

§§4,5 -
C.19:63-17.1 and
19:63-17.2
§10 - Repealer
§11 - Note

P.L. 2020, CHAPTER 70, *approved August 28, 2020*
Assembly, No. 4276 (*Second Reprint*)

1 AN ACT concerning ²certain voting procedures and² a voter's
2 opportunity to cure their voted mail-in ballot and amending
3 various parts of the statutory law ¹and supplementing P.L.2009,
4 c.79 (C.19:63-1 et seq.)¹ ²and repealing section 18 of P.L.2009,
5 c. 79 (C.19:63-18)².
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*
9

10 1. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
11 read as follows:

12 1. a. A county board of elections shall have posted a voter
13 information notice, which shall be referred to as a voter's bill of
14 rights, in a conspicuous location in each polling place before the
15 opening of the polls on the day of any election.

16 The notice shall contain:

17 the date of the election and the hours during which polling places
18 will be open;

19 a statement that sample ballots are available at the polling place
20 for review by the voter;

21 instruction for the use of the voting machine in that polling place
22 and an explanation of what instructions for voting are available at
23 the polling place for the voter;

24 instruction for a voter who is voting for the first time;

25 instruction for a voter who is required to provide identification
26 pursuant to the federal "Help America Vote Act of 2002" and
27 R.S.19:15-17 prior to casting a vote;

28 instruction on how to cast a vote if the voter cannot be present at
29 a polling place on the day of the election;

30 an explanation of the right of the voter to vote in privacy,
31 regardless of the voter's physical abilities;

32 an explanation of the right of the voter to a provisional ballot,
33 including in the event that a mail-in ballot has been applied for and
34 not received or not transmitted to the county board of elections
35 before the day of any election, and the other circumstances under
36 which a voter has a right to a provisional ballot;

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted August 13, 2020.

²Assembly AAP committee amendments adopted August 24, 2020.

1 an explanation of the right of the voter to receive a replacement
2 ballot for a ballot that has been spoiled, destroyed, lost or never
3 received;
4 an explanation of the right of the voter to ask for and receive
5 assistance in voting;
6 an explanation of the right of the voter to take a reasonable
7 amount of time in casting a vote on a voting machine;
8 an explanation of the right of the voter to bring written material
9 into the polling place for the voter's personal use in casting a vote;
10 instruction on how to contact the appropriate officials if a voter's
11 right to vote or right to otherwise participate in the electoral process
12 has been challenged or violated;
13 general information on federal and State laws that prohibit acts
14 of fraud or misrepresentation and the penalties for those acts; **[and]**
15 an explanation of the right of the voter to confidentially discover
16 the status of their ballot using the "Track My Ballot" user portal;
17 an explanation that "All ballots are counted and your vote
18 remains anonymous;"
19 an explanation of the right of the voter that if their ballot was
20 rejected, ²**[they will be notified]** a notice will be issued to the voter²
21 within ¹**[72** hours of the receipt of the ballot or, if the voter voted
22 using a provisional ballot, within 48 hours of the closing of the
23 polls by email, mail, or phone with the reason for rejection] ²⁴
24 hours after a decision is made to reject the ballot¹ . The voter will
25 have up to ¹**[5]** ²**[14** days after the close of the polls on Election
26 Day] 48 hours prior to the date for the final certification of the results
27 of the election² to provide a cure for their ballot;
28 an explanation giving the options for the voter to provide the
29 cure to their rejected ballot;
30 an explanation that no voters shall be intimidated or otherwise
31 unduly influenced by political insignia while voting. No person
32 shall wear, display, sell, give or provide any political or campaign
33 slogan, badge, button or other insignia associated with any political
34 party or candidate to be worn at or within one hundred feet of the
35 polls or within the polling place or room, on any primary, general or
36 special election day or on any commission government election day,
37 except the badge furnished by the county board as provided by law.
38 This includes any political gear representing the campaign slogans,
39 logos, or depictions or representations of any political party or
40 candidate such as merchandise sold directly from a political party,
41 campaign, candidate, or by third parties and vendors representing
42 any political party or campaign or candidate. A person violating any
43 of these provisions is guilty of a disorderly persons offense and will
44 not be permitted on the premises and can only return to vote after
45 the removal of prohibited political insignia; and

1 such other statement, instruction or explanation the Secretary of
2 State may deem appropriate to ensure the full and knowledgeable
3 participation of the voter in the process.

4 The requirement to post this notice in each polling place shall
5 not replace, supersede or void any other requirement set forth in law
6 for the posting of information in each polling place apart from the
7 voter information notice.

