ASSEMBLY, No. 5092

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:
Assemblywoman AURA K. DUNN
District 25 (Morris and Somerset)
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District 13 (Monmouth)

Co-Sponsored by:
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SYNOPSIS

Requires Secretary of State create website for voters to report irregularities regarding mail-in ballots; establishes “Vote by Mail Study Commission.”

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 1/29/2021)

AN ACT concerning the reporting of mail-in ballot irregularities and establishing the "Vote by Mail Study Commission."

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

1. The Secretary of State shall establish, on the Division of Elections website, a link for voters to report irregularities concerning a mail-in ballot received by the voter. The link shall enable the voter to complete a form containing the voter's name, mailing address, and a telephone number where the voter may be contacted, along with sufficient space for the voter to describe the issues with the mail-in ballot received by the voter. The form may also include choices for the voter to select from among possible irregularities concerning a mail-in ballot, including, but not limited to, when the intended recipient of the ballot does not reside at that address or is deceased. The website shall automatically forward each form to the county clerk, county board of elections, and county superintendent of elections, as the case may be, of the county where the voter resides for the appropriate follow-up. The secretary shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than January 15 of each year, a summary of the forms received through the website for the previous calendar year.

2. a. There is established the "Vote by Mail Study Commission." The commission shall consist of nine members as follows:

(1) the Secretary of State, ex officio, or the secretary's designee, who shall serve as chairperson of the commission;

(2) two county clerks, who shall not be members of the same political party, appointed by the Governor upon the recommendation of the Constitutional Officers Association – Clerk Section;

(3) one member representing the county boards of elections and one member representing the superintendents of elections, who shall not be members of the same political party, appointed by the Governor upon the recommendation of the New Jersey Election Officials Association;

(4) two members of the Senate to be appointed, one each, by the President of the Senate and the Minority Leader of the Senate; and

(5) two members of the General Assembly to be appointed, one each, by the Speaker of the General Assembly and the Minority Leader of the General Assembly.

b. Any vacancy in the membership of the commission shall be filled in the same manner in which the original appointment was made.

c. Members of the commission shall serve without compensation but shall be reimbursed for necessary and reasonable expenses incurred in the performance of their duties within the limits of funds appropriated or otherwise made available to the commission for its purposes.i

d. The commission shall organize as soon as possible after the appointment of a majority of the commission's members and shall meet at the call of the chairperson at the times and in the places it may deem appropriate and necessary to fulfill its duties.

e. It shall be the duty of the commission to investigate, research, and evaluate irregularities pertaining to the implementation, accuracy, and integrity of the vote-by-mail process and systems established in this State. The commission shall hold at least three public hearings, one each in the Northern, Central, and Southern parts of the State, to receive testimony from the public and elections experts on matters concerning voting by mail. The commission's inquiries shall include, but may not be limited to:

(1) procedures to prevent the mailing of more than one mail-in ballot to the same person;

(2) measures that may be implemented to prevent the mailing of mail-in ballots to inactive, deceased, and non-resident voters;

(3) maintenance activities that may be implemented to enhance the accuracy of the voter rolls and the mail-in voter designation in the Statewide Voter Registration System; and

(4) any other matter concerning voting by mail the commission deems appropriate.

f. The commission shall be entitled to call to its assistance and avail itself of the services of the officials and employees of the State and its political subdivisions and their departments, boards, bureaus, commissions, and agencies as it may require and as may be available to it for the purposes of the commission. The Division of Elections in the Department of State shall provide staff support services to the commission.

g. The commission shall report its findings, conclusions, and recommendations to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than one year following the first meeting of the commission. The commission shall expire upon the submission of the commission's report, pursuant to this section.

3. This act shall take effect immediately, and section 2 of this act shall expire upon the submission by the commission of its report pursuant to that section.

STATEMENT

This bill requires the Secretary of State to create a website for voters to report irregularities regarding mail-in ballots they receive. The bill also establishes the "Vote by Mail Study Commission."

Under the bill, the secretary would establish on the Division of Elections website a link for voters to report irregularities concerning a mail-in ballot received by the voter. The link would enable the voter to complete a form containing the voter's name, address, and contact information, and sufficient space for the voter to describe the issues with the mail-in ballot. The form may also include choices for the voter to select from among possible irregularities concerning a mail-in ballot, such as when the intended recipient of the ballot does not reside at that address or is deceased. The website would automatically forward each form to the appropriate county clerk, county board of elections, and county superintendent of elections, as the case may be, for follow-up. The bill also requires the secretary to report to the Governor and the Legislature, no later than January 15 of each year, a summary of the forms received through the website for the previous calendar year.

This bill also establishes the "Vote by Mail Study Commission," consisting of the following nine members: (1) the Secretary of State or a designee, who would serve as chairperson; (2) two county clerks, who would not be members of the same political party, appointed by the Governor upon the recommendation of the Constitutional Officers Association – Clerk Section; (3) one member representing the county boards of elections and one member representing the superintendents of elections, who would not be members of the same political party, appointed by the Governor upon the recommendation of the New Jersey Election Officials Association; (4) two members of the Senate to be appointed, one each, by the President of the Senate and the Senate Minority Leader; and (5) two members of the General Assembly to be appointed, one each, by the Speaker of the General Assembly and the Minority Leader of the General Assembly.

The bill directs the commission to investigate, research, and evaluate irregularities pertaining to the implementation, accuracy, and integrity of the vote-by-mail process and systems established in this State. The commission would hold at least three public hearings, one each in the Northern, Central, and Southern parts of the State, to receive testimony from the public and elections experts on matters concerning voting by mail. The commission's inquiries would include, but may not be limited to: (1) procedures to prevent the mailing of more than one mail-in ballot to the same person; (2) measures that may be implemented to prevent the mailing of mail-in

ballots to inactive, deceased, and non-resident voters; (3) maintenance activities that may be implemented to enhance the accuracy of the voter rolls and the mail-in voter designation in the Statewide Voter Registration System; and (4) any other matter concerning voting by mail the commission deems appropriate.

The bill directs the commission to report its findings, conclusions, and recommendations to the Governor and the Legislature no later than one year following its first meeting. The commission would expire upon the submission of its report.