SENATE, No. 94

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Establishes "The Democracy Act" to modify various voter registration and voting procedures.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning various voter registration and voting procedures, amending, supplementing, and repealing various parts of the statutory law, and making an appropriation.

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

1. R.S.19:6-1 is amended to read as follows:

19:6-1. The district boards in each election district shall consist of four members, except that where electronic voting systems are in use any election district in which there are more than 900 registered voters the district board shall consist of six members. The members shall be appointed by the county board of the county in which such election district is located, in the manner hereinafter provided.

In election districts in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, the county board shall appoint two additional members for each language other than English that exceeds the 5% threshold, who shall be **[**of Hispanic origin and**]** fluent in **[**Spanish**]** that language. The uniform implementation of this standard shall be developed by the Secretary of State through the rulemaking process pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which rules shall be published in final form no later than July 1, 2016.

(cf: P.L.1975, c.316, s.3)

2. R.S.19:12-7 is amended to read as follows:

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week next preceding the week in which the primary election for the general election is held, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week **[**next**]** preceding the week in which the early voting period for the general election **[**is held**]** begins.

b. Such notice shall set forth:

(1) For the primary election for the general election:

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.

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours and at the places provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week next preceding the week in which the primary election is held, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours and at the places provided for by or pursuant to this Title, and the days, hours and places at which early voting shall be available in the county, and, where applicable, shall include annual school elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices, and where applicable, school board offices to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county and municipal public questions to be voted upon at such general election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week **[**next**]** preceding the week in which the early voting period for the general election **[**is held**]** begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day, time and place thereof,

(b) The offices, if any, to be filled at the election,

(c) The substance of any public question to be submitted to the voters thereat,

(d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

(e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter; and

(f) Such other information as may be required by law.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal officers or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county, shall be published in at least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. (Deleted by amendment, P.L.1999, c.232.)

f. The cost of publishing the notices required by this section shall be paid by the respective counties, unless otherwise provided for by law.

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.

(cf: P.L.2011, c.202, s.25)

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

1. a. A county board of elections shall have posted a voter information notice, which shall be referred to as a voter's bill of rights, in a conspicuous location in each polling place **[**before the opening of the polls on the day of any election**]** <u>and each specially designated polling place used for early voting before voting begins</u>.

The notice shall contain:

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

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

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

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

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

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

an explanation of the right of the voter to vote in **[**privacy**]** private, regardless of the voter's physical abilities;

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

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts; and

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

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

b. The Secretary of State shall prescribe the form and specific content of the voter information notice, which may be comprised of more than one page. If the notice is comprised of more than one page, each page shall be posted separately. For an election district in which the primary language of **[**10 percent**]** 5% or more of the registered voters is a language other than English, the Secretary of State shall prescribe an official version of the voter information notice in that other language or languages for use in that election district. The notice shall be posted in English and in the other

language or languages in the polling places in each such district. The alternate language shall be determined based on information from the latest federal decennial census.

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

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

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

f. The provisions of this section shall not give rise to a legal cause of action.

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

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

4. Section 8 of P.L.1991, c.249 (C.19:12-9) is amended to read as follows:

8. a. The county board in each county shall cause to be published in a daily newspaper of general circulation throughout the county, a notice containing the information specified in subsection b. hereof. This notice shall be published once on the seventh day preceding the day fixed for a municipal, primary, general or special election and once on the day preceding the day fixed for a primary, general or special election,

b. At the top of the notice the words "Public Notice to All Registered Voters of (insert appropriate name) County" shall be printed in at least 30-point bold-faced capital type. Next underneath, the words "You are hereby advised of the following procedure to be used for the (insert appropriate date and type of election) election:" shall be printed in at least 12-point bold-faced type.

The body of the notice shall be printed in at least 10-point bold-faced type and shall set forth:

(1) that any person attempting to vote may be challenged by a duly authorized challenger for a political party or a candidate or on a public question, or by a member of the district board of elections,

because the voter's name appears on a challenge list prepared by the superintendent of elections of the county or because the challenger or board member has good cause to believe that the voter is not entitled to vote;

(2) that members of the district board and all duly authorized challengers are prohibited from challenging, delaying or preventing the right to vote of any person because of that person's race, color, national origin, expected manner of casting a vote or residence in a particular ward, housing complex or section of a municipality or county;

(3) the means by which any person who is challenged because that person's name appears on a challenge list prepared by the superintendent of elections of the county may seek to establish the person's right to vote, as provided in R.S.19:32-18;

(4) the means by which any person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged by a duly authorized challenger or by a member of the district board of elections may seek to establish the person's right to vote, as provided in section 2 of P.L.1991, c.249 (C.19:15-18.1);

(5) that any challenger who succeeds in denying a voter the right to vote must sign an affidavit stating the reason why the voter is not entitled to vote and must furnish a copy of the affidavit to the challenged voter, as provided in section 3 of P.L.1991, c.249 (C.19:15-18.2);

(6) the legal remedy which any person whose name does not appear on a challenge list prepared by the superintendent but who is challenged by a duly authorized challenger or by a member of the district board of elections and denied the right to vote may use to seek permission to vote, as provided in section 6 of P.L.1991, c.249 (C.19:15-18.3);

(7) that forms to register complaints about the conduct of an election shall be available at each polling place in the county; and

(8) the names of the chairman, secretary, clerk and members of the county board of elections and a telephone number at which they may be reached for more information.

c. In counties in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish, two**]** a language other than English, notices containing the information in subsection b. of this section shall appear side-by-side, one in English and **[**one in Spanish**]** other notice or notices in that other language or languages. The notices shall be identical in size, content and type face.

d. The cost of publishing the notices required by this section shall be paid by the respective counties.

(cf: P.L.1991, c.249, s.8)

5. R.S.19:14-21 is amended to read as follows:

19:14-21. The county clerk shall cause samples of the official general election ballot to be printed in English, but for each election district within the county in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, shall cause samples of the official general election ballot to be printed **[**bilingually**]** in English and **[**Spanish**]** in that other language or languages.

a. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the county clerk not later than noon of the eighth day prior to the start of the early voting period for the general election shall furnish to the municipal clerk of each municipality in his county one and one-tenth times as many such sample ballots and stamped envelopes as there are voters registered, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, to enable each district board in each municipality to mail one of such sample ballots to each voter who is registered in the municipality, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from each of the municipal clerks, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery.

b. In counties having a superintendent of elections, and in other counties where the county board of elections may have the equipment or facilities to prepare a properly stamped envelope addressed to each registered voter in the county for mailing, the county clerk, not later than the thirtieth day preceding the start of the early voting period for the general election, shall furnish to the commissioner of registration located in his county one and one-tenth times as many stamped envelopes as there are registered voters in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and not later than noon of the twelfth day preceding the start of the early voting period for the general election shall furnish to the commissioner of registration located in the county, one and one-tenth times as many sample ballots as there are registered voters in the county to enable the commissioner of registration of the county to mail one of such sample ballots to each voter registered in the county, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from the commissioner of registration, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery. County boards of elections which elect to operate

under the provisions of this paragraph shall notify their county clerk in sufficient time to enable him to make the necessary arrangements the first year.

c. The county clerk in counties having a superintendent of elections shall also deliver to the county board not later than the twelfth day preceding the start of the early voting period for the general election 10 such sample ballots of each election district of each municipality in the county.

(cf: P.L.2009, c.110, s.1)

6. R.S.19:14-22 is amended to read as follows:

19:14-22. The official general election sample ballots shall be **[**as nearly as possible**]** facsimiles of the official general election ballot to be voted at such election and shall have printed thereon, after the words which indicate the number of the election district for which such sample ballots are printed, the name of the school district, when appropriate, the street address or location of the polling place in the election district, the hours between which the polls shall be open, and shall be printed on paper different in color from the official general election ballot, and have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official general election ballot used on election day." The sample ballot shall also state clearly the days, hours and places at which early voting shall be available in the county.

(cf: P.L.2011, c.202, s.30)

7. R.S.19:14-24 is amended to read as follows:

19:14-24. The municipal clerk to whom the sample ballots and stamped envelopes have been so delivered by the county clerk shall deliver the same at his office, or in any other way he sees fit, on or before noon of the Tuesday preceding the start of the early voting period for the general election, to a member or members of each district board, and shall take a receipt for the same from the member or members of the district boards of such municipality, which receipt shall indicate the number of sample ballots and stamped envelopes delivered by the municipal clerk and the date and hour of their delivery.

(cf: R.S.19:14-24)

8. R.S.19:14-25 is amended to read as follows:

19:14-25. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, all the members of each of the district boards shall prepare and deposit in the post office, on or before 12 noon on Wednesday preceding the start of the early voting period for the general election **[**day**]**, a properly stamped envelope containing a copy of the sample ballot

printed in English, addressed to each registered voter in the district of such board at the address shown on the register, except that for districts in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, a properly stamped envelope containing a copy of the **[**bilingual**]** multilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The board shall also post the appropriate sample ballots in the polling place in its district.

The board shall return to the municipal clerk all ballots and envelopes not mailed or posted by it, with a sworn statement in writing signed by a majority of the board that all the remainder of such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, the commissioner of registration shall prepare and deposit in the post office on or before 12:00 o'clock noon, on the Wednesday preceding the start of the early voting period for the general election **[**day**]**, a properly stamped envelope containing a copy of the sample ballot printed in English addressed to each registered voter in the county at the address shown on the registry, except that for districts in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, a properly stamped envelope containing a copy of the **[**bilingual**]** multilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The commissioner of registration shall return to the county clerk all ballots and envelopes not mailed or posted by him, with a sworn statement in writing signed by him that all the remainder of such ballots and envelopes have been mailed.

The county board of elections, in all counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, shall, not later than noon of the second Monday preceding the start of the early voting period for the election, deliver or mail to the members of the district board three appropriate sample ballots for their respective election district. The board shall post the appropriate sample ballots in the polling place in its district.

(cf: P.L.1974, c.30, s.3)

9. Section 2 of P.L.1991, c.249 (C.19:15-18.1) is amended to read as follows:

2. a. Any voter whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged as not qualified or entitled to vote by a duly authorized

challenger or by a member of a district board of elections shall be permitted to establish his right to vote by:

(1) signing an affidavit which states the voter's qualifications to vote on forms to be supplied by the superintendent of elections in those counties having a superintendent of elections or by the commissioner of registration in all other counties, and;

(2) presenting for inspection a suitable identifying document, which may be, but is not limited to, the following:

(a) a valid New Jersey driver's license;

(b) a sample ballot which lists the voter's name and address;

(c) an official federal, State, county or municipal document which lists the voter's name and address;

(d) a utility or telephone bill or tax or rent receipt dated; or

(e) a piece of mail postmarked, on or after the 60th day before the day of the election at which the voter is challenged.

b. A copy of the affidavit signed by the challenged voter shall be given to that person.

c. The affidavit, or a form attached to it, shall state:

(1) the means by which a person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged by a duly authorized challenger or by a member of the district board of elections may seek to establish the person's right to vote, as provided in subsection a. of this section;

(2) that a challenger who succeeds in denying a voter the right to vote must sign an affidavit stating the reason why the voter is not entitled to vote and must furnish a copy of the affidavit to the challenged voter, as provided in section 3 of P.L.1991, c.249 (C.19:15-18.2);

(3) the legal remedy which a person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged by a duly authorized challenger or by a member of the district board of elections and denied the right to vote may use to seek permission to vote, as provided in section 6 of P.L.1991, c.249 (C.19:15-18.3).

d. In counties in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, the affidavit and instructions for its completion and the information required by subsection c. of this section shall appear in both English and **[**Spanish**]** that other language or languages.