8 b. The Secretary of State shall prescribe the form and specific
9 content of the voter information notice, which may be comprised of
10 more than one page. If the notice is comprised of more than one
11 page, each page shall be posted separately. For an election district
12 in which the primary language of 10 percent or more of the
13 registered voters is a language other than English, the Secretary of
14 State shall prescribe an official version of the voter information
15 notice in that other language or languages for use in that election
16 district. The notice shall be posted in English and in the other
17 language or languages in the polling places in each such district.
18 The alternate language shall be determined based on information
19 from the latest federal decennial census.

20 c. A county board of elections may modify or supplement the
21 voter information notice used in a county or municipality to provide
22 additional information specific to that county or a municipality in
23 that county, provided, however, that any such modification or
24 supplementation shall be submitted to the Secretary of State for
25 prior approval.

26 d. The voter information notice shall be printed on each sample
27 ballot, to the extent practicable, or if not practicable, information on
28 how to view or obtain a copy of the voter information notice shall
29 be printed on each sample ballot.

30 e. The voter information notice, including one modified or
31 supplemented pursuant to subsection c. of this section, shall be
32 made accessible on the official Internet site of the State by the
33 Secretary of State and each county board of elections shall ensure
34 that the official Internet site of the county contains a link to that
35 notice.

36 f. **【The provisions of this section shall not give rise to a legal**
37 **cause of action.】 Deleted by amendment, P.L. __, c. (pending**
38 **before the Legislature as this bill)**

39 g. The State shall be liable for the costs incurred by local
40 government entities for compliance with this section, and they shall
41 be reimbursed for those costs, upon application, by the State
42 Treasurer.

43 (cf: P.L.2009, c.79, s.30)

44
45 2. Section 4 of P.L.2004, c.88 (C.19:61-4) is amended to read
46 as follows:

47 4. a. The **【Attorney General】** Secretary of State shall establish
48 a free-access system, such as a toll-free telephone number, an

1 Internet website or any combination thereof, that any individual
 2 who casts a provisional ballot, mail-in ballot, or overseas ballot in
 3 all elections where they are qualified to vote, may access to
 4 ascertain whether the ballot of that individual was accepted for
 5 counting and, if the vote was not counted, the reason for the
 6 rejection of the ballot. The system shall at all times preserve the
 7 confidentiality of each voter, and shall ensure that no person, other
 8 than the individual who cast the ballot, may discover whether or not
 9 that individual's ballot was accepted or rejected, unless so informed
 10 by the voter.

11 b. The free-access system shall be prominently displayed on
 12 the New Jersey Division of Elections website under a “Track My
 13 Ballot” user portal.

14 c. To applicable situations, the free-access system shall record
 15 the date that the mail-in ballot was mailed; the date that the
 16 overseas ballot was mailed or transmitted via electronic mail; the
 17 date the ballot was received; the notation that the ballot was
 18 “Accepted” or “Rejected;” ²and² the code for rejection ²; the date
 19 and method that the board of elections notified the voter (mail,
 20 email, or phone) and, in cases where the ballot was initially
 21 “Rejected” and the voter provided a cure as provided under section
 22 17 of P.L.2009, c.79 (C.19:63-17), the date when the ballot was
 23 “Accepted.” If no cure was provided successfully or at all, no other
 24 input shall be required]².

25 d. ²[The free-access system shall provide a legend containing all
 26 the codes used for rejection and their explanation for rejection. The
 27 system shall provide voters with the methods to cure the ballot, and
 28 the deadline of ¹[5] ¹⁴ days after the closing of the polls on
 29 Election Day to provide the cure.

30 e. The] Beginning on February 1, 2021, the² free-access system
 31 shall provide a publicly viewable macro-report of the total number
 32 of rejected ballots by county and by code along with the totals for
 33 votes cast by mail-in ballot, overseas ballots, and total ballots cast.
 34 This report shall be kept and made available on the Secretary of
 35 State’s website for a period of 10 years.

36 (cf: P.L.2004, c.88, s.4)

37

38 3. Section 17 of P.L.2009, c.79 ¹[, s.17]¹ (C.19:63-17) is
 39 amended to read as follows:

40 17. a. The county board of elections shall, promptly after
 41 receiving each mail-in ballot, remove the inner envelope containing
 42 the ballot from the outer envelope and shall compare the signature
 43 and the information contained on the flap of the inner envelope with
 44 the ²[digitized signature image] signature and information contained
 45 in the respective requests for mail-in ballots, and the signature² and
 46 information contained in the [respective requests for mail-in
 47 ballots] Statewide voter registration system ²[¹and the New Jersey

1 Motor Vehicle Commission's database¹]². In addition, as to mail-in
 2 ballots issued less than seven days prior to an election, the county
 3 board of elections shall also check to establish that the mail-in voter
 4 did not vote in person. The county board shall reject such a ballot if
 5 it is not satisfied, pursuant to a comparison with the Statewide voter
 6 registration system, that the voter is legally entitled to vote and that
 7 the ballot conforms with the requirements of this act. The county
 8 board of elections shall conduct the determination of qualification
 9 of each voter in accordance with the requirements of the Certificate
 10 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
 11 13).

