who is
36 designated in the Statewide Voter Registration System as receiving
37 a mail-in ballot for all future elections, a notice informing the voter
38 that he or she is required to complete an application to vote by mail
39 each calendar year, pursuant to the provisions of this act, P.L. , c.
40 (pending before the Legislature as this bill).

41

42 6. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is repealed.

43

44 7. This act shall take effect immediately, and shall be
45 implemented on the first day following the November general
46 election occurring after that effective date.

STATEMENT

1
2
3 This bill requires a voter who wishes to vote by mail to complete
4 an application for a mail-in ballot each calendar year. The bill also
5 repeals a provision of current law which required each county clerk
6 to designate each voter who voted by mail in 2016, 2017, and 2018
7 as automatic vote-by-mail voters in all future elections.

8 Under current law, a voter may apply to vote by mail in all future
9 elections or in any single election. A voter who indicates a desire to
10 vote by mail in all future elections is not required to reapply for a
11 mail-in ballot each year, but may notify the county clerk that he or
12 she no longer wishes to vote by mail. This bill would require voters
13 who want to vote by mail to complete a mail-in ballot application
14 each calendar year. The application would offer the voter the
15 opportunity to either vote by mail in all elections held in that
16 calendar year, or in any single election held in that calendar year.
17 This bill also repeals a provision of law that made voters who voted
18 by mail in 2016, 2017, and 2018 be designated as automatic vote-
19 by-mail voters in all future elections, unless they opted out at the
20 time of the law's implementation.

21 The bill requires the county clerk in each county, within 30 days
22 of the implementation date, to transmit to each voter who is
23 designated in the Statewide Voter Registration System as receiving
24 a mail-in ballot for all future elections, a notice informing the voter
25 that he or she is required to complete an application to vote by mail
26 each calendar year. The bill would take effect immediately, but
27 would be implemented on the first day following the November
28 general election occurring after that effective date.