(cf: P.L.1991, c.249, s.2)

10. (New section) a. In addition to all other forms of voting provided for by Title 19 of the Revised Statutes, a registered voter shall be permitted to vote at any specially designated polling place in that voter’s county of residence before the day of the general election, starting on the 15th day before the election and ending at 3 PM on the calendar day before the election. This procedure shall be known as early voting. Any municipality conducting regular

municipal elections in May pursuant to the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its governing body, also conduct early voting for the regular municipal election, in accordance with the provisions of this act, P.L. , c. (C.) (pending before the Legislature as this bill). The voting shall be conducted using paper ballots. The ballot used to conduct early voting as provided in this act shall be labeled "Early Voting / Vote By Mail Ballot" and shall also be used to conduct the vote by mail process for the general election pursuant to the provisions of "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.). Pursuant to the provisions of this act and Title 19 of the Revised Statutes, each county board of elections shall determine the method of verifying that a registered voter is qualified to vote in the election and shall prescribe the manner by which a registered voter may vote during such period.

b. (1) For the general election, each county board of elections shall designate three public locations within each county as the sites for early voting to occur, except that the county board shall designate a total of five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and shall designate a total of seven public locations for early voting if the number of registered voters in the county is 300,000 or more. The number of registered voters in each county shall be determined ahead of the selection of early voting sites pursuant to a uniform standard which shall be developed by the Secretary of State through the rulemaking process pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible, early voting locations shall be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. All early voting locations shall be public facilities, such as county courthouses, public libraries and the offices of the municipal clerk, county clerk, and county board of elections. No public school building and no building used as a public school shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the county clerk shall cast the deciding vote. Once early voting locations are designated in each county, county boards of election shall, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or enhance convenience when an early voting

site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State shall develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

(2) Whenever a municipality that conducts regular municipal elections in May chooses to participate in early voting for the regular municipal election, the county board of elections shall designate at least one public location within the municipality as the site for early voting to occur. Whenever possible, each such location shall be geographically located in the part of the municipality that features the greatest concentration of population, according to the most recent federal decennial census of the United States. All early voting locations shall be public facilities, such as municipal courthouses and the offices of the municipal clerk. No public school building and no building used as a public school shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the municipal clerk shall cast the deciding vote. Once early voting locations are designated in each municipality, county boards of election shall, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each municipality, reflect the population distribution and density within each municipality, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State shall develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

c. Each early voting site in a county or municipality shall be open for early voting on Monday through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM to 6 PM. Any voter who is on line at the time scheduled for the closing of an early voting site shall be permitted to vote.

d. The election officers responsible for conducting early voting shall be the same as those responsible for conducting a general election pursuant to Title 19 of the Revised Statutes. The number of such officers and their hours of service shall be as determined by each county board of elections. The compensation for such officers shall be the same as provided to district board of election members serving at a school election pursuant to R.S.19:45-6.

e. The restrictions governing the conduct of voters at a polling place on the days that early voting occurs, the procedures governing who is permitted in a polling place on such occasions and the prohibition on electioneering within 100 feet of a polling place

during an election, shall be as provided in chapters 15, 34, 50 and 52 of Title 19 of the Revised Statutes and every other applicable section of this Title.

f. At least once each day during the early voting period, and prior to the start of each regularly scheduled general election, and regular municipal election in each non-partisan municipality choosing to participate in early voting, each county board shall make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure.

g. (1) Each county board shall be responsible for forming and executing a written plan to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period, including the security of voted ballots and election records. The plan shall be based on guidelines established by the Secretary of State and shall be submitted thereto no later than December 15 of each year. The Secretary of State shall review and, if deemed necessary thereby, require changes to a plan no later than February 1 of each year. Each plan shall specify a chain of custody for ballots and voted ballots and shall require, among other specifications deemed necessary by the Secretary of State and county boards of election, that all voted ballots shall be transferred at the end of each early voting day to county boards of election for safekeeping until canvassing on election day as required pursuant to section 14 of this act, P.L. , c. (C.) (pending before the Legislature as this bill).

(2) Notwithstanding the provisions of this subsection, in the year in which this act, P.L. , c. (C.) (pending before the Legislature as this bill), becomes law, each county board shall submit its plan to the Secretary of State within 15 days following the effective date of this act and the Secretary of State shall review it and, if deemed necessary thereby, require changes in the plan within 45 days following the effective date of this act.

h. Each county board shall make certain that each polling place used for early voting shall be accessible to individuals with disabilities and the elderly, in compliance with the "Americans with Disabilities Act of 1990" (42 U.S.C. 12101 et seq.), and that each polling place provides such voters, including the blind and visually impaired, the same opportunity for access and participation, including privacy and independence, as other voters in compliance with the "Help America Vote Act of 2002" (42 U.S.C. 15481).

i. Each polling place used for early voting shall have such appropriate supplies, ballots and other materials deemed necessary by the Secretary of State or as is required currently for a polling place on the day of any election by Title 19 of the Revised Statutes.

11. (New section) a. A duly-registered voter shall be permitted

to participate in early voting after completing an Early Voting Voter Certificate in substantially the following form:

EARLY VOTING VOTER CERTIFICATE

I,_____(your name), am a registered voter, residing at_____ (your street address),_____County, New Jersey. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of _____County and that I reside at the above address. I understand that if I commit or attempt to commit fraud in connection with voting, vote fraudulently or vote more than once in an election I could be convicted of a crime of the third degree and fined up to $15,000 and imprisoned for up to five years. I understand that my failure to sign this certificate invalidates my vote.

_____
(Voter Signature)

_____
(Date)

Using the completed early voting certificate, and prior to permitting the voter to vote, an election official shall ascertain, in substantially the same manner as required on the day of an election pursuant to Title 19 of the Revised Statutes, that the voter is a duly-registered voter of the county and is entitled to vote in that election. Each early voting voter certificate shall be collected and forwarded to the county board at the end of each day of the early voting period and shall be kept by the board for two years following the date of the election.

b. A voter who has voted in an election using the early voting procedure established by this act, P.L. , c. (C.)(pending before the Legislature as this bill), shall not be permitted to vote by mail-in ballot or in person at the polling place in the voter's election district on the day of the election.

12. (New section) a. The appointment of challengers for early voting shall be in the same manner as provided in chapter 7 of Title 19 of the Revised Statutes for all elections. The name and address of each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, together with the number or name and location of the polling place at which the challenger is to serve, shall be filed with the county board of elections not later than the fifth day preceding the start of the early voting period.

b. Each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates,

shall have all of the powers of challengers serving at other elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

c. Any voter whose name does not appear on a challenge list but who is challenged as not qualified or entitled to vote by a challenger duly appointed pursuant to this section shall be entitled to the rights and protections provided by R.S.19:15-18 et seq., and every other applicable section of Title 19 of the Revised Statutes.

13. (New section) During each early voting period, the county board shall make available to the public a tally of the total number of voters who have cast a ballot at each early voting location during the previous day. The county boards shall prepare an electronic data file listing the names of the individual voters who cast a ballot during the early voting period. This information shall be made available to the public in an electronic format pursuant to rules adopted by the county board and subject to review each year by the Secretary of State. The information shall be updated and made available to the public no later than noon of each day during the early voting period and shall at the same time be provided to the clerk of the county in which early voting is occurring and to the Secretary of State.

14. (New section) An early vote cast in an election, as provided for in this act, P.L. , c. (C.) (pending before the Legislature as this bill), shall not be canvassed prior to the closing of the polls on the day of an election.

Every provisional ballot voted in each such election and determined by a county board to be valid shall be counted and shall be part of the official tally of the results of the election.

15. (New section) Upon application for reimbursement by a county governing body or a municipal governing body, as may be appropriate, to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury, a county or municipality shall be reimbursed by the State for any additional costs incurred by the county or municipality as a result of the early voting provisions of this act, P.L. , c. (C.) (pending before the Legislature as this bill).

16. (New section) In addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and each county board of elections shall cause to be published information concerning the early voting procedure on the Department of State's website and on each county's website. The early voting information shall include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of

operation of specially designated polling places for early voting in each county.

17. Section 2 of P.L.1965, c.29 (C.19:23-22.4) is amended to read as follows:

2. In all counties the county clerk shall cause to be printed a sufficient number of official primary ballots and official primary sample ballots of each political party, in proper form for the mailing of such sample ballots at the times and in the manner and number as required by the provisions of Title 19 of the Revised Statutes, and shall furnish such official primary sample ballots to the proper officer or officers on the earliest possible date preceding the primary election.

In the counties described by this section, for each election district within the county in which the primary language of ⟦10%⟧ 5% or more of the registered voters is ⟦Spanish⟧ a language other than English, the county clerk shall similarly cause to be printed ⟦bilingually⟧ in English and ⟦Spanish⟧ in that other language or languages a sufficient number of official primary sample ballots of each political party, and shall similarly furnish such official primary sample ballots to the proper officer or officers.

(cf: P.L.1974, c.51, s.1)

18. (New section) If a vacancy occurs in the representation of this State in the United States Senate, the Governor shall make a temporary appointment to fill the vacancy within 30 days of the occurrence of the vacancy. If the person vacating the office is a member of a political party, the temporary appointee shall be a member of the same political party, except that no person shall qualify as a temporary appointee if that person has changed political party affiliation to match that of the person vacating the office within 180 days prior to the occurrence of the vacancy or within 30 days following the occurrence of the vacancy. The appointee shall serve until the person elected at the next applicable general election is qualified and assumes office.

If the vacancy occurs on or before the 70th day preceding the general election for that year, the Governor shall issue a writ of election designating the day of that general election as the election day to fill the vacancy. If the vacancy occurs after the 70th day preceding the general election for that year, the Governor shall issue a writ of election designating the day of the general election in the following year as the election day to fill the vacancy. Notwithstanding the provisions of this section, a vacancy shall not be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs.

If the vacancy occurs after the 70th day preceding a general election but on or before the 70th day preceding the primary election for the next general election, the candidates nominated for

election to fill the vacancy shall be selected at that primary election. If the vacancy occurs after the 70th day preceding the primary election for the general election, each political party shall select its candidate to fill such vacancy in the same manner prescribed in R.S.19:13-20 for selecting candidates to fill vacancies arising among candidates nominated at primary elections, except that the time for making such selection and filing the statement thereof shall be within 10 days following the issuance of the writ of election. Petitions of nomination of other candidates shall be filed in the office of the Secretary of State within 10 days of the date of the issuance of the writ. The Secretary of State, on the eleventh day following the date of the issuance of the writ, shall certify to the clerk and county board of each county affected by the vacancy a statement of all candidates selected and nominated for the office so vacated.

19. (New section) If a vacancy occurs in the representation of this State in the United States House of Representatives, the Governor shall issue a writ of election to fill such vacancy unless the vacancy occurs in an even-numbered year after the 70th day preceding the general election in which case the Governor shall not issue a writ of election.

If the vacancy occurs on or before the 70th day preceding the general election for that year, the writ of election shall designate the day of that general election as the election day to fill the vacancy. If the vacancy occurs in an odd-numbered year after the 70th day preceding the general election, the writ of election shall designate the day of the general election in the following year as the election day to fill the vacancy.

If the vacancy occurs after the 70th day preceding a general election but on or before the 70th day preceding the primary election for the next general election, the candidates nominated for election to fill the vacancy shall be selected at that primary election. If the vacancy occurs after the 70th day preceding the primary election for the general election, each political party shall select its candidate to fill such vacancy in the same manner prescribed in R.S.19:13-20 for selecting candidates to fill vacancies arising among candidates nominated at primary elections, except that the time for making such selection and filing the statement thereof shall be within 10 days following the issuance of the writ of election. Petitions of nomination of other candidates shall be filed in the office of the Secretary of State within 10 days of the date of the issuance of the writ. The Secretary of State, on the eleventh day following the date of the issuance of the writ, shall certify to the clerk and county board of each county affected by the vacancy a statement of all candidates selected and nominated for the office so vacated.

20. R.S.19:27-12 is amended to read as follows:

19:27-12. Notice of special elections other than those to fill vacancies in the [United States senate, United States house of representatives,] state senate or general assembly shall be given in accordance with the provisions of any statute, ordinance or resolution relative thereto. If such statute, ordinance or resolution fails to provide for the giving of notice by officials to officials or by officials to the public, such notice shall be given in the manner herein provided for giving notice of the general election so far as may be.