12 In the case of a mail-in ballot to be voted at a primary election
 13 for the general election, the ballot shall be rejected if the mail-in
 14 voter has indicated in the certificate the voter's intention to vote in a
 15 primary election of any political party in which the voter is not
 16 entitled to vote according to the Statewide voter registration system,
 17 and if it shall appear from the record that the voter is not entitled to
 18 vote in a primary election of the political party which has been so
 19 indicated.

20 Any mail-in ballot which is received by a county board of
 21 elections shall be rejected if ¹~~["both"]~~ the inner ¹~~["and outer~~
 22 ~~envelopes are"]~~ envelope is¹ unsealed or if either ¹~~the inner or outer~~¹
 23 envelope has a seal that has been tampered with. Mail-in ballots
 24 shall not be rejected ¹~~["due to any defect arising out of or relating to~~
 25 ~~the preparation or mailing of the ballot or envelope that was not~~
 26 ~~reasonably caused by the voters, such as a torn envelope and~~
 27 ~~missing or insufficient glue to allow the ballot to be sealed"]~~ ²~~["when~~
 28 ~~the defect is attributable to a physical defect in the inner envelope,~~
 29 ~~outer envelope, certificate, or ballot outside the control of the~~
 30 ~~voter."~~ ¹~~"]~~ due to any defect arising out of or relating to the preparation
 31 or mailing of the ballot or envelope that was not reasonably caused by
 32 the voters, such as a torn envelope and missing or insufficient glue to
 33 allow the ballot to be sealed.²

34 Disputes about the qualifications of a mail-in voter to vote or
 35 about whether or not or how any mail-in ballot shall be counted in
 36 such election shall be referred to the Superior Court for
 37 determination ¹, as provided under section ²~~["5"]~~ ⁴² of P.L. __, c.
 38 (C. __) (pending before the Legislature as this bill)¹.

39 After such investigation, the county board of elections shall
 40 detach or separate the certificate from the inner envelope containing
 41 the mail-in ballot, unless it has been rejected by it or by the
 42 Superior Court, marking the envelope so as to identify the election
 43 district in which the ballot contained therein is to be voted as
 44 indicated by the voter's home address appearing on the certificate
 45 attached to or accompanying the inner envelope and, in the case of
 46 ballots to be voted at a primary election for a general election, so as

1 to identify the political party in the primary election of which it is
2 to be voted.

3 The location at which a county board of elections determines
4 whether a mail-in ballot shall be accepted or rejected shall be
5 considered an election district for the purposes of appointment of
6 challengers.

7 b. The county board of elections shall, promptly after receiving
8 each mail-in ballot, undertake the following procedures and
9 requirements concerning the acceptance or rejection of each mail-in
10 ballot:

11 ²[(1) record in the Statewide voter registration system and the
12 free-access system the acceptance or rejection of the voter's ballot.
13 Where the voter's ballot is rejected, a code shall be input and
14 displayed showing the reason 'for rejection':]²

15 ¹[(2) in rejecting a voter's ballot, shall notify the voter within
16 72 hours of the receipt of the ballot or, if the voter voted by
17 provisional ballot, within 48 hours of the closing of the polls, by
18 email, mail, or phone with the reason for rejection. The voter shall
19 have up to 5 days after the close of the polls on Election Day to
20 provide a cure for their ballot. The county board of elections shall
21 provide an explanation giving the options for the voter to provide
22 the cure to their rejected ballot. To the extent the county board of
23 elections cannot provide such explanation and give the voter
24 sufficient and reasonable time to provide a cure for their ballot
25 within the deadlines for the counting of ballots as established by
26 law, the county board of elections shall seek an order from a Judge
27 of the Superior Court to reasonably extend the deadlines consistent
28 with this State's liberal interpretation of election law statutes so as
29 to prevent voter disenfranchisement;

30 (3) in cases of rejected ballots, retain the voter's outer envelope,
31 inner envelope, self-certification certificate, and mail-in ballot in a
32 bundle unique to each voter for a period of two years in accordance
33 with section 24 of P.L.2009, c.79 (C.19:63-24); and

34 (4) where the rejection is due to signature mismatch, missing
35 signature, or otherwise related to the questionable or inability to
36 verify the voter's ballot by way of signature, the county board of
37 elections shall allow and accept other methods from the voter to
38 confirm their vote. These methods may include the voter providing
39 a new signature, signing an affidavit attesting that they were the
40 voter who sent in the mail-in ballot, and providing any form of
41 identification that would satisfy the requirement of voter
42 verification. Identification shall include a valid New Jersey driver's
43 license number, a valid New Jersey non driver identification card
44 number, or another form of identification issued or recognized as
45 official by the federal government, the State, or any of its
46 subdivisions, providing the identification carries the full address
47 and signature of the person.

