

ASSEMBLY, No. 4466

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Verrelli

SYNOPSIS

Permits voters to cure signature defects on mail-in and provisional ballots.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 **AN ACT** concerning the curing of signature defects on mail-in and
2 provisional ballots and supplementing Title 19 of the Revised
3 Statutes.

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

7
8 1. a. Notwithstanding P.L.2009, c.79 (C.19:63-1 et seq) and
9 P.L.1999, c.232 (C.19:53C-1 et seq) or any other law, rule, or
10 regulation to the contrary, a county board of elections shall not reject
11 a mail-in or provisional ballot with a missing signature or a signature
12 mismatch unless the voter who submitted the ballot is first given the
13 opportunity to cure signature deficiencies. A mail-in or provisional
14 ballot shall be tentatively rejected until the voter cures signature
15 deficiencies.

16 b. When a county board of elections has identified a ballot
17 containing either a missing signature or a signature mismatch, the
18 board shall tentatively reject the ballot and notify the voter within 24
19 hours from the time the ballot was tentatively rejected. The board
20 shall send the voter a cure letter by regular mail informing the voter
21 that his or her ballot has been tentatively rejected because of a
22 missing signature or a signature mismatch, along with a cure form
23 and a postage pre-paid return envelope. The letter shall also instruct
24 the voter to return the enclosed cure form in the enclosed postage pre-
25 paid return envelope by mail to the county board of elections, or in
26 person, by fax, or email on or before the 14th day following the
27 election.

28 c. Every form enclosed with a cure letter pursuant to subsection
29 b. of this section shall have the voter's name and address preprinted,
30 allow the voter to affirm that he or she submitted the mail-in or
31 provisional ballot, and verify his or her identity.

32 A voter may verify his or her identity for curing purposes by
33 providing the number of a driver license or a non-driver identification
34 card. If the voter does not possess either form of identification, the
35 last four digits of his or her social security number may be provided.
36 If the voter does not have any of the above forms of identification, a
37 copy of a state-accepted form of identification listing the voter's
38 name and address may be submitted. State-accepted forms of
39 identification shall include:

- 40 (1) a sample ballot;
41 (2) any official federal, state, county, or municipal document;
42 (3) a billing statement from a utility or telephone company; or
43 (4) tax or rental receipts.

44 If a voter attaches a copy of a state-accepted identification
45 document to his or her cure form, the address listed on such document
46 need not match the address the voter used for purposes of voter
47 registration provided the document otherwise verifies the voter's
48 identity.

1 d. If a voter timely returns a properly completed cure form and
2 the information provided verifies his or her identity, the mail-in or
3 provisional ballot shall be counted in the final results of the election.
4 Failure to return the cure form shall result in the rejection of the mail-
5 in or provisional ballot.

6
7 2. a. A county board of elections shall, within 8 days following
8 an election, report to the Division of Elections in the Department of
9 State whether it has completed the processing of all mail-in and
10 provisional ballots pursuant to section 1 of P.L. , c. (C.)
11 (pending before the Legislature as this bill).

12 b. In the event such processing has not been completed, a county
13 board of elections shall report to the division:

14 (1) the number of all mail-in and provisional ballots pending
15 review;

16 (2) the date in which review will be completed;

17 (3) the number of mail-in and provisional ballots pending review;
18 and

19 (4) when the board intends to meet to process those ballots.

20

21 3. a. The Secretary of State shall issue guidance advising county
22 boards of elections to, at a minimum, meet in advance of the date of
23 an election and eight days after an election to discharge their duties
24 pursuant to section 1 of P.L. , c. (C.) (pending before the
25 Legislature as this bill).

26 b. The Secretary of State shall direct the Division of Elections
27 to conduct a public awareness campaign in advance of an election
28 concerning the importance of a voter's signature on mail-in and
29 provisional ballots. The campaign shall be reasonably designed to
30 inform voters:

31 (1) that mail-in and provisional ballots are verified using
32 signature matching;

33 (2) that ballots may be tentatively rejected as a result of signature
34 discrepancies;

35 (3) that they are entitled to receive notice of a tentative rejection
36 and be provided with the opportunity to cure signature discrepancies;
37 and

38 (4) of the notice and cure process in a detailed overview.

39 c. The Secretary of State shall issue guidance to boards of
40 elections stating:

41 (1) that it is expected that there will be some variation in the way
42 a voter signs his or her signature;

43 (2) that there are numerous factors that lead to signature variation
44 including, but not limited to, age, disability, underlying health
45 conditions, the writing implement and surface used, level of
46 concentration, and educational background;

47 (3) that studies have shown that county boards of elections are
48 more likely to reject genuine signatures than non-genuine ones; and

1 (4) that signatures on mail-in and provisional ballots should be
2 presumed valid unless there is a clear discrepancy that cannot be
3 reasonably explained.

4
5 4. This act shall take effect January 1, 2021.
6
7

8 STATEMENT
9

10 This bill prohibits county boards of elections from rejecting any
11 mail-in or provisional ballot with a missing signature or a signature
12 mismatch unless the voter is provided the opportunity to cure
13 signature discrepancies. The ballot will be tentatively rejected until
14 the voter cures the discrepancies within 14 days following the
15 election.

16 Under the bill, when a county board of elections has identified a
17 mail-in or provisional ballot containing either a missing signature or
18 a signature mismatch, the board must notify the voter within 24 hours
19 from the time the ballot was tentatively rejected. The bill requires
20 the board to send the voter a cure letter instructing the voter to return
21 the enclosed cure form by mail, fax, email, or in person to the board
22 of elections 14 days following the date of the election. The form
23 would allow the voter to verify his or her identity by providing the
24 number of a driver's license or a non-driver identification card. If
25 the voter does not possess either form of identification, the last four
26 digits of his or her social security number may be provided. If the
27 voter does not have any of the above forms of identification, a copy
28 of a state-accepted form of identification listing the voter's name and
29 address may be submitted.

30 If a voter timely returns a properly completed cure form and the
31 information provided verifies his or her identity, the mail-in or
32 provisional ballot would be counted in the final election results.
33 Failure to return the cure form would result in a rejection of the mail-
34 in or provisional ballot.

35 A county board of elections must report to the Division of
36 Elections, within 14 days after an election, whether it has completed
37 the processing of all mail-in and provisional ballots. If processing
38 has not been completed, the board must provide an update on its
39 progress.

40 This bill also directs the Secretary of State to issue guidance
41 advising county boards of elections to, at a minimum, meet in
42 advance of the date of an election and eight days after an election to
43 discharge their duties under the bill and to issue guidance regarding
44 signature variation.

45 Finally, the Division of Elections is required to conduct a public
46 awareness campaign in advance of an election concerning the
47 importance of signatures on mail-in and provisional ballots, how
48 signatures are verified, and the notice and cure process.