(cf: R.S.19:27-12)

21. R.S.19:29-1 is amended to read as follows:

19:29-1. The nomination or election of any person to any public office or party position, or the approval or disapproval of any public proposition, may be contested by the voters of this State or of any of its political subdivisions affected thereby upon 1 or more of the following grounds:

a. Malconduct, fraud or corruption on the part of the members of any district board, or of any members of the board of county canvassers, sufficient to challenge the result;

b. When the incumbent was not eligible to the office at the time of the election;

c. When the incumbent had been duly convicted before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent had not been pardoned at the time of the election;

d. When the incumbent had given or offered to any elector or any member of any district board, clerk or canvasser, any bribe or reward, in money, property or thing of value for the purpose of procuring his election;

e. When illegal votes have been received, or legal votes rejected at the polls sufficient to change the result;

f. For any error by any board of canvassers in counting the votes or declaring the result of the election, if such error would change the result;

g. For any other cause which shows that another was the person legally elected;

h. The paying, promise to pay or expenditure of any money or other thing of value or incurring of any liability in excess of the amount permitted by this title for any purpose or in any manner not authorized by this title;

i. When a petition for nomination is not filed in good faith or the affidavit annexed thereto is false or defective.

The term "incumbent" means the person whom the canvassers declare elected or the person who is declared elected as a result of a recount; but in the case of a tie vote as a result of the canvass or recount, either party may contest the election, in which case the

term "incumbent" means the person having an equal number of votes with the contestant.

A petition brought under this section shall not be dismissed before trial unless it appears to the court that it does not plausibly allege facts that, if believed by the fact finder, could result in a judgment in petitioners' favor. In any petition brought under this section, the burden of proof and persuasion shall be on the petitioner to show by a preponderance of the evidence that one or more of the grounds enumerated in this section have been established.

(cf: P.L.1956, c.128, s.1)

22. R.S.19:31-5 is amended to read as follows:

19:31-5. Each person, who is at least 17 years of age at the time he or she applies for registration, who resides in the district in which he or she expects to vote, who will be of the age of 18 years or more [at the next ensuing] on or before the first election in which he or she expects to vote, who is a citizen of the United States, and who, if he or she continues to reside in the district until [the next] that election, will at the time have fulfilled all the requirements as to length of residence to qualify him or her as a legal voter, shall, unless otherwise disqualified, be entitled to be registered in such district.

Whenever an individual registers by mail after January 1, 2003 to vote for the first time in his or her current county of residence, that individual shall provide either the individual's New Jersey driver's license number or the last four digits of the individual's Social Security Number, or shall submit with the voter registration form a copy of: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the individual's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the individual does not provide his or her New Jersey driver's license number or Social Security Number information or submit a copy of any one of these documents, either at the time of registration or at any time thereafter prior to attempting to vote, the individual shall be asked for identification when voting for the first time starting at the first election held after January 1, 2004 at which candidates are seeking federal office or thereafter. This requirement shall not apply to any individual entitled to vote by absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any individual who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This requirement shall also not apply to any individual

who registers to vote by appearing in person at any voter registration agency or to any individual whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.

Once registered, the registrant shall not be required to register again in such district as long as he or she resides therein, except when required to do so by the commissioner, because of the loss of or some defect in his or her registration record.

The registrant, when registered as provided in this Title, shall be eligible to vote at any election to be held subsequent to such registration, if he or she shall be a citizen of the United States of the age of 18 years and shall have been a resident of the State for at least 30 days and of the county at least 30 days, when the same is held, subject to any change in his qualifications which may later disqualify him. No registrant shall lose the right to vote, and no registrant's name shall be removed from the registry list of the county in which the person is registered, solely on grounds of the person's failure to vote in one or more elections.

(cf: P.L.2004, c.88, s.10)

23. R.S.19:31-6 is amended to read as follows:

19:31-6. Any person qualified to vote in an election shall be entitled to vote in the election if the person shall have registered to vote on or before the 21st day preceding the election by:

a. registering in person at any offices designated by the commissioner of registration for providing and receiving registration forms;

b. **[**completing a voter registration form**]** registering automatically while applying for a motor vehicle driver's license **[**from an agent of**]** or non-driver identification card at the New Jersey Motor Vehicle Commission, as provided for in section 31 of P.L. , c. (C.) (pending before the Legislature as this bill) and section 24 of P.L.1994, c.182 (C.39:2-3.2), or having completed a paper voter registration form at the New Jersey Motor Vehicle Commission prior to the implementation of automatic voter registration pursuant to P.L. , c. (C.) (pending before the Legislature as this bill);

c. completing and returning to the **[**Attorney General**]** Secretary of State or having returned thereto a voter registration form received from a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), while applying for services or assistance or seeking a recertification, renewal or change of address at an office of that agency;

d. completing and returning to the **[**Attorney General**]** Secretary of State a voter registration form obtained from a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

e. completing and returning to the [Attorney General] Secretary of State or having returned thereto a voter registration form received from a door-to-door canvass or mobile registration drive, as provided for in section 19 of P.L.1974, c.30 (C.19:31-6.7);

f. completing and returning to the [Attorney General] Secretary of State a federal mail voter registration form, as prescribed in subsection (b) of section 9 of the "National Voter Registration Act of 1993," (42 U.S.C. s. 1973gg et seq.);

g. completing and returning to the [Attorney General] Secretary of State or the appropriate county clerk an application for a federal postcard application form to register to vote, or a federal write-in absentee ballot, as [provided for in] permitted pursuant to the "Overseas Absentee Voting Act" (42 U.S.C. s. 1973ff-1 et seq.) and section 4 of P.L.1976, c.23 (C.19:59-4); [or]

h. completing a provisional ballot affirmation statement and voting the provisional ballot in the previous election, if the person who submitted the provisional ballot in that election is determined not to be a registered voter; or

i. completing and submitting an online voter registration form available on the Secretary of State's Internet site, as provided under section 25 of P.L. , c. (C.) (pending before the Legislature as this bill).

When the commissioner has designated a place or places other than his office for receiving registrations, the commissioner shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located. Such notice shall be published pursuant to R.S.19:12-7.

Any office designated by the commissioner of registration for receiving registration forms shall have displayed, in a conspicuous location, registration and voting instructions. These instructions shall be the same as those provided for polling places under R.S.19:9-2 and shall be provided by the commissioner.

(cf: P.L.2005, c.139, s.8)

24. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read as follows:

16. a. The Secretary of State shall cause to be prepared and shall provide to each county commissioner of registration forms of size and weight suitable for mailing, which shall require the information required by R.S.19:31-3 in substantially the following form:

VOTER REGISTRATION APPLICATION

Print clearly in ink. Use ballpoint pen or marker.

(1) This form is being used as: [(check one)]:

[]New registration

[]Address change

[]Name change

[] Vote by mail in future elections

(2) Name:.....
Last First Middle

(3) Are you a citizen of the United States of America?[]Yes[]No

(4) Will you be 18 years of age on or before election day?[]Yes[] No

If you checked 'No' in response to either of these questions, do not complete this form.

(5) Street Address where you live:

.....

Street Address Apt. No.

.....

(6) City or Town County Zip Code

(7) Address Where You Receive Your Mail (if different from above):

.....

(8) Date of Birth:

.....

Month Day Year

(9) (a) Telephone Number (optional).....

(b) E-Mail Address (optional).....

(10) Name and address of Your Last Voter Registration

.....

.....

.....

(11) If you are registering by mail to vote and will be voting for the first time in your current county of residence, please provide one of the following:

(a) your New Jersey driver's license number:.....

(b) the last four digits of your Social Security Number.....

OR submit with this form a copy of any one of the following documents: a current and valid photo identification card; a current utility bill, bank statement, government check, pay check or any other government or other identifying document that shows your name and current address. If you do not provide either your New Jersey driver's license number or the last four digits of your Social Security Number, or enclose a copy of one of the documents listed above, you will be asked for identification when voting for the first time, unless you are exempt from doing so under federal or State law.

(12) Do you wish to declare a political party affiliation? (Optional):

[] YES. Name of Party:

[] NO. I do not wish to declare a political party affiliation at this time.

(13) You may choose to receive ballots to vote by mail in future elections by selecting either option listed below. YOU ARE NOT REQUIRED TO CHOOSE EITHER OPTION.

[] I wish to receive a Mail-in Ballot for all future elections, until I request otherwise.

[] I wish to receive a Mail-in Ballot for all future general elections only, until I request otherwise.

[(13)**]**(14) Declaration - I swear or affirm that:

I am a U.S. citizen.

I live at the above address.

I will be at least 18 years old on or before the day of the next election.

I am not on parole, probation or serving a sentence due to a conviction for an indictable offense under any federal or State laws.

I UNDERSTAND THAT ANY FALSE OR FRAUDULENT REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO $15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH PURSUANT TO R.S.19:34-1.

.....

Signature or mark of the registrant Date

[(14)**]**(15) If applicant is unable to complete this form, print the name and address of individual who completed this form.

.....

Name

.....

Address

The form shall state in an appropriate location: "This form shall not be used if an applicant requires the assistance of another person to complete a mail-in ballot or to return a completed mail-in ballot to the county board of elections, pursuant to section 16 of P.L.2009, c.79 (C.19:63-16)."

In addition, the form may include notice to the applicant of information and options relating to the registration and voting process, including but not limited to notice of qualifications required of a registered voter; notice of the final day by which a person must be registered to be eligible to vote in an election; notice of the effect of a failure to provide required identification information; a place at which the applicant may indicate availability for service as a member of the district board of elections; a place at which the applicant may indicate whether he or she requires a polling place which is accessible to individuals with disabilities and the elderly or whether he or she is legally blind; a place at which the applicant may indicate a desire to receive additional information concerning **[**absentee**]** voting by mail; and if the application indicates a political party affiliation, the voter is permitted to vote in the primary election of a political party other than the political party in which the voter was affiliated previously only if the voter registration form with the change of political party affiliation is

filed prior to the 50th day next preceding the primary election. The form may also include a space for the voter registration agency to record whether the applicant registered in person, by mail or by other means.

b. The reverse side of the registration form shall bear the address of the Secretary of State or the commissioner of registration to whom such form is supplied, and a United States postal permit the charges upon which shall be paid by the State.

c. The Secretary of State shall cause to be prepared registration forms of the size, weight and form described in subsection a. of this section in both the English [and Spanish] language and in any other language primarily spoken by at least 5% of the registered voters in an election district, and shall provide such forms to each commissioner of registration of any county in which there is at least one election district in which [bilingual] multilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

d. The commissioner of registration shall furnish such registration forms upon request in person to any person or organization in such reasonable quantities as such person or organization shall request. The commissioner shall furnish no fewer than two such forms to any person upon request by mail or by telephone.

e. Each such registration form shall have annexed thereto instructions specifying the manner and method of registration, the vote by mail options specified on the form, and stating the qualifications for an eligible voter.

f. The Secretary of State shall also furnish such registration forms and such instructions to the Director of the Division of Workers' Compensation, the Director of the Division of Employment Services, and the Director of the Division of Unemployment and Temporary Disability Insurance in the Department of Labor and Workforce Development; to the Director of the Division of Taxation in the Department of the Treasury; to the Executive Director of the New Jersey Transit Corporation; to the appropriate administrative officer of any other public agency, as defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the Department of Military and Veterans' Affairs; and to the chief administrative officer of any voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

g. All registration forms received by the Secretary of State in the mail or forwarded to the Secretary of State shall be forwarded to the commissioner of registration in the county of the registrant and to the county clerk if a vote by mail option is selected on a form.

h. An application to register to vote received from the New Jersey Motor Vehicle Commission or a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-

6.11), shall be deemed to have been timely made for the purpose of qualifying an eligible applicant as registered to vote in an election if the date on which the commission or agency shall have received that document in completed form, as indicated in the lower right hand corner of the form, was not later than the 21st day preceding that election.

i. Each commissioner of registration shall make note in the permanent registration file of each voter who is required to provide the personal identification information required pursuant to this section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42 U.S.C.s. 15301 et seq.), to indicate the type of identification provided by the voter and the date on which it is provided. Prior to the June 2004 primary election, when such a newly registered voter seeks to vote for the first time following his or her registration, the voter will be required to provide such personal identification information. Beginning with the June 2004 primary election, when such a newly registered voter seeks to vote for the first time following his or her registration, the voter will not be required to provide such information if he or she had previously provided the personal identification information required pursuant to this section. The required information shall be collected and stored for the time and in the manner required pursuant to regulations promulgated by the Secretary of State.

j. The Secretary of State shall amend the voter registration application form if necessary to conform to the requirements of applicable federal or State law.

k. In the event that the name of any political party entered on the voter registration form by a voter who wishes to declare a political party affiliation is not legible, the commissioner of registration shall mail the voter a political party declaration form and a letter explaining that the voter's choice was not understood and that the voter should complete and return the declaration form in order to be affiliated with a party.