1 c. The Secretary of State shall prepare educational materials
2 regarding the provisions of this section that all county boards of
3 elections persons handling ballots shall be required to read or view
4 prior to the election. The materials shall provide clear information
5 regarding the standards for acceptance and rejection of mail-in
6 ballots and the safe holding of all materials in the case of rejection.】

7 ²【(2)】 (1)² within 24 hours after the decision has been made to
8 ²【tentatively reject or to】² reject a voter's mail-in or provisional
9 ballot ²on the basis of a missing signature or discrepant signature² ,
10 issue a "Cure Letter" by mail or email² to the voter whose ballot
11 was ²【tentatively rejected or】² rejected, which shall inform the
12 voter of that fact and provide the reasoning for rejection ², and
13 attempt to contact the voter by telephone, if a telephone number is
14 available² . The cure letter shall include a ²【pre-printed】² "Cure
15 Form" and the form shall include the voter's name and instruct the
16 voter on how to cure the alleged or actual deficiency. Cure forms
17 shall not be referred to as affidavits or certifications and shall not be
18 required to be sworn;

19 ²【(3)】 (2)² when the alleged or actual deficiency involves the
20 signature of the voter, instruct the voter that they may cure the
21 deficiency by completing the cure form and returning it to the
22 county board of elections in person, by fax, or by email, not later
23 than ²【14 days after the date】 48 hours prior to the final certification
24 of the results² of the election, or by returning it to the county board
25 of elections by mail, and that the completed cure form must be
26 received by the county board of elections not later than ²【14 days
27 after the date】 48 hours prior to the final certification of the results²
28 of the election;

29 ²【(4)】 (3)² include, with the cure letter ²【and cure form,】 ,
30 when sent by mail, a pre-printed cure form and² a postage-paid
31 return envelope addressed to the county board of elections which
32 the voter may use to return the cure form; and

33 ²【(5)】 (4)² inform voters that they shall not be required to submit
34 any form of hard-copy identification document or copy thereof in
35 order to cure a signature deficiency, but may do so by declaring that
36 they submitted their provisional ballot or mail-in ballot, and
37 verifying their identity by either: (a) providing a valid New Jersey
38 driver's license number or Motor Vehicle Commission non-driver
39 identification number; or² (b) ²if the voter does not have a valid
40 New Jersey driver's license number or Motor Vehicle Commission
41 non-driver identification number, then by² providing the last four
42 digits of their Social Security Number; or (c) ²if the voter does not
43 have the identification in (a) or (b), then² attaching a legible copy of
44 a New Jersey State-accepted form of identification, including either
45 a sample ballot which lists the voter's name and address, an official
46 federal, State, county, or municipal document which lists the voter's

1 name and address, or a utility bill, telephone bill, or tax or rent
2 receipt which lists the voter's name and address; and (d) signing
3 and dating the cure form prior to returning it.

4 c. If a voter ²whose mail-in or provisional ballot was
5 tentatively rejected or rejected based solely on a signature
6 deficiency]² returns a completed cure form in a timely manner and
7 the information provided verifies the voter's identity, pursuant to
8 this section, their otherwise valid mail-in or provisional ballot shall
9 be counted in the final election results irrespective of any signature
10 deficiency previously identified and, under those circumstances, the
11 cure form may not be verified or authenticated using signature
12 matching.

13 d. ²If a voter whose mail-in or provisional ballot was
14 tentatively rejected or rejected based solely on a signature
15 deficiency returns a completed cure form in a timely manner and
16 provides a copy of an identification document as set forth in
17 paragraph (5) of subsection b. of this section, the address listed on
18 the identification document shall not be required to match the voter
19 registration address, provided that the identification document
20 otherwise verifies the voter's identity.

21 e.]² In accordance with this section, variations in voter
22 signatures caused by the substitution of initials for the first name,
23 middle name, or both, shall not be grounds for the county board of
24 elections to determine that the signatures are non-conforming or do
25 not match.

26 ²f. In circumstances when it would be appropriate to do so, and
27 not later than the day of the election, the county board of elections
28 may provide the voter with a replacement mail-in ballot and return
29 envelope.

