

ASSEMBLY, No. 4754

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Allows voter who received mail-in ballot to cancel ballot and be issued a new one not less than 7 days before election.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning a voter's ability to cancel a mail-in ballot and
2 request a new one before an election and supplementing
3 P.L.2009, c.79 (C.19:63-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. A voter who has been issued a mail-in ballot shall be
9 permitted to cancel that ballot and request a new mail-in ballot not
10 less than 7 days before the election. The Secretary of State shall
11 develop an application form for a voter to use to request that the
12 voter's previously issued mail-in ballot be canceled and to be issued
13 a new mail-in ballot. The application for a new mail-in ballot shall
14 be completed and submitted by the voter not less than 7 days before
15 an election in the same manner and within the same timeframe
16 prescribed pursuant to subsection b. of section 3 of P.L.2009, c.79
17 (C.19:63-3). The new ballot shall be mailed to the voter in the same
18 manner and within the same timeframes prescribed pursuant to
19 subsection b. of section 9 of P.L.2009, c.79 (C.19:63-9). Upon the
20 issuance of the new ballot to the voter, the previously issued mail-in
21 ballot shall be declared spoiled, shall be canceled, and shall not be
22 counted.
23

24 2. This act shall take effect on January 1 next following the
25 date of enactment.
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28 STATEMENT
29

30 This bill allows a voter who has been issued a mail-in ballot to
31 cancel that ballot and request a new one not less than 7 days before
32 the election. The bill directs the Secretary of State to develop an
33 application form for a voter to use to request that the voter's
34 previously issued mail-in ballot be canceled and to be issued a new
35 mail-in ballot. Under the bill, the application for a new mail-in
36 ballot must be completed and submitted by the voter not less than 7
37 days before the election, and the new ballot would be mailed to the
38 voter within the same timeframes currently provided for mailing the
39 mail-in ballots. Specifically, if the application for a new mail-in
40 ballot is received between the 45th and the 13th day before the
41 election, the new ballot must be mailed to the voter within three
42 business days, or within two business days if the application is
43 received between the 12th and the seventh day before the election.
44 Upon the issuance of the new ballot to the voter, the previously-
45 issued mail-in ballot would be declared spoiled, canceled, and
46 would not be counted.

47 Currently, 27 states permit a voter to vote by mail-in ballot
48 without the voter having to provide an excuse to do so. Several

1 states, including Minnesota, Michigan, Pennsylvania, New York,
2 and Wisconsin, allow a voter who voted by mail to cancel their
3 voted ballot and vote a new ballot before Election Day. The sponsor
4 believes that, because mail-in ballots in New Jersey are mailed to
5 voters 45 days before the election, voters should have the right to
6 cancel their voted ballot and request a new ballot if they wish to
7 change their vote. The sponsor believes that the 2016 general
8 election was an example of significant events occurring, and new
9 information being provided, that prompted constituents to request
10 an opportunity to change their votes.