(cf: P.L.2009, c.287, s.1)

25. (New section) Notwithstanding any other provision of law to the contrary, a person who is qualified to register to vote may submit a voter registration form electronically on the Internet site of the Secretary of State, which form shall contain substantively the same information required to be contained on a paper voter registration form pursuant to section 16 of P.L.1974, c.30 (C.19:31-6.4).

a. The Secretary of State shall promulgate deadlines for when an online voter registration form submitted by an applicant pursuant to this section shall be effective ahead of an election to be held in the election district of the applicant submitting the form.

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

c. For voter registration purposes, for an applicant who has a valid New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, the applicant shall affirmatively assent to the use of his or her signature from his or her driver's license or non-driver identification card.

d. For each online voter registration form, for any applicant who has a valid New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, the Secretary of State shall obtain an electronic copy of the applicant's signature from his or her driver's license or non-driver identification card directly from the New Jersey Motor Vehicle Commission.

e. The Secretary of State shall require an applicant who has a valid New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission who submits an online voter registration form pursuant to this section to submit all of the following:

(1) the number from his or her New Jersey driver's license or non-driver identification card;

(2) his or her date of birth; and

(3) the last four digits of his or her social security number.

f. Upon submission of an online voter registration form pursuant to this section, for an applicant who has a valid New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, the electronic voter registration system shall provide for immediate verification of both of the following:

(1) that the applicant has a New Jersey driver's license or non-driver identification card and that the number for that driver's license or non-driver identification card provided by the applicant matches the number for that person's driver's license or non-driver identification card that is on file with the New Jersey Motor Vehicle Commission; and

(2) that the date of birth provided by the applicant matches the date of birth for that person that is on file with the New Jersey Motor Vehicle Commission.

g. Upon submission of an online voter registration form pursuant to this section, for an applicant who has a valid New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, the electronic voter registration system shall automatically acknowledge that the online voter registration form has been submitted successfully, and provide instructions on how the person completing the voter registration form may follow-up on the status of the submission either online or by contacting the appropriate county commissioner of registration.

h. The Secretary of State shall employ security measures to ensure the accuracy and integrity of voter registration forms submitted electronically pursuant to this section.

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

j. If an applicant cannot electronically submit the information required pursuant to subsection e. of this section, the applicant shall nevertheless be able to complete the online voter registration form electronically on the Secretary of State's Internet website and provide a digital signature by uploading a file or signing using a digital touchpad as part of the registration process. For any such applicant that R.S.19:31-5 would require to produce identification if that applicant had registered by mail, the applicant shall be required to, upon voting for the first time after registration, produce any form of identification at the designated polling place required under R.S.19:31-5. The online voter registration system shall notify any such applicant of this requirement.

k. The online voter registration Internet site required pursuant to this section shall be available in both English and in any other language primarily spoken by at least one half of one percent of New Jersey's population, and shall be accessible to individuals with disabilities.

l. The online voter registration Internet sites required pursuant to this section shall be implemented by July 1, 2016.

26. Section 17 of P.L.1974, c.30 (C.19:31-6.5) is amended to read as follows:

17. a. Upon receipt of any completed registration form, the commissioner of registration shall review it, and if it is found to be in order, shall:

(1) Send to the registrant written notification that such registrant is duly registered to vote. No registrant shall be considered a registered voter until the commissioner of registration reviews the application submitted by the registrant and deems it acceptable. On the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed. If not delivered in 2 days, return to the Commissioner of Registration."

(2) In as timely a manner as possible, enter the information provided for the registrant on the completed registration form<u>, or electronically transfer the information from an online voter registration form completed pursuant to section 25 of P.L. , c. (C.) (pending before the Legislature as this bill),</u> into the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31).

(3) Paste, tape, or photocopy the completed registration form onto an original registration form, and shall paste or tape a copy of such completed registration form onto a duplicate registration form, both of which shall be filed as provided in R.S.19:31-10. Nothing in this paragraph shall preclude any commissioner of registration from keeping the original mail registration form on file.

(4) In the case of a registrant currently registered in another county of this State, notify the commissioner of registration of such other county to remove the individual's name from the registry list of voters of the county and place into an appropriate retention file all registration documents or material relating to that voter. The commissioner of registration of the current county of the registrant shall secure and maintain the entire voting history of that registrant.

b. The commissioner shall notify a registrant of the reasons for any refusal to approve his registration.

c. (Deleted by amendment, P.L.1994, c.182.)

(cf: P.L.2005, c.145, s.10)

27. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to read as follows:

1. a. There shall be established in the Department of State a single Statewide voter registration system, as required pursuant to section 303 of the federal "Help America Vote Act of 2002," Pub.L.107-252 (42 U.S.C. s.15483). The principal computer components of the system shall be under the direct control of the Secretary of State. The Secretary of State shall be responsible for creating the network necessary to maintain the system and providing the computer software, hardware and security necessary to ensure that the system is accessible only to those executive departments and State agencies so designated by the Secretary of State, each county commissioner of registration, each county and municipal clerk, and individuals under certain circumstances, as provided for by this section. The system shall be the official State repository for voter registration information for every legally registered voter in this State, and shall serve as the official voter registration system for the conduct of all elections in the State.

b. The Statewide voter registration system shall include, but not be limited to, the following features:

(1) the name and registration information of every legally registered voter in the State;

(2) the ability to assign a unique identifier to each legally registered voter in the State;

(3) interactivity among appropriate State agencies so designated by the Secretary of State, each county commissioner of registration, each county board of elections, and each county clerk such that these entities shall have immediate electronic access to all or selected records in the system, as determined by the Secretary of

State, to receive or transmit all or selected files in the system and to print or review all or selected files in the system;

(4) the ability to permit any county commissioner of registration to enter voter registration information on an expedited basis, and to transfer electronically voter registration information from an online voter registration form completed pursuant to section 25 of P.L. , c. (C.) (pending before the Legislature as this bill), at the time the information is provided thereto and to permit the Secretary of State to provide technical support to do so whenever needed;

(5) the ability to permit each municipal clerk to view or print information in the system;

(6) the ability to permit an individual, by July 1, 2006, to verify via the Internet whether that individual, and only that individual, is included in the system as a legally registered voter, whether the information pertaining to that individual required by subsection c. of this section is correct, and if not, a means to notify the pertinent county commissioner of registration of the corrections that must be made and to so verify in a way that does not give one individual access to the information required by subsection c. of this section for any other individual;

(7) a Statewide street address index and map in electronic form that can accurately identify the location of every legally registered voter in this State;

(8) the ability to record and monitor all requests for mail-in ballots; to enable the county clerk to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; to update the system to allow the postal tracking of mail-in ballots using Intelligent Mail barcodes, or a similar successor tracking system; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by section 5 of P.L.2004, c.88 (C.19:61-5); and

(9) any other functions required pursuant to Pub.L.107-252 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that may be deemed necessary by the Secretary of State.

c. The Statewide voter registration system shall include, but not be limited to, the following information for every legally registered voter in this State:

(1) last, first and middle name;

(2) street address at time of registration or rural route, box number or apartment number, if any;

(3) city or municipality, and zip code;

(4) date of birth;

(5) telephone number and e-mail address, if provided on voter registration form;

(6) previous name or address if individual re-registered due to change of name or address;

(7) ward and election district number, if either is available;

(8) (a) current and valid New Jersey driver's license number; or

(b) if the registrant has not been issued a New Jersey driver's license number, the last four digits of the registrant's social security number; or

(c) unique identifying number for any individual who has not been issued the information sought in subparagraph (a) or (b) of this paragraph;

(9) notation that a copy of one of the following documents has been submitted with the voter registration application, if required: current and valid photo identification card; a current utility bill, bank statement, government check, pay check or any other government document showing the registrant's name and current address;

(10) the method by which the individual registered and whether that person needs to provide additional identification information to vote using a voting machine instead of a provisional ballot;

(11) political party affiliation, if designated;

(12) [digitalized] digitized signature;

(13) date of registration or re-registration;

(14) name and street address of the individual assisting in the completion of the form, if the applicant for registration is unable to do so;

(15) voting participation record for ten-year period; and

(16) any other information required pursuant to Pub.L.107-252 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that the Secretary of State determines is necessary to assess the eligibility of an individual to be registered to vote and to vote in this State.

(cf: P.L.2009, c.287, s.2)

28. Section 2 of P.L.2005, c.145 (C.19:31-32) is amended to read as follows:

2. a. The Statewide voter registration system shall replace all other computer or electronic-based registry files of voters and other voter registration files established and maintained by each county commissioner of registration for voter registration and election administration purposes established pursuant to the provisions of Title 19 and Title 40 of the Revised Statutes, and shall be the single system for storing and managing the official file of registered voters throughout the State. A commissioner may, however, continue to use and maintain as a supplement to the system the original and duplicate permanent registration binders and voting records and

shall continue to use and maintain the signature copy registers or polling records provided for in Title 19 of the Revised Statutes.

b. Each county commissioner of registration shall be responsible for adding to, deleting from, amending and otherwise conducting on a regular basis maintenance for the files of every legally registered voter in that commissioner's county as contained in the Statewide voter registration system, pursuant to the provisions of section 303 of Pub.L.107-252 (42 U.S.C. s. 15301 et seq.) and Title 19 of the Revised Statutes. Each commissioner shall be responsible for verifying the accuracy of the name, address and other data of registered voters in the commissioner's respective county as contained in the system. The commissioner who receives the voter registration forms of individuals who have registered to vote in the county or who are re-registering for any reason shall be responsible for entering the information on those forms into the system on an expedited basis, electronically transferring into the system the information from online voter registration forms completed pursuant to section 25 of P.L. , c. (C.) (pending before the Legislature as this bill), and electronically transferring into the system the information from automatic voter registration applicants transmitted by the Chief Administrator of the New Jersey Motor Vehicle Commission and who do not decline registration pursuant to section 31 of P.L. , c. (C.) (pending before the Legislature as this bill), including but not limited to forms and information received pursuant to chapter 31 of Title 19 of the Revised Statutes. The information the commissioner shall use to update and maintain the system shall be that required by subsection c. of section 1 of P.L.2005, c.145 (C.19:31-31).

c. The ⟦Attorney General⟧ Secretary of State and each county commissioner of registration shall be responsible for developing and providing the technological security measures needed to prevent unauthorized access to the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and to the information for any individual on the system required by subsection c. of section 1 of that act.

d. The ⟦Attorney General⟧ Secretary of State, in consultation with each county commissioner of registration, shall develop minimum standards to safeguard the accuracy of the files contained in the Statewide voter registration system. Such standards shall include procedures to ensure that reasonable effort is made to remove registrants who are ineligible to vote pursuant to federal or State law and to ensure that eligible voters are not removed in error from the system.

e. (1) The ⟦Attorney General⟧ Secretary of State and the Chief Administrator of the New Jersey Motor Vehicle Commission in the Department of Transportation shall enter into an agreement to match information in the database of the Statewide voter registration system with information in the database of the

commission, including social security numbers, to the extent required to enable verification of the accuracy of the information provided on applications for voter registration, and to locate and utilize for voter registration purposes the digitized signatures of licensed drivers or holders of non-driver identification cards who register to vote using an online voter registration form, as provided pursuant to section 25 of P.L. , c. (C.) (pending before the Legislature as this bill) or using automatic voter registration as provided pursuant to section 31 of P.L. , c. (C.) (pending before the Legislature as this bill).

(2) The ⟦Attorney General⟧ Secretary of State shall enter into an agreement with the Commissioner of the Department of Health and Senior Services to match information in the database of the Statewide voter registration system with State agency information on death records.

(3) The ⟦Attorney General⟧ Secretary of State shall enter into an agreement with the Commissioner of the Department of Corrections to match information in the database of the Statewide voter registration system with State agency information on individuals who are incarcerated, on probation, or on parole as the result of a conviction for an indictable offense.