30 g. To prevent voter disenfranchisement, and as needed to
31 comply with this section, the county board of elections may seek an
32 order from a Judge of the Superior Court to reasonably extend any
33 deadlines established herein.

34 h.]² e.² In cases of rejected ballots, the county board of elections
35 shall retain the voter's outer envelope, inner envelope, self-
36 certification certificate, and mail-in ballot in a bundle unique to
37 each voter for a period of two years in accordance with section 24
38 of P.L.2009, c.79 (C.19:63-24).¹

39 ²f. County boards of elections shall be required to meet at least
40 once each week during the three-week period preceding each election
41 to conduct the ballot processing and curing provisions specified in this
42 section, and shall meet more frequently as may be required by the
43 Secretary of State to ensure the timely processing of ballots.²

44 (cf: P.L.2011, c.134, s.55)

45
46 ¹4. (New section) a. Following the attempt to cure any alleged
47 deficiencies in a mail-in ballot pursuant to section 17 of P.L.2009,

1 c.79 (C.19:63-17), the county board of elections shall make a final
2 determination about ²[the qualifications of a mail-in voter and]²
3 whether or not the mail-in ballot alleged to be deficient shall be
4 counted. The failure or alleged failure of any voter to cure alleged
5 deficiencies in the voter's mail-in ballot shall not create a
6 presumption that the vote is improper or invalid, nor shall it be
7 considered evidence that the vote is improper or invalid.

8 b. Following final determination under subsection a. of this
9 section, disputes about the qualifications of a voter to vote, or about
10 whether or not or how any mail-in ballot shall be counted in that
11 election, shall be referred to the Superior Court for determination.

12 ²[c. Upon referral to the Superior Court for determination, the
13 Superior Court shall set a date and time for a hearing during which
14 each of the county parties may designate an attorney to be present
15 and provide limited argument to the Superior Court as to the
16 qualifications of a mail-in voter to vote, or about whether or not or
17 how any mail-in ballot shall be counted in that election. Prior to any
18 hearing, the proofs presented to the Superior Court from the county
19 board of elections shall be provided to the designated representative
20 for each of the county parties. Any hearing shall be conducted in a
21 summary manner to which there shall be no right to additional
22 discovery or presentation of witnesses.¹²

23
24 ¹5. (New section) a. The Secretary of State shall prepare
25 educational materials regarding the provisions of section 17 of
26 P.L.2009, c.79 (C.19:63-17) that all county boards of elections
27 persons handling ballots shall be required to read or view prior to
28 the election. The materials shall provide clear information regarding
29 the standards for acceptance and rejection of mail-in ballots and the
30 safe holding of all materials in the case of rejection.

31 b. Prior to each election, the Secretary of State shall direct all
32 county boards of elections and their members, agents, employees,
33 and representatives, who shall be collectively known as the
34 "evaluators," and who are responsible for authenticating or
35 verifying mail-in ballots pursuant to section 17 of P.L.2009, c.79
36 (C.19:63-17), or authenticating or verifying provisional ballots
37 pursuant to section 19 of P.L.1999, c.232 (C.19:53C-13), to comply
38 with the provisions of subsection c. of this section.

39 c. The Secretary of State and each county board of elections
40 shall ensure that all evaluators receive, and are directed to comply
41 with, written guidance stating as follows:

42 (1) when verifying signatures, evaluators shall keep in mind that
43 everyone writes differently, and no one signs their name exactly the
44 same way twice;

45 (2) some variation in signatures is to be expected;

46 (3) many factors can lead to signature variance, including, but
47 not limited to, age, disability, underlying health conditions, writing

1 implement or surface, level of concentration, and educational
 2 background;

3 (4) according to studies, evaluators are more likely to declare
 4 genuine signatures to be non-genuine than they are to accept a non-
 5 genuine signature as genuine, and the goal is to prevent these errors
 6 in signature verification; and

7 (5) evaluators shall presume that the documents were signed by
 8 the same person and shall accept a signature as valid unless there is
 9 a clear discrepancy that cannot be reasonably explained.

