

ASSEMBLY, No. 5061

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 30, 2020

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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SYNOPSIS

Allows registered voters to submit application to vote by mail using online voter registration website maintained by Secretary of State up to seven days before election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/7/2021)

1 AN ACT concerning the manner of submitting applications to vote by
2 mail and amending P.L.2019, c.382 and P.L.2009, c.79.

3

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

6

7 1. Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is amended to
8 read as follows:

9 1. Notwithstanding any other provision of law to the contrary, a
10 person who is qualified to register to vote may submit a voter
11 registration form electronically on a secure Internet website
12 maintained by the Secretary of State, if the applicant has an email
13 address and provides a valid New Jersey driver's license number, a
14 valid New Jersey nondriver identification card number, or the last
15 four digits of the applicant's Social Security number. The voter
16 registration form shall contain substantively the same information
17 required to be contained on a paper voter registration form pursuant
18 to section 16 of P.L.1974, c.30 (C.19:31-6.4). The voter registration
19 form available electronically shall enable a person who is qualified
20 to register to vote, and a person who is registered to vote, to apply
21 for and receive a mail-in ballot as provided under section 3 of
22 P.L.2009, c.79 (C.19:63-3), until the voter requests otherwise.

23 a. The Secretary of State shall apply the same voter registration
24 deadline applicable under current law for paper voter registration
25 forms to an online voter registration form submitted by an applicant
26 pursuant to this section.

27 b. The applicant completing the form shall affirmatively attest
28 to the truth of the information provided in the form.

29 c. For voter registration purposes, the applicant shall
30 affirmatively assent to the use of his or her signature from his or her
31 driver's license or non-driver identification card or the applicant's
32 digitized or electronic signature.

33 d. For each online voter registration form, the Secretary of State
34 shall obtain either an electronic copy of the applicant's signature from
35 his or her driver's license or non-driver identification card directly
36 from the New Jersey Motor Vehicle Commission, or the applicant's
37 digitized or electronic signature.

38 e. Upon submission of an online voter registration form pursuant
39 to this section, the electronic voter registration system shall
40 automatically acknowledge that the online voter registration form has
41 been submitted successfully, and provide instructions on how the
42 person completing the voter registration form may follow-up on the
43 status of the submission either online or by contacting the appropriate
44 county commissioner of registration.

45 f. The Secretary of State shall employ security measures to

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 ensure the accuracy and integrity of voter registration forms
2 submitted electronically pursuant to this section.

3 g. The New Jersey Motor Vehicle Commission and the Secretary
4 of State shall jointly develop a process and the infrastructure to allow
5 the electronic copy of the applicant's signature and other information
6 required under this section that is in the possession of the commission
7 to be transferred to the Secretary of State and to the appropriate
8 county election officials to allow a person who is qualified to register
9 to vote in New Jersey to register to vote under this section.

10 h. If an applicant cannot electronically submit the information
11 required pursuant to this section, the applicant shall nevertheless be
12 able to complete the online voter registration form electronically on
13 the Secretary of State's Internet website, print a paper copy of the
14 completed form, and mail or deliver the paper copy of the completed
15 form to the Secretary of State or the appropriate county election
16 official. For the purposes of this subsection, the applicant shall be
17 required to provide the same documents required to be provided with
18 a paper voter registration form pursuant to R.S.19:31-5.

19 (cf: P.L.2019, c.382, s.1)

20

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

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

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

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

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

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

35 The additional direct expenditures required for the
36 implementation of the provisions of this subsection as amended by
37 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
38 P.L.2019, c.459 (C.19:63-29).

39 b. (1) Not less than seven days before an election in which a
40 voter wants to vote by mail, the voter may apply to the person
41 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
42 ballot. The application shall be in writing, shall be signed by the
43 applicant and shall state the applicant's place of voting residence and
44 the address to which the ballot shall be sent. The Secretary of State
45 shall prepare a mail-in application form and shall have the authority
46 to promulgate any rules and regulations the secretary deems
47 necessary to effectuate the purposes of this subsection.

(2) Not less than seven days before an election in which a voter wants to vote by mail, instead of submitting an application under paragraph (1) of this subsection, the voter may apply for a mail-in ballot electronically through the voter registration website established by the Secretary of State pursuant to section 1 of P.L.2019, c.382 (C.19:31-6.4c), which application shall be electronically submitted to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5). The application shall be in electronic form, shall be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and shall state the applicant's place of voting residence and the address to which the ballot shall be sent. The Secretary of State shall prepare a mail-in ballot electronic application form and shall have the authority to promulgate any rules and regulations the secretary deems necessary to effectuate the purposes of this subsection.