(4) The ⟦Attorney General⟧ Secretary of State shall enter into an agreement with the Administrative Office of the Courts to match information in the database of the Statewide voter registration system with State agency information on individuals who are incarcerated, on probation, or on parole as the result of a conviction for an indictable offense.

(5) The ⟦Attorney General⟧ Secretary of State shall enter into an agreement with the State Parole Board to match information in the database of the Statewide voter registration system with State agency information on individuals who are on parole.

(cf: P.L.2005, c.145, s.2)

29. Section 2 of P.L.1991, c.249 (C.19:32-4.1) is amended to read as follows:

2. On the day of every municipal, primary, general, special or annual school election the superintendent of elections in counties having a superintendent of elections or the county board of elections in all other counties shall provide to each polling place in the county sufficient numbers of a form on which voters or persons attempting to vote may register any complaint regarding the conduct of the election at the polling place where they voted or attempted to vote. In counties in which the primary language of ⟦10%⟧ 5% or more of the registered voters is ⟦Spanish⟧ a language other than English, the form for the complaint shall appear in both English and ⟦Spanish⟧ that other language or languages. The form shall protect the anonymity of the complainant, if that person so

wishes, and shall be accompanied by an envelope with the proper postage and the name and address of the superintendent of elections of the county or the chairman of the county board of elections, as the case may be. A complaint may be used by the superintendent of elections or any other municipal or State investigatory agency to conduct an investigation into possible violation of the State election law. Copies of the form containing the complaint shall be available from the superintendent of elections or the county board of elections, as the case may be. The original form of the complaint, or a copy, shall be kept on file with the superintendent of elections or the county board of elections, as the case may be, for two years after the election for which it was filed.
(cf: P.L.2011, c.134, s.44)

30. R.S.19:49-4 is amended to read as follows:

19:49-4. a. (1) The officer or officers whose duty it may be under this subtitle to provide and furnish official ballots for any polling place where a voting machine is to be used shall also provide 2 sample ballots or more, or instruction ballots, which sample or instruction ballot shall be arranged in the form of a diagram showing such portion of the face of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample or instruction ballots shall be open to the inspection of all voters on election day, in all elections where voting machines are used.

(2) For election districts in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, the officer or officers whose duty it may be under this subtitle to provide and furnish official ballots for any polling place where a voting machine is to be used shall also provide 2 sample ballots or more, or instruction ballots, printed **[**bilingually**]** in English and **[**Spanish**]** in that other language or languages. Such sample or instruction ballots shall be open to the inspection of all voters on election day, in appropriate election districts, in all elections where voting machines are used.

b. There shall be furnished a sufficient number of sample ballots printed entirely in black ink, a facsimile of the face of the machine, of a reduced size, one of which sample ballots shall be mailed to each registered voter, except that for election districts in which the primary language of **[**10%**]** 5% or more of the registered voters is **[**Spanish**]** a language other than English, sample ballots printed **[**bilingually**]** in English and **[**Spanish**]** in that other language or languages shall be mailed to each registered voter. Any reference to sample ballot envelopes in any section of this Title to the contrary notwithstanding, in all counties where voting machines are used and wherein the commissioner of registration has the facilities to mail out sample ballots direct to the registrants

of such county and has elected so to do, as otherwise in this Title provided, the commissioner of registration in any such county may request the county clerk of such county to have the sample ballots prepared in the manner following:

(1) The county clerk shall have said sample ballots for all general and special elections printed in such manner that, when folded, the words "Official General Election Sample Ballot" or as the case may be, shall appear on the reverse side thereof, together with the words "In cases where the sample ballot is to be sent to an addressee who does not receive his mail by delivery to his home or through rural free delivery "if not delivered within 5 days return to the commissioner of registration' and in all other cases "if not delivered within 2 days return to the commissioner of registration.' Do not Forward. Return Postage Guaranteed" over the return address of the commissioner of registration. Such portion of the ballot may contain such additional words that conform with United States Postal regulations that will prevent such envelope from being forwarded to the voter at any other address than that appearing on the envelope, and that will cause such envelope to be returned to the commissioner of registration, with information thereon from the post office showing the reason for nondelivery.

(2) The county clerk in drawing the specifications for the printing of the official primary ballots shall include the requirement that the municipal clerks shall have primary sample ballots printed in such manner that, when folded, the words "Official Primary Election Sample Ballot" shall appear on the reverse side thereof, together with the words "In cases where the sample ballot is to be sent to an addressee who does not receive his mail by delivery to his home or through rural free delivery "if not delivered within 5 days return to the commissioner of registration' and in all other cases "if not delivered within 2 days return to the commissioner of registration.' Do Not Forward. Return Postage Guaranteed" over the return address of the commissioner of registration. Such portion of the ballot may contain such additional words that conform with United States Postal regulations that will prevent such envelope from being forwarded to the voter at any other address than that appearing on the envelope, and that will cause such envelope to be returned to the commissioner of registration, with information thereon from the post office showing the reason for nondelivery.

(3) Five sample ballots shall be posted as now required by law.

c. For all general and special elections the county clerk, and for all primary and municipal elections the municipal clerks, shall, at least 30 days preceding any such election, make the arrangements necessary to be made with the postmaster or postmasters in their respective counties and municipalities to have the said sample ballots mailed under the postal laws and regulations, and forthwith notify the said commissioner of registration in writing to that effect.

(cf: P.L.1974, c.30, s.14)

31. (New section) a. Notwithstanding any law, rule, or regulation to the contrary, the Chief Administrator of the New Jersey Motor Vehicle Commission shall transmit to the Secretary of State electronic records containing the legal name, age, residence, citizenship, and digitized signature of each applicant for a motor vehicle driver's license or non-driver identification card, who meets the criteria specified by the Secretary of State that would make that applicant eligible to be a legal voter, for automatic voter registration purposes as specified under this section. The Chief Administrator shall not transmit to the Secretary of State the electronic records of any applicant for a motor vehicle driver's license or non-driver identification card who is not a citizen of the United States.

Upon receiving an applicant's electronic record and digitized signature, the Secretary of State shall transmit the information to the county commissioner of registration, as constituted under R.S.19:31-2, of the county in which the applicant resides. The county commissioner of registration shall notify the applicant, by mail, of the automatic voter registration, and shall inform the applicant of the process to decline being registered to vote or, if not declining, of the option to select a political party affiliation. If the applicant does not decline the voter registration within 21 calendar days after the county commissioner of registration issues the notification, the applicant's electronic record and digitized signature shall constitute a complete voter registration form for the purposes of Title 19 of the Revised Statutes, and the applicant shall be registered to vote if the county commissioner of registration determines that the applicant is eligible to register to vote pursuant to Article II, Section I, paragraph 3 of the New Jersey Constitution and Title 19 of the Revised Statutes, and is not disqualified. A county commissioner of registration shall delete the electronic record and digitized signature of an applicant who declines to be registered to vote pursuant to this section.

The Chief Administrator shall also transmit to the Secretary of State the electronic record and digitized signature of an applicant who is updating the legal name or address information on an existing motor vehicle driver's license or non-driver identification card, who meets the criteria specified by the Secretary of State that would qualify that applicant as a legal voter, for automatic voter registration purposes as specified under this section and for updating an existing voter registration record.

The Secretary of State, in consultation with the Chief Administrator, shall develop a system prior to the effective date of this section by which any person who is eligible for the protections detailed in section 1 of P.L.1994, c.148 (C.19:31-3.2) shall be provided the option of registration detailed therein, in lieu of the automatic voter registration specified in this section. Nothing in this section shall be construed to in any way impede the protections

afforded to potential voters pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

The Secretary of State shall develop an informational pamphlet to be provided to each applicant for a motor vehicle driver's license or non-driver identification card describing the process for automatic voter registration. The secretary, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission and the Automatic Voter Registration Task Force established under subsection b. of this section, shall promulgate the rules and regulations necessary to implement the provisions of this section. Such rules and regulations shall safeguard and protect from disclosure the private information of all applicants for a motor vehicle driver's license or non-driver identification card whose electronic records are not transmitted to the Secretary of State, who decline being registered to vote, or who are eligible for the protections detailed under section 1 of P.L.1994, c.148 (C.19:31-3.2). The automatic voter registration process provided for in this section shall be implemented by the secretary and the chief administrator by January 1, 2017.

b. There is established an "Automatic Voter Registration Task Force" with the duty to study and make recommendations on the effective implementation of automatic voter registration under this section. The task force shall consist of 11 members as follows:

(1) the Secretary of State, ex officio, or a designee;

(2) the Chief Administrator of the New Jersey Motor Vehicle Commission, ex officio, or a designee;

(3) the Attorney General, ex officio, or a designee;

(4) a public member appointed by the Governor, who shall be an advocate for immigrant communities in New Jersey;

(5) a public member appointed by the Governor, who shall be an advocate for victims of domestic violence;

(6) two public members appointed by the Governor, who shall be advocates for expanded access to voting rights;

(7) a member to be appointed by the President of the Senate;

(8) a member to be appointed by the Minority Leader of the Senate;

(9) a member to be appointed by the Speaker of the General Assembly; and

(10) a member to be appointed by the Minority Leader of the General Assembly.

All appointments to the task force shall be made within 30 days of the effective date of this act, P.L. , c. (pending before the Legislature as this bill). Vacancies shall be filled in the same manner as the original appointments. The Secretary of State, or designee, shall serve as the chair of the task force. The chair shall appoint a secretary who need not be a member of the task force. The members of the task force shall serve without compensation but may be reimbursed, within the limits of funds made available to the

task force, for necessary travel expenses incurred in the performance of their duties. The chair shall call an initial meeting of the task force within seven days of the appointment of a majority of its members and hold hearings at the times and in the places it may deem appropriate and necessary to fulfill its duties. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes. The task force may seek the advice of experts in relevant fields as deemed appropriate by the membership of the task force. A report of the task force's findings and recommendations shall be submitted to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and Speaker of the General Assembly no later than June 30, 2016.

32. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to read as follows:

24. a. The Secretary of State, with the assistance and concurrence of the ⟦Director of the Division of Motor Vehicles⟧ Chief Administrator of the New Jersey Motor Vehicle Commission, shall ⟦formulate a means of permitting a person to⟧ develop and implement an automated process for an applicant to simultaneously apply for a motor vehicle driver's license or non-driver identification card and to register to vote which satisfies both the requirements necessary to receive a license to operate a motor vehicle, pursuant to R.S.39:3-10, or a non-driver identification card, and to be permitted to register to vote, pursuant to R.S.19:4-1, and in accordance with section 31 of P.L. , c. (C.) (pending before the Legislature as this bill).