10 d. The Secretary of State shall, not later than 14 days prior to
 11 the election, publish the signature matching guidelines required
 12 under subsection c. of this section which each evaluator shall be
 13 required to follow in determining if mail-in voter signatures match.¹

14 ²e. The Secretary of State shall, at least 30 days prior to the
 15 election, conduct a voter education campaign to inform voters about
 16 the signature matching and ballot curing provisions established by this
 17 act, P.L. , c. (pending before the Legislature as this bill), which
 18 campaign shall also exhort voters to update their contact information
 19 with their respective county board of elections, including their email
 20 address and telephone number, to enable the county board to contact
 21 the voter in case the need arises for the voter to cure their ballot.²

22
 23 ¹**[4.] 6.** ¹Section 23 of P.L.2009, c.79 (C.19:63-23) is
 24 amended to read as follows:

25 23. **[As soon as practicable after each election]** On an ongoing
 26 basis as each action is completed, the county clerk ²[and the board
 27 of elections]² shall mark in the Statewide voter registration system
 28 ²**[and all duplicate voting records]** , which will be shared with the
 29 free-access system,² to show that mail-in ballots were delivered or
 30 forwarded to the respective registered voters. ²[Pursuant to section
 31 9 of P.L.2009, c.79 (C.19:63-9), whenever the clerk mails or hand-
 32 delivers a mail-in ballot, the county clerk shall input the
 33 information as such in the free-access system, including the date of
 34 mailing or delivery.]² For each mail-in ballot that has been voted,
 35 received and counted, the board of elections shall also, by reference
 36 to the certificates removed from the inner envelopes of such ballots,
 37 place the word "Voted" in the space provided in the Statewide voter
 38 registration system and duplicate voting record for recording the
 39 ballot number of the voter's ballot in the election. For each mail-in
 40 ballot that has been voted, received and rejected pursuant to section
 41 17 of P.L.2009, c.79 (C.19:63-17), the board of elections shall mark
 42 as "Rejected" in the Statewide voter registration system. ²[the free-
 43 access system, and all duplicate voting records] which will be
 44 shared with the free-access system² . For each of the rejected mail-in
 45 ballots where the voter provided a cure and therefore were accepted,
 46 the board of elections shall provide an additional input as

1 “Accepted” in the ²~~same systems~~ Statewide voter registration
 2 system, which will be shared with the free access system². In the case
 3 of the primary election for the general election, the board shall also
 4 cause to be noted in the proper space of the Statewide voter
 5 registration system or other record of voting form the first three
 6 letters of the name of the political party primary in which such
 7 ballot was voted. The record contained in the Statewide voter
 8 registration system and of voting forms in the original permanent
 9 registration binders shall be conformed to the foregoing entries in
 10 the duplicate forms.

11 (cf: P.L.2011, c.134, s.57)

12

13 ¹~~[5.]~~ ²~~[7.]~~ Section 24 of P.L.2009, c.79 (C.19:63-24) is
 14 amended to read as follows:

15 24. The county board of elections shall keep, for two years, all
 16 of the requests and applications for mail-in ballots, all voted mail-in
 17 ballots, and all of the certificates that have been detached or
 18 separated by them from the inner envelopes. The county board of
 19 elections shall also keep, for two years, all of the rejected mail-in
 20 ballots, accompanying outer and inner envelopes, and the self-
 21 certification certificates that have been detached or separated by
 22 them from the inner envelopes. These contents shall be kept in
 23 bundles unique and belonging to individual voters, and shall be
 24 made available for inspection by the voter for challenges. All inner
 25 envelopes together with their certificates, and the contents of those
 26 envelopes not opened by order of the county board or Superior
 27 Court, shall also be retained for the same period by the board. The
 28 superintendent of elections in counties having a superintendent of
 29 elections and the prosecutor in all other counties shall have the
 30 authority to impound all mail-in ballots whenever the
 31 superintendent or prosecutor, as may be appropriate, shall deem
 32 such action to be necessary.

33 (cf: P.L.2009, c.79, s.24)]²

34

35 ²7. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read
 36 as follows:

37 7. a. (1) The county clerk or the municipal clerk, in the case of a
 38 municipal election, shall arrange for the preparation of a provisional
 39 ballot packet for each election district. It shall include the
 40 appropriate number of provisional ballots, the appropriate number
 41 of envelopes with an affirmation statement, the appropriate number
 42 of written notices to be distributed to voters who vote by
 43 provisional ballot and one provisional ballot inventory form affixed
 44 to the provisional ballot bag. The clerk shall arrange for the
 45 preparation of and placement in each provisional ballot bag of a
 46 provisional ballot packet and an envelope containing a numbered
 47 seal. The envelope shall contain, on its face, the instructions for the

1 use of the seal, the number and the election district location of the
2 provisional ballot bag, and the identification numbers of the seal
3 placed in the envelope. Each provisional ballot bag shall be sealed
4 with a numbered security seal before being forwarded to the
5 appropriate election district.

6 (2) Each provisional ballot bag and the inventory of the contents
7 of each such bag shall be delivered to the designated polling place
8 no later than the opening of the polls on the day of an election.