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

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

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

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

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

(cf: P.L.2019, c.459, s.3)

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

6. a. The county clerk, in the case of any Statewide election, countywide election, or school election in a regional or other school

1 district comprising more than one municipality; the municipal clerk,
 2 in the case of any municipal election or school election in a school
 3 district comprising a single municipality; and the commissioners or
 4 other governing or administrative body of the district, in the case of
 5 any election to be held in any fire district or other special district,
 6 other than a municipality, created for specified public purposes
 7 within one or more municipalities, shall publish the following notice
 8 in substantially the following form:

9 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

14 You must complete the application form below and send it to the
 15 county clerk where you reside or write or apply in person to the
 16 county clerk where you reside to request a mail-in ballot. Instead,
 17 you may complete the application form electronically on the
 18 Secretary of State's website at (insert website address
 19 here).

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

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

25 No person who is a candidate in the election for which the voter
 26 requests a mail-in ballot may provide any assistance in the
 27 completion of the ballot or serve as an authorized messenger or
 28 bearer.

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

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

37 Application forms may be obtained by applying to the undersigned
 38 either in writing or by telephone, or the application form provided
 39 below may be completed and forwarded to the undersigned.

40 Dated.....
 41

42 (signature and title of county clerk)

43

44 (address of county clerk)

45

46 (telephone no. of county clerk)

1 Instead, application forms may be completed electronically on the
2 Secretary of State's website at (insert website address
3 here).

4 b. (1) The Secretary of State shall be responsible for providing
5 all information regarding overseas ballots to each overseas voter
6 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-
7 1 et seq.). The secretary shall also make available valid overseas
8 voter registration and ballot applications to any voter who is a
9 member of the armed forces of the United States and who is a
10 permanent resident of this State, or who is an overseas voter who
11 wishes to register to vote or to vote in any jurisdiction in this State.
12 The secretary shall provide such public notice as may be deemed
13 necessary to inform members of the armed forces of the United States
14 and overseas voters how to obtain valid overseas voter registration
15 and ballot applications.

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

30 c. The mail-in ballot materials shall contain a notice that any
31 person voting by mail-in ballot who has registered by mail after
32 January 1, 2003, who did not provide personal identification
33 information when registering and is voting for the first time in his or
34 her current county of residence following registration shall include
35 copies of the required identification information with the mail-in
36 ballot, and that failure to include such information shall result in the
37 rejection of the ballot.

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

41 Notices relating to any Statewide or countywide election shall be
42 published in at least two newspapers published in each county. All
43 officials charged with the duty of publishing such notices shall
44 publish the same in at least one newspaper published in each
45 municipality or district in which the election is to be held, or if no
46 newspaper is published in the municipality or district, then in a
47 newspaper published in the county and circulating in the municipality

1 or district. All such notices shall be display advertisements.
2 (cf: P.L.2018, c.72, s.2)

3

4 4. This act shall take effect on January 1 next following the date
5 of enactment.

6

7

8

STATEMENT

9

10 This bill allows registered voters to submit an application to vote
11 by mail electronically, using the online voter registration website
12 maintained by the Secretary of State, up to seven days before an
13 election.

14 Under current law, registered voters may apply to vote by mail
15 using a paper application form up to seven days before an election,
16 and may apply for a mail-in ballot in person up to 3:00 PM the day
17 before election day. This bill would allow registered voters to
18 complete a mail-in ballot application form electronically using the
19 online voter registration website established by the Secretary of
20 State. Under the bill, applications to vote by mail submitted online
21 would be forwarded to the appropriate county clerk. The bill requires
22 the electronic application to be signed by the applicant using the
23 applicant's electronic signature in the Statewide Voter Registration
24 System, and to state the applicant's place of voting residence and the
25 address to which the ballot will be sent. The bill directs the Secretary
26 of State to prepare a mail-in ballot electronic application form and
27 authorizes the secretary to promulgate any rules and regulations
28 deemed necessary. The bill also updates the notices required to be
29 published ahead of each election concerning the manner of applying
30 to vote by mail, to include the online application form authorized by
31 the bill.