The ⟦Division of Motor Vehicles⟧ New Jersey Motor Vehicle Commission, upon receipt of a completed ⟦voter registration⟧ application under this section, ⟦shall stamp or otherwise mark the lower right hand corner of the document with the date on which it was so received and forward the document⟧ shall transmit the applicant's electronic record and digitized signature to the Secretary of State in accordance with a schedule developed by rule or regulation pursuant section 31 of P.L. , c. (C.) (pending before the Legislature as this bill), but no later than the 10th day following the date of acceptance.

b. Each application ⟦for voter registration⟧ which is received by the ⟦Division of Motor Vehicles⟧ New Jersey Motor Vehicle Commission shall be considered and processed as the replacement for any pre-existing voter registration of the applicant.

c. Each change of address notification submitted to the ⟦Director of the Division of Motor Vehicles⟧ Chief Administrator of the New Jersey Motor Vehicle Commission for the purpose of

maintaining current information on a person's motor vehicle license or non-driver identification card shall be [reported] electronically transmitted to the Secretary of State no later than the 10th day following its receipt by the [Division of Motor Vehicles] New Jersey Motor Vehicle Commission and shall serve as notification for the change of address process, [unless the registrant indicates that the change of address is not for voter registration purposes] , in accordance with section 31 of P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.1994, c.182, s.24)

33. Section 23 of P.L.1994, c.182 (C.39:3-10m) is amended to read as follows:

23. Notwithstanding any law, rule or regulation to the contrary, the electronic record and digitized signature of each applicant for a State motor vehicle driver's license application or non-driver identification card, including any application for a renewal thereof, submitted to an agent of the [Division of Motor Vehicles in the Department of Law and Public Safety] New Jersey Motor Vehicle Commission shall be [offered an opportunity to register to vote] electronically transmitted to the Secretary of State for automatic voter registration purposes, when the applicant meets the criteria specified by the Secretary of State that would qualify that applicant as a legal voter, in accordance with section 31 of P.L. , c. (C.) (pending before the Legislature as this bill).
(cf: P.L.1994, c.182, s.23)

34. Section 22 of P.L.1964, c.134 (C.19:58-22) is amended to read as follows:

22. Said sealed outer envelope with the inner envelope and the ballot enclosed therein, shall then be mailed [with sufficient postage] to the county board of elections to which it is addressed[, or shall] with the postage prepaid, or it may be presented in person to the county board of elections at the office of said board.
(cf: P.L.1964, c.134, s.22)

35. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as follows:

2. As used in this act:

a. "United States" means each of the several states, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa and the United States Virgin Islands; the term does not mean or include the Canal Zone or any other territory or possession of the United States.

b. "Residing abroad" means residing outside the United States.

c. ["Federal election" means any general, special or primary held for the purpose of nominating or electing any candidate for the

office of President or Vice President of the United States, Presidential elector, United States Senator or member of the United States House of Representatives] "Election" shall have the same meaning as defined in R.S.19:1-1, and include any federal, State, or local election, and any public question placed before the voters.

d. "Overseas voter" means any person in military service, or that person's spouse, partner in civil union, domestic partner, or dependent, who, by reason of the person's active duty or service, is , in the case of the person, absent on the date of an election from the place of residence in New Jersey where the person is or would be qualified to vote, [and] or in the case of the person's spouse, partner in civil union, domestic partner, or dependent, absent on the date of an election from the place of residence in New Jersey where that spouse, partner in civil union, domestic partner, or dependent, is or would be qualified to vote.

The term also means any citizen of the United States residing abroad who (1) immediately prior to [his] departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or [had all the qualifications] last eligible to register and vote, in New Jersey; or (b) [had all the qualifications] would have been eligible to register and vote in New Jersey [other than having] except that the citizen had not attained 18 years of age [but has since attained that age] the requirement of which has since been met; or (c) would have been eligible to register and vote in New Jersey [, but for residence , have the qualifications to register and vote in New Jersey] except that the citizen had not met the residency requirement; (2) [does not maintain a residence in the United States and] is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or passport card [of identity and registration] or other proof of citizenship issued under authority of the Secretary of State of the United States.

The term also means any citizen of the United States who was born outside of the United States, is not described above, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent or legal guardian of the voter was, or under P.L.1976, c.23 (C.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.

e. "Electronic means" means any transmission made by an electronic telefacsimile machine or a similar device or by any other form of electronic transmission including, but not exclusive to electronic mail, that transports an authentic copy of a document from one user to another.

f. "Dependent" means an individual recognized as a dependent by a military service.

g. “Federal postcard application” means the application prescribed under section 101 of Pub.L.99-410 (42 U.S.C. s.1973ff(b)(2)).

h. “Federal write-in absentee ballot” means the ballot described under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

i. “Military service” means the active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States; the Merchant Marine; the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or the National Guard or State militia.

(cf: P.L.2008, c.61, s.2)

36. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read as follows:

3. Upon compliance with the provisions of this act, P.L.1976, c.23 (C.19:59-1 et seq.), any person meeting the qualifications of an **[**"Overseas voter"**]** overseas voter may register to vote and may apply for and vote by absentee ballot in any election held in the election district of this State in which the voter, or in the case of an overseas voter who was born outside of the United States described in paragraph (3) of subsection d. of section 2 of P.L.1976, c.23 (C.19:59-2), in which the voter’s parent or legal guardian, was formerly domiciled.

(cf: P.L.2008, c.61, s.3)

37. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read as follows:

4. a. Requests for an application to vote in an election as an overseas voter may be made by or on behalf of an applicant to the county clerk of the county in which the applicant, or in the case of an overseas voter who was born outside of the United States described in paragraph (3) of subsection d. of section 2 of P.L.1976, c.23 (C.19:59-2), in which the applicant’s parent or legal guardian, was formerly domiciled, or to the Secretary of State of New Jersey if the applicant does not know the county of **[**the applicant's**]** former domicile. All such applications shall be forwarded to such voters by air mail or electronic means, if so requested by the voter. Any overseas voter requesting that an application for a ballot be sent to that voter by electronic means shall supply in the request to the Secretary of State or the county clerk, as appropriate, the telephone number and location to which the application is to be sent or the electronic address of the voter, as may be appropriate, and, if known, the address where the voter, or the voter’s parent or legal guardian, as appropriate, was domiciled before departure from the United States. To qualify **[**an applicant**]** for a ballot to be sent **[**a ballot**]** by air mail **[**in order to vote in an election**]**, the applicant's completed application shall be received by the appropriate county

clerk or the Secretary of State on or before the thirtieth day preceding the election. To qualify ⟦an applicant to be sent⟧ for a ballot to be distributed by electronic means ⟦in order to vote in an election⟧, the applicant's completed application shall be received by the appropriate county clerk ⟦on or before the fourth day⟧ or the Secretary of State by 3:00 p.m. on the day preceding the election.

b. An overseas voter may use the federal postcard application form to register to vote or to apply for an overseas ballot for ⟦a federal⟧ any election. The voter may send the form by air mail or electronic means to either the appropriate county clerk or the Secretary of State and, in the case of ⟦an⟧ the use of a federal postcard application for a ballot, may request that the ballot be sent by air mail or electronic means. Any voter sending the form by electronic means shall also mail simultaneously the federal postcard application form to the appropriate county clerk or the Secretary of State. Any federal postcard application for a ballot sent by an overseas voter and received by a county clerk or the Secretary of State shall also be considered a request for registration if that voter is not already registered.

c. An overseas voter may use the federal write-in absentee ballot to vote in an election or to vote in favor or against any public question placed before the voters in an election. An overseas voter may use the federal write-in absentee ballot to register to vote, if that voter is not already registered, or to request an overseas ballot for all elections held during the calendar year in which the request is made. The voter may send the federal write-in absentee ballot by air mail or electronic means to either the appropriate county clerk or the Secretary of State and, in the case of the use of a federal write-in absentee ballot as an application for an overseas ballot, may request that the ballot be sent by air mail or electronic means. Any voter sending the federal write-in absentee ballot by electronic means shall also mail it simultaneously to the appropriate county clerk or the Secretary of State.

(cf: P.L.2008, c.61, s.4)

38. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as follows:

5. a. ⟦An⟧ Other than a federal postcard application or federal write-in absentee ballot, an application for an overseas ballot shall be in substantially the following form:

APPLICATION FOR AN OVERSEAS BALLOT

I, the undersigned, certify the following as a basis for an application as citizen of the United States residing outside the United States to receive a ballot to be voted at the election to be held on ..... (date of election) ⟦that is to say⟧ for ..... (fill in elected office or public question, or both):

1. I am a citizen of the United States;

2. I presently reside at ..... (if mail should be addressed other than to my residence, also provide address for mail);

3. I was born on ..... (month, day, year)

4. ⟦a.⟧ I hold a:

a. valid U.S. Passport # ....., dated ....., or

b. ⟦I hold a United States Citizens Identity and Registration Card (Form FS 225) dated ..... issued by ..... (name and location of U.S. Embassy or Consulate)⟧ valid U.S. Passport Card # ……., dated ……., or

c. valid Certificate of Citizenship (Form N-600), dated ……., or

d. other valid form of identification recognized as such under federal or state law: ……. (form of identification), dated …….

5. a. Immediately prior to taking up residence abroad I was domiciled in New Jersey and resided at ..... (street address), ... (municipality), ... (county) (If formerly registered to vote from that address check here ( )) , or

b. I was born outside of the United States and my parent or legal guardian, before leaving the United States, was last domiciled in New Jersey, residing at ……. (street address), ……. (municipality), …….(county).

6. I ⟦do not maintain a domicile in the United States and⟧ am not registered, entitled or applying to vote in any state other than New Jersey.

7. I understand that any false statement knowingly made in this application subjects me to the penalties provided by law for fraudulent voting.

..... Applicant
(Signature)

Dated:..... .....Applicant
(Print or type name)

b. There shall also be sent to the applicant by air mail or electronic means such instructions and portions of the law or regulations as the Secretary of State shall direct.

c. Any overseas voter requesting that a ballot be sent to that voter by electronic means shall indicate on the application for the ballot the telephone number and location to which the ballot is to be sent or the electronic address of the voter, as may be appropriate.

(cf: P.L.2008, c.61, s.5)

39. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read as follows:

6. Each county clerk, upon receipt of an application for an overseas ballot, including a federal postcard application, shall determine whether or not the applicant is qualified to vote such a ballot, make a list of those applications approved and disapproved, which list shall be open to inspection by election officials and the

public, and shall forward an overseas ballot to each person whose application is approved. For each voter whose application is approved, the county clerk shall deliver to the county board of elections the completed application form for retention by the board for signature comparison with that on the certificate on the inner envelope containing the ballot upon its receipt.
(cf: P.L.2008, c.61, s.6)

40. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as follows:

7. 【The】 Other than a federal write-in absentee ballot, the county clerk shall prescribe the form of the overseas ballot.
(cf: P.L.2008, c.61, s.7)

41. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to read as follows:

10. a. For overseas ballots other than such ballots sent to the voter by electronic means, the procedure for completing the ballot shall be as follows:

Upon completion of the ballot by indicating the voter's choice of candidates for the offices named or the voter's choice regarding a public question, or both, the ballot shall be placed in the inner envelope and sealed. Upon completion and signing in the voter's handwriting the certificate attached to the inner envelope, the inner envelope shall be placed in the outer envelope, which when sealed shall be mailed postage prepaid to the county board of elections whose address is printed thereon.

b. For overseas ballots sent to the voter by electronic means, the procedure for completing the ballot shall be as follows:

After the ballot is received and completed by the voter by indicating that person's choice of candidates for the offices named or that person's choice regarding a public question, or both, the ballot shall be placed in a secure envelope. Upon completion and signing in the voter's handwriting of the certificate sent to the voter pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be placed in the same envelope as the voted ballot. The envelope shall then be sealed securely and sent immediately by air mail to the appropriate county board of elections in this State.

c. Notwithstanding the provisions of subsections a. and b. of this section, a copy of a voted overseas ballot may be transmitted by electronic means to the appropriate county board of elections in this State. Such a ballot shall be subject to the provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and C.19:59-15).
(cf: P.L.2008, c.61, s.11)

42. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to read as follows:

12. An overseas voter may request, on any application form used, an overseas ballot for all elections held during the calendar year in which the request is made. Any instructions sent to an applicant pursuant to section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant that such a request may be made. If such a request is made, an overseas ballot shall be sent in a timely manner to the voter for all such elections and by the transmission method first requested by the voter unless the voter instructs otherwise.
(cf: P.L.2008, c.61, s.13)

43. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to read as follows:

26. For the purpose of complying with the federal "Uniformed and Overseas Citizens Absentee Voting Act," 42 U.S.C. s. 1973ff-1 et seq., the office of the Secretary of State shall:

a. be designated as the single State office responsible for providing information to all overseas voters who wish to register to vote or vote in any jurisdiction in the State with respect to voter registration procedures and vote by mail procedures to be used by overseas voters for all elections [for federal offices] ;

b. work with the federal Election Assistance Commission and the federal Department of Defense to develop standards to report data on the number of overseas voter ballots transmitted and received by mail or electronic means pursuant to the "Overseas Residents Absentee Voting Law," P.L.1976, c.23 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

c. provide such additional information relating to voting by overseas voters from this State as the Department of Defense determines is necessary.
(cf: P.L.2011, c.37, s.26)

44. (New section) An electronic address provided by an overseas voter to the county clerk or the Secretary of State shall not be made available to the public or any individual or organization other than an authorized agent of the county clerk or the Secretary of State and shall be exempt from disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.). The address may be used only for official communications with the voter that are related to the voting process, including transmitting ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location. The request for an electronic address shall describe the purposes for which the electronic address may be used and include a statement that any other use or disclosure of the electronic address is prohibited.