9 b. The county clerk or the municipal clerk, in the case of a
10 municipal election, shall arrange for the preparation of the
11 envelope, affirmation statement, and written notice that is to
12 accompany each provisional ballot. The envelope shall be of
13 sufficient size to accommodate the provisional ballot, and the
14 affirmation statement shall be affixed thereto in a manner that
15 enables it to be detached once completed and verified by the county
16 commissioner of registration. The statement shall require the voter
17 to provide the voter's name, and to indicate whether the voter is
18 registered to vote in a county but has moved within that county
19 since registering to vote; or is registered to vote in the election
20 district in which that polling place is located but the voter's
21 registration information is missing or otherwise deficient; or
22 indicate the voter has applied for a mail-in ballot and not received
23 either the ballot or an explanation for not receiving such a ballot
24 pursuant to notification by the county clerk or from the free-access
25 system, or has applied for and received a mail-in ballot and has not
26 transmitted it to the county board of elections or given it to a bearer
27 for delivery to the county board before the time for the opening of
28 the polls on the day of an election but wants, nevertheless, to vote
29 in the election. The statement shall further require the voter to
30 provide the voter's most recent prior voter registration address and
31 address on the day of the election and date of birth. The statement
32 shall include the statement: "I swear or affirm, that the foregoing
33 statements made by me are true and correct and that I understand
34 that any fraudulent voting may subject me to a fine of up to
35 \$15,000, imprisonment up to five years or both, pursuant to
36 R.S.19:34-11." It shall be followed immediately by spaces for the
37 voter's signature and printed name, and in the case of a name
38 change, the voter's printed old and new name and a signature for
39 each name, the date the statement was completed, political party
40 affiliation, if used in a primary election, and the name of the person
41 providing assistance to the voter, if applicable. Each statement
42 shall also provide spaces for the voter's telephone number and
43 email address, including language informing the voter that this
44 contact information will be used to contact the voter concerning the
45 acceptance or rejection of the ballot, and how the voter may cure a
46 defect. A voter's telephone number and email address shall not be
47 subject to public disclosure and shall not be considered a
48 government record. Each statement shall also note the number of

1 the election district, or ward, and name of the municipality at which
2 the statement will be used. The Secretary of State shall prepare for
3 inclusion in the affirmation statement language for the voter to
4 submit the information required in the registration form described
5 in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the
6 county commissioner of registration to process the statement as a
7 voter registration application, which shall be valid for future
8 elections if the individual who submitted the provisional ballot is
9 determined not to be a registered voter. The Secretary of State
10 shall also prepare and shall provide language for any written
11 instructions necessary to assure proper completion of the statement.

12 The written notice shall contain information to be distributed to
13 each voter who votes by provisional ballot. The notice shall state
14 that, if the voter is a mail-in registrant voting for the first time in his
15 or her current county of residence following registration and was
16 given a provisional ballot because he or she did not provide
17 required personal identification information, the voter shall be
18 given until the close of business on the second day after the election
19 to provide identification to the applicable county commissioner of
20 registration, and the notice shall contain a telephone number at
21 which the commissioner may be contacted. The notice shall further
22 state that failure to provide the required personal identification
23 information within that time period shall result in the rejection of
24 the ballot. The notice shall state that pursuant to section 4 of
25 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional
26 ballot will be able to ascertain under a system established by the
27 State whether the ballot was accepted for counting, and if the vote
28 was not counted, the reason for the rejection of the ballot. The
29 notice shall include instructions on how to access such information.

30 c. For the primary for the general election, the provisional
31 ballots shall be printed in ink on paper of a color that matches the
32 color of the voting authority, which shall indicate the party primary
33 of the voter. The provisional ballots shall be uniform in size, quality
34 and type and of a thickness that the printing thereon cannot be
35 distinguished from the back of the paper, and without any mark,
36 device or figure on the front or back other than as provided in
37 P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall
38 include near the top thereof and in large type the designation
39 PROVISIONAL BALLOT. In all other respects, the provisional
40 ballots shall conform generally to the other ballots to be used in the
41 election district for the primary election.

42 The clerk of the county or municipality shall arrange for the
43 preparation of each provisional ballot package with an appropriate
44 number of provisional ballots for each political party, a
45 corresponding number of envelopes with affirmation statements,
46 and a corresponding number of written notices. Additional
47 provisional ballots, envelopes, and notices shall be available for

1 delivery to that election district on the day of the election, if
2 necessary.

3 d. For the general election the provisional ballots shall be
4 printed in ink. The provisional ballots shall be uniform in size,
5 quality and type and of a thickness that the printing thereon cannot
6 be distinguished from the back of the paper, and without any mark,
7 device or figure on the front or back other than as provided in this
8 act. Each such ballot shall include near the top thereof and in large
9 type the designation PROVISIONAL BALLOT. In all other
10 respects, the provisional ballots shall conform generally to the other
11 ballots to be used in the election district for the general election.

