

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5306

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Assembly Budget Committee reports favorably Assembly Bill No. 5306, with committee amendments.

Under current law, any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain is permitted to vote in this State for federal elections only, using an overseas ballot. Such “overseas federal election voter” is permitted to vote if the voter (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey; or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement; (2) is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States.

This bill would remove these criteria from the definition of an “overseas federal election voter.” That term would now only apply to any citizen of the United States who was born outside of the United States and, except for the requirement to have resided in New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union, or domestic partner of the voter was, or under N.J.S.A.19:59-1 et seq. would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States. These voters would be eligible to vote in New Jersey for federal elections only.

As amended, this bill would also remove the requirement for temporary residence abroad from the definition of “overseas voter,” thereby allowing any person who meets the specified criteria to register to vote and to apply for and vote by mail-in ballot in any federal or State election held in the election district of this State in which the voter was formerly domiciled immediately prior to departure from the United States. These voters would be eligible to

vote in any federal or State election, and any public question placed before the voters in a federal or State election.

As amended, the term "Election" under the "Overseas Residents Absentee Voting Law" would have the same meaning as defined in R.S.19:1-1, and include any federal or State election, and any public question placed before the voters in a federal or State election. "Election" would not include any local election or any public question placed before the voters in a local election for the purposes of the "Overseas Residents Absentee Voting Law."

COMMITTEE AMENDMENTS:

The committee amended the bill to remove local elections from the definition of election for the purposes of the "Overseas Residents Absentee Voting Law."

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.