45. (New section) If a voter's mistake or omission in the completion of a document does not prevent a determination of whether a voter is eligible to vote, the mistake or omission shall not

invalidate the document. Failure to satisfy a technical requirement, such as using paper or envelopes of a specified size or weight, shall not invalidate the submitted document. In the case of a federal write-in absentee ballot or a vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.

This section shall be applied consistent with the requirements of subsection d. of section 4 of P.L.1995, c.195 (C.19:59-15).

46. Section 8 of P.L.2005, c.148 (C.19:62-8) is amended to read as follows:

8. Prior to transmitting a ballot to the county board of elections, a registered voter shall mark it and place it in the inner envelope. The inner envelope shall then be placed in the outer envelope and that envelope shall be signed and certified by the voter pursuant to instructions provided with the ballot. The voter may return the envelopes containing the marked ballot to the county board by United States mail or by depositing it at the office of the county board or any other place of deposit designated for that purpose. **[**If the voter returns the ballot by United States mail, the voter shall provide the postage.**]** Each outer envelope shall be a postage prepaid return envelope.

(cf: P.L.2005, c.148, s.8)

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

3. a. A qualified voter shall be entitled to vote using a mail-in ballot in any election held in this State.

b. Not less than seven days before an election in which a voter wants to vote by mail, the voter may apply to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The application shall be in writing, shall be signed by the applicant 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 application form and shall have the authority to promulgate any rules and regulations the secretary deems necessary to effectuate the purposes of this subsection. A voter registration form shall also be usable for this purpose.

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. (1) A voter who wishes to vote only by mail-in ballot in all future [general] elections, including general elections, in which the voter is eligible to vote, and who states that on an application for a mail-in ballot, shall be furnished such a ballot by the county clerk without further request on the part of the voter and until the voter requests that the voter no longer be sent a mail-in ballot. A voter shall also have the option to indicate on an application for a mail-in ballot that the voter would like to receive such a ballot for [each election that takes place during the remainder of the calendar year in which the application is completed and submitted] future general elections only. A voter who exercises this option shall be furnished with a mail-in ballot for each future general election [that takes place during the remainder of the calendar year] without further request by the voter. 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.

(2) In the event that a voter who has requested a mail-in ballot for all future elections does not complete and return such a ballot for canvassing for four consecutive elections following the election at which the voter last voted, the voter shall be treated as if he or she requested a mail-in ballot for future general elections only and shall continue to be furnished with mail-in ballots for future general elections in accordance with paragraph (3) of this subsection, and the ability of such a voter to receive a mail-in ballot for future elections other than general elections shall be suspended until the voter submits a new application for such a ballot that indicates that the voter wishes to receive a ballot for all future elections.

[(2)] (3) In the event that a voter who has requested a mail-in ballot for [all] future general elections only does not complete and return such a ballot for canvassing for the fourth general election following the general election at which the voter last voted, the county clerk shall send a notice to that voter to ascertain whether he or she continues to reside at the address from which that voter is registered to vote and continues to be eligible to vote. If the notice is not completed and returned by the voter to the clerk before the [40th] 45th day prior to the next general election, a mail-in ballot shall not be sent to the voter for that general election. The ability of such a voter to receive a mail-in ballot for [all] future general elections only shall be suspended until the voter submits a new application for such a ballot that indicates that the voter wishes to

receive ⟦the⟧ a ballot for ⟦all⟧ future general elections only or for all future elections.

⟦(3)⟧ (4) 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 whose registration file has been transferred to the deleted file pursuant to R.S.19:31-19.

(5) 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.2009, c.79, s.3)

48. (New section) a. Any voter who has opted to receive a mail-in ballot for all future elections, or for future general elections only, pursuant to law, and has not returned a voted ballot to the county board of elections but appears with a mail-in ballot at the polling place to which the voter would be assigned if voting in person on the day of a general election or any other election, shall be permitted to vote in person by using the same voting machine used by other qualified voters at that polling place after the voter surrenders the mail-in ballot to a designated poll worker. All mail-in ballots thus collected shall be transmitted to the county board of elections by the designated poll worker after the closing of the polls.

b. Any voter who has applied for and received a mail-in ballot and has not returned the voted mail-in ballot to the county board of elections or given it to a bearer for that purpose, but appears at the polling place in the voter's election district on the day of the election without the mail-in ballot and wishes to vote, shall be permitted to vote in person by provisional ballot, as provided for in section 20 of P.L.2009, c.79 (C.19:63-20).

c. The Secretary of State shall promulgate regulations to: (1) establish a procedure for the collection and processing of mail-in ballots by the county board of elections under subsection a. of this section; and (2) record that a voter has been permitted to vote at the polling place of the voter's election district on the day of an election after surrendering a mail-in ballot.

49. (New section) Notwithstanding the provisions of R.S.19:14-25 or R.S.19:23-30 to the contrary, the sample ballot for a general election, or any other election, shall not be mailed to any qualified voter who has been sent a mail-in ballot for that election, pursuant to section 3 of P.L.2009, c.79 (C.19:63-3).

50. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read as follows:

5. In the case of any election, the application for a mail-in ballot shall be made to the county clerk. The county clerk shall stamp thereon the date on which the application was received in the clerk's office.

In the case of applications for overseas federal election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no application shall be refused on the grounds that it was submitted too early.

In the case of voter registration forms that include a selected vote by mail option, a copy of each such form shall be transmitted to and received by the appropriate county clerk, who shall be responsible for providing mail-in ballots to each qualified voter requesting such ballots for the future elections indicated on the voter registration form, until the voter requests otherwise.

(cf: P.L.2009, c.79, s.5)

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

NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

If you are a qualified and registered voter of the State who wants to vote by mail in the..... (school, municipal, primary, general, or other) election to be held on..... (date of election) **[**complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a mail-in ballot be forwarded to you. The request must state your home address and the address to which the ballot should be sent. The request must be dated and signed with your signature.

If any person has assisted you to complete the mail-in ballot application, the name, address and signature of the assistor must be provided on the application, and you must sign and date the application for it to be valid and processed. No person shall serve as an authorized messenger for more than 10 qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot may provide any assistance in the completion of the ballot or may serve as an authorized messenger or bearer.

No mail-in ballot will be provided to any applicant who submits a request therefor by mail unless the request is received at least

seven days before the election and contains the requested information. A voter may, however, request an application in person from the county clerk up to 3 p.m. of the day before the election.

Voters who want to vote only by mail in all future general elections only in which they are eligible to vote, and who state that on their application shall, after their initial request and without further action on their part, be provided a mail-in ballot by the county clerk until the voter requests that the voter no longer be sent such a ballot. A voter's failure to vote in the fourth general election following the general election at which the voter last voted may result in the suspension of that voter's ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk.**]** , the following applies:

You must complete the application form below and send it to the county clerk where you reside, write or apply in person to the county clerk where you reside, or use a voter registration form to request a mail-in ballot.

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

No person may serve as an authorized messenger for more than 10 qualified voters in an election.

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

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

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

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

A voter’s failure to vote in four consecutive elections following the election at which the voter last voted will result in the suspension of that voter’s ability to receive a mail-in ballot for future elections, unless a new application is completed and filed with the county clerk.

[Voters also have the option of indicating on their mail-in ballot applications that they would prefer to receive mail-in ballots for each election that takes place during the remainder of this calendar year. Voters who exercise this option will be furnished with mail-in ballots for each election that takes place during the remainder of this calendar year, without further action on their part.**]**

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

Dated.....

.....

(signature and title of county clerk)

.....

(address of county clerk)

.....

(telephone no. of county clerk)

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

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

c. The mail-in ballot materials shall contain a notice that any person voting by mail-in ballot who has registered by mail after January 1, 2003, who did not provide personal identification information when registering 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, and that failure to include such information shall result in the rejection of the ballot.

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

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

(cf: P.L.2011, c.134, s.50)

52. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to read as follows:

12. Each county clerk shall send, with each mail-in ballot, printed directions for the preparation and transmitting of the ballots as required by this act. The directions shall be printed in such manner and form as the Secretary of State shall require, together with two envelopes of such sizes that one will contain the other.

The outer envelope shall be addressed to the county board of elections of the county in which is located the home address of the person to whom the mail-in ballot is sent, as certified by the county clerk. **[**At the discretion of the county clerk, the**]** <u>The</u> outer envelope **[**may**]** <u>shall</u> be a postage **[**paid**]** <u>prepaid</u> return envelope. On the outside and front of each outer envelope, there shall be printed or stamped the following:

To protect your vote:

IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING IS COMPLETED:

Ballot mailed or transported by

(signature of bearer)

(print name of bearer)

(address of bearer)

The reserve side of the outer envelope shall contain the following:

REMINDER

For your vote to count, you must:

1) Vote your ballot and place it in the inner envelope with the attached certificate.

2) Seal the envelope.

3) Place the envelope into the larger envelope addressed to the board of elections and seal that envelope.

4) If another person will be mailing your ballot or bringing it to the board of elections, MAKE CERTAIN THAT PERSON

COMPLETES THE "BEARER PORTION" ON THE ENVELOPE ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A CANDIDATE IN THE ELECTION FOR WHICH THE VOTER REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A BEARER.

The Secretary of State is authorized to make such changes to the instructions for mail-in ballot materials as the Secretary of State deems necessary or as is mandated by federal or State law.

The inner envelope shall be so designed that it can be sealed after the mail-in ballot has been placed therein and the flap thereof shall be of such length and size as to leave sufficient margin, after sealing, for the printing thereon of the certificate hereinafter described. The flap shall be so arranged that, after the inner envelope has been sealed, the certificate can be contained, with the inner envelope, in the outer envelope, and that the margin containing the certificate can be detached without unsealing the inner envelope.

On the outside of each envelope in which a mail-in ballot is sent to a mail-in voter by the clerk, there shall be printed or stamped the words "Official Mail-In Ballot." In addition, there shall be printed or stamped the following:

To protect your vote:

IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

However, a family member may assist you in doing so.

The reverse side of each inner envelope shall contain the following statement:

A PERSON MAY BE FINED AND IMPRISONED AND MAY ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW if that person attempts to vote fraudulently by mail-in ballot, prevents the voting of a legal voter, certifies falsely any information, interferes with a person's secrecy of voting, tampers with ballots or election documents or helps another person to do so.

(cf: P.L.2009, c.79, s.12)

53. 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] 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. 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 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.

(cf: P.L.2011, c.134, s.53)

54. Section 20 of P.L.2009, c.79 (C.19:63-20) is amended to read as follows:

20. a. Any person who has applied for a mail-in ballot and has had the mail-in ballot either delivered in person or forwarded by mail, and voted and returned the voted ballot to the county board, shall not be permitted to vote in person at the polling place in the voter's election district on the day of the election.

b. Any person who: (1) has applied for a mail-in ballot and not received either the ballot or an explanation for not receiving such a ballot pursuant to notification by the county clerk or from the free-access system established pursuant to section 5 of P.L.2004, c.88 (C.19:61-5) to provide such information; [or] (2) has applied for and received a mail-in ballot and has not transmitted it to the county board of elections or given it to a bearer for delivery to the county board before the time for the opening of the polls on the day of an election; or (3) has applied for and received a mail-in ballot and has not transmitted it to the county board of elections or given it to the bearer for delivery to the county board, but appears at the polling place without the ballot and wishes to vote, shall be permitted to vote in person by provisional ballot at the polling place in the voter's election district on the day of the election.

(cf: P.L.2009, c.79, s.20)

55. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as follows:

3. Except as may otherwise be provided by law for initial elections conducted in a municipality following its adoption of a plan or form of government, or a charter or an amendment thereto, regular municipal elections shall be held in each municipality governed by this act on the second Tuesday in May, or the day of the general election in November if chosen by the municipality pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), in the years in which municipal officers are to be elected. The municipal election shall be held at the same place or places and conducted in the same manner, so far as possible, as the general election. The election officers shall be those provided for conducting the general election.