12 The clerk of the county or municipality shall arrange for the
13 preparation of each provisional ballot package with an appropriate
14 number of provisional ballots, a corresponding number of envelopes
15 with affirmation statements, and a corresponding number of written
16 notices. Additional provisional ballots, envelopes, and notices shall
17 be available for delivery to that election district on the day of the
18 election, if necessary.

19 e. For a school election the provisional ballots shall be printed
20 in ink. The provisional ballots shall be uniform in size, quality and
21 type and of a thickness that the printing thereon cannot be
22 distinguished from the back of the paper, and without any mark,
23 device or figure on the front or back other than as provided in this
24 act. Each such ballot shall include near the top thereof and in large
25 type the designation PROVISIONAL BALLOT. In all other
26 respects, the provisional ballots shall conform generally to the other
27 ballots to be used in the election district for the school election.

28 The clerk of the county shall arrange for the preparation of each
29 provisional ballot package with an appropriate number of
30 provisional ballots, a corresponding number of envelopes with
31 affirmation statements, and a corresponding number of written
32 notices. Additional provisional ballots, envelopes, and notices shall
33 be available for delivery to that election district on the day of the
34 election, if necessary.

35 f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et
36 al.), a provisional ballot that requires the voter to punch out a hole
37 in the ballot as a means of recording the voter's vote shall not be
38 used in any election in this State.

39 g. (Deleted by amendment, P.L.2011, c.134).²
40 (cf: P.L.2011, c.134, s.47)

41

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

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

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

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

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

6 The mail-in ballot application form prepared by the Secretary of
7 State shall present the two options in the order provided above. The
8 mail-in ballot application shall also provide spaces for the voter's
9 telephone number and email address, including language informing
10 the voter that this contact information will be used to contact the
11 voter concerning the acceptance or rejection of the ballot, and how
12 the voter may cure a defect. A voter's telephone number and email
13 address shall not be subject to public disclosure and shall not be
14 considered a government record.

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

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

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

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

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

45 f. The county clerk shall not transmit a mail-in ballot for any
46 election to any person who: is deemed by a county commissioner of
47 registration to be an inactive voter; or notifies the clerk in writing
48 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.²

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

²9. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to read as follows:

13. a. On the margin of the flap on the inner envelopes to be sent to mail-in voters there shall be printed a certificate in the following form:

CERTIFICATE OF MAIL-IN VOTER

I,, whose home address is

(print your name clearly) (street

....., DO HEREBY CERTIFY, address or R.D. number) (municipality) subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot. I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET. However, a family member may assist me in doing so.

.....

(signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot.

.....

(signature of person providing assistance)

.....

(printed name of person providing assistance)

.....

.....

(address of person providing assistance)

b. On the margin of the flap on the inner envelope forwarded with any mail-in ballot intended to be voted in any primary election for the general election, as the case may be, there shall be printed a certificate in the following form:

CERTIFICATE OF MAIL-IN VOTER

I,, whose home address is.....

(print your name clearly) (street address or R.D. number)

(municipality)

....., DO HEREBY CERTIFY,

subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot for the primary election of the political party. I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET. However, a family member may assist me in doing so.

.....

(signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot.

.....

(signature of person providing assistance)

.....

(printed name of person providing assistance)

.....

.....

(address of person providing assistance)

c. The clerk of each county shall be permitted to print on or affix to the margin of the flap on the inner envelope of the mail-in ballot transmitted thereby to a mail-in ballot voter an alternative certificate, substantially similar to the certificate provided for by subsection a. or b. of this section, that permits the voter to certify the correctness of the voter's name, street, mailing address or R.D. number, and municipality as it appears on the label of the mail-in ballot received by the voter.

d. The certificates specified under subsections a., b., and c. of this section shall also provide spaces for the voter's telephone number and email address, including language informing the voter that this contact information will be used to contact the voter concerning the acceptance or rejection of the ballot, and how the voter may cure a defect. A voter's telephone number and email address shall not be subject to public disclosure and shall not be considered a public record.²

(cf: P.L.2018, c.72, s.6)

²10. Section 18 of P.L.2009, c.79 (C.19:63-18) is repealed.²

¹**[6.]** ²**[8.]** ¹This] 11. Sections 1 through 6 and section 10 of this² act shall take effect immediately ¹and shall apply to all future elections occurring after the ²**[bill's]**² effective date¹ ²of this act, and sections 7 through 9 shall take effect on February 1, 2021².

1 _____
2
3 Establishes “The Ballot Cure Act” to modify and establish
4 various voting procedures.