A municipality holding municipal elections on the second Tuesday in May, in addition to those elections and by an ordinance adopted by its governing body, may also conduct early voting for those municipal elections, in accordance with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill). A municipality holding municipal elections on the day of the general election in November shall conduct early voting in accordance with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

Notwithstanding the provisions of this section, the Secretary of State may change in any year the date provided for a regular municipal election if the date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The secretary shall inform the municipal clerks, county clerks and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

(cf: P.L.2009, c.196, s.4)

56. (New section) There is hereby established in the Division of Elections in the Department of State an Office of Accessible Elections. It shall be the duty of the office to monitor accessibility problems arising in the course of election administration; receive complaints from voters; inform the Secretary of State on best practices in making the various election processes, technologies, materials, and procedures accessible to persons with disabilities; and disseminate that information among all election jurisdictions in this State. When appropriate, the office shall work closely with the Voting Accessibility Advisory Committee in each county, established pursuant to section 11 of P.L.1991, c.429 (C.19:8-3.7), in undertaking its duties. The office shall also work with the Secretary of State to ensure that all Internet sites administered by the Division of Elections are available to the public in both English and Spanish languages and are accessible to persons with disabilities within six months following the effective date of this section.

57. (New section) Upon application for reimbursement by a county governing body or a municipal governing body, as may be appropriate, to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury, a county or municipality shall be reimbursed by the State for any additional costs incurred by the county or municipality as a result of providing

postage for voted ballots that are returned by mail, pursuant to the provisions of this act, P.L. , c. (pending before the Legislature as this bill). There shall be appropriated annually from the General Fund to the Secretary of State such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury determine are necessary for the State to reimburse counties and municipalities for any additional costs incurred as a result of providing postage for voted ballots that are returned by mail, pursuant to the provisions of this act, P.L. , c. (pending before the Legislature as this bill).

58. (New section) a. No political party or person shall:

(1) engage in or implement a deceptive voting practice or authorize or aid, abet, counsel, command, induce, procure, conspire with, or direct another political party or person to engage in or implement a deceptive voting practice;

(2) intentionally obscure the identity, or authorize or aid, abet, counsel, command, induce, procure, conspire with, or direct another political party or person to obscure the identity, of the political party or person engaging in a deceptive voting practice;

(3) direct, authorize, or encourage any person to deface or remove any lawfully placed printed or electronic material or signs advocating the election or defeat of a candidate or the adoption or defeat of a public question;

(4) implement a deceptive voting practice in any election district in which a decision to conduct such activities would be based on the racial or ethnic composition of the district, provided that the conduct of such activities in, or directed toward, an election district having a substantial proportion of racial or ethnic populations shall be considered relevant evidence that the decision is based on the racial or ethnic composition of the district;

(5) seek to have any private individual deputized as a member of law enforcement in connection with a deceptive voting practice; or

(6) authorize, direct, or encourage any individual to dress or conduct himself or herself in a manner that falsely implies that the individual is a member of law enforcement in connection with a deceptive voting practice.

b. As used in this section,

"deceptive voting practice" means the knowing provision of false information to any other person or political party regarding the time, place, or manner of conducting any election in this State or the qualifications for or restrictions on voter, candidate, or petition signer eligibility for any election in this State; or the use or attempted use of intimidation, threats, or coercion to prevent potential voters from registering to vote or to prevent voters or potential voters from casting a free and secret ballot in any election in this State. A deceptive voting practice shall include the mailing, publishing, broadcasting, telephoning or transmitting by any means

of any information that would otherwise constitute a deceptive voting practice;

"person" means any corporation, association, operation, firm, partnership, trust or other form of business or political association, as well as a natural person; and

"political party" means a party which, at the most recently preceding general election held for all of the members of the General Assembly, polled for members of the General Assembly at least 10% of the total vote cast in this State.

c. Any political party or person violating this section shall be guilty of a crime of the third degree. Each violation of this section shall constitute a separate violation.

d. Nothing contained in this section shall be construed as interfering with the responsibilities of challengers appointed pursuant to N.J.S.19:7-1 et seq.

59. (New section) Each county board of elections, immediately following the certification of the election results of each election, shall document and account for any allegation of voter fraud that arose during the election and how each allegation was addressed. Each county board shall prepare a report with that information which shall be submitted to the Secretary of State within 30 days following the certification of the election results. The Secretary of State shall annually prepare a report containing the information submitted to it by each county board of elections, detailing all of the allegations of voter fraud that arose during the election and how they were addressed in each county. The report shall be prepared by the Secretary of State within 180 days following the election, and shall be made available to the public on the website of the New Jersey Division of Elections. Every five years the secretary shall prepare a report to be submitted to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), containing recommendations on how the election laws should be amended or supplemented to prevent voter fraud.

60. There is appropriated from the General Fund to the Secretary of State such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury determine are necessary for the State to reimburse counties and municipalities for any additional costs incurred as a result of providing postage for voted ballots that are returned by mail, pursuant to the provisions of this act, P.L. , c. (pending before the Legislature as this bill).

61. There is appropriated from the General Fund as State aid to each county governing body and to each municipal governing body that approves conducting early voting such sums as the State Treasurer and the Director of the Division of Budget and

Accounting in the Department of the Treasury deem necessary to effectuate the purpose of section 15 of P.L. , c. (C.) (pending before the Legislature as this bill).

62. The following sections are repealed:
R.S.19:3-26;
R.S.19:3-27;
R.S.19:27-4;
R.S.19:27-6; and
Section 1 of P.L.1945, c.206 (C.19:27-10.1).

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

STATEMENT

This bill establishes "The Democracy Act" to revise various voter registration and voting procedures. Specifically, the bill establishes early voting, online voter registration, automatic voter registration, and allows for the pre-registration of 17-year-olds. The bill expands various language accessibility provisions in current law by lowering the population threshold that triggers requirements for the publication of certain election notices and materials in languages other than English. The bill also makes various changes to current procedures for voting by mail, military and overseas voting under the Overseas Residents Absentee Voting Law, and filling vacancies in the United States Senate and House of Representatives. Finally, the bill establishes an Office of Accessible Elections in the Division of Elections in the Department of State; codifies portions of a 1982 federal consent decree that prohibits certain actions by persons and political parties concerning the implementation of deceptive voting practices during elections, and extends its application to all persons and political parties; lowers the standard for challenging election voter fraud in court; and requires the periodic reporting on incidents of voter fraud during the conduct of an election.

Early Voting

The bill establishes an in-person early voting procedure (sections 2, 3, 5 through 8, 10 through 16, 55, and 61), to allow voters to cast their votes at any specially designated polling places in their respective county of residence, starting on the 15th day before the general election, and ending at 3 PM on the calendar day before the election. A municipality holding municipal elections on the second Tuesday in May, by an ordinance adopted by its governing body,

may also conduct in-person early voting for those municipal elections.

Under the bill, a registered voter would be permitted to vote in-person at a designated polling place before the day of a general election using a paper ballot. The ballot used to conduct in-person early voting will be labeled "Early Voting / Vote By Mail Ballot," and will also be used to conduct the vote by mail process for the general election provided for in "The Vote By Mail Law." However, a person who missed the voter registration deadline would be permitted to register to vote, and to vote, on an early voting day using a provisional ballot as provided for in the bill.

Designated polling places must be open for early voting on Monday through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM to 6 PM. A duly-registered voter will be permitted to vote after signing an early voting voter certificate, and after the voter's eligibility to vote is ascertained in substantially the same manner as done on election day. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on election day.

The bill provides that each county board of elections is to designate three early voting locations in each county, except that the county board must designate a total of five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate a total of seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State must develop the criteria to

be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law for poll workers serving at a school election.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the ballots used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period. The security plan must specify a chain of custody of ballots and voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping until canvassing on election day. For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the appointment of challengers, as well as the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law.

The bill also provides that, in addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and county boards of elections must publish on the Department of State's website and the respective county's website information concerning the early voting procedure. The early voting information must include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

The bill appropriates as State aid to each county governing body and to each municipal governing body that approves conducting early voting such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to effectuate early voting.

Online Voter Registration

The bill requires the Secretary of State to establish a secure Internet website to allow eligible voters to register to vote using an online voter registration form (sections 23, 25 through 28). The bill also authorizes the use of digitized signatures from the New Jersey

Motor Vehicle Commission's database in connection with online voter registration forms.

Under the bill, the Secretary of State must employ security measures to ensure the accuracy and integrity of voter registration forms submitted electronically. The secretary must require an applicant who submits an online voter registration form to submit the number from his or her New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission; his or her date of birth; and the last four digits of his or her social security number. Upon submission of the online voter registration form, the electronic voter registration system must immediately verify that the applicant has a New Jersey driver's license or non-driver identification card; that the number for that driver's license or non-driver identification card provided by the applicant matches the number for that person's driver's license or non-driver identification card that is on file with the New Jersey Motor Vehicle Commission; and that the date of birth provided by the applicant matches the date of birth for that person that is on file with the New Jersey Motor Vehicle Commission. The system must also automatically acknowledge that the online voter registration form has been submitted successfully, and provide instructions on how the person completing the voter registration form may follow-up on the status of the submission either online or by contacting the appropriate county commissioner of registration.

Under the bill, an applicant completing the online voter registration form must affirmatively attest to the truth of the information provided therein, and affirmatively assent to the use of his or her signature from his or her driver's license or non-driver identification card. For each online voter registration form, the secretary must obtain an electronic copy of the applicant's signature from his or her driver's license or non-driver identification card directly from the New Jersey Motor Vehicle Commission. The secretary would promulgate deadlines for when an online voter registration form submitted by an applicant would be effective ahead of an election to be held in the election district of the applicant submitting the form.

The bill also specifies a manner for completing the form if an applicant cannot electronically submit the identification information required. The online voter registration Internet site would be available in both English and in any other language primarily spoken by at least one half of one percent of New Jersey's population, and must be accessible to individuals with disabilities.

The information on the online voter registration forms would be electronically transferred by county commissioners of registration into the Statewide voter registration system already established by law. Under the bill, online voter registration must be implemented by July 1, 2016.

Automatic Voter Registration

The bill requires the New Jersey Motor Vehicle Commission (NJMVC) to automatically transmit applicant information to the Secretary of State for automatic voter registration purposes (sections 23, 31 through 33). The bill also permits an applicant to decline to finalize a voter registration form within 21 days of receiving a notice of voter registration from the county commissioner of registration.

Under current law, a person may register to vote at various locations, including designated public agencies, voter registration agencies, and when applying for a driver's license. Completed voter registration forms are submitted from these entities to the Secretary of State or the appropriate county commissioner of registration for processing. This bill would require the Chief Administrator of the NJMVC to transmit to the Secretary of State electronic records containing the legal name, age, residence, citizenship, and digitized signature of each applicant for a motor vehicle driver's license or non-driver identification card who meets the criteria specified by the Secretary of State that would qualify that applicant as a legal voter, for automatic voter registration purposes.

Under the bill, upon receiving the applicant's electronic record and digitized signature, the Secretary of State would transmit the information to the county commissioner of registration of the county in which the applicant resides. The county commissioner of registration would notify each applicant, by mail, of the automatic voter registration, and would inform each applicant of the process to decline being registered to vote or, if not declining, of the option to select a political party affiliation. If an applicant does not decline the voter registration within 21 calendar days after the county commissioner of registration issues the notification, the applicant's electronic record and digitized signature would constitute a complete voter registration form. The applicant would be registered to vote if the county commissioner of registration determines that the applicant is eligible to register to vote pursuant to Article II, Section I, paragraph 3 of the New Jersey Constitution and Title 19 of the Revised Statutes, and is not disqualified. A county commissioner of registration would be required to delete the electronic record and digitized signature of a person who declines to be registered to vote.

The bill also requires the Chief Administrator to transmit to the Secretary of State the electronic record and digitized signature of an applicant who is updating the legal name or address information on an existing motor vehicle driver's license or non-driver identification card, who meets the criteria specified by the Secretary of State that would qualify that applicant as a legal voter, for

automatic voter registration purposes and for updating an existing voter registration record.

Under the bill, the Secretary of State must develop an informational pamphlet to be provided to each applicant for a motor vehicle driver's license or non-driver identification card describing the process for automatic voter registration. The secretary, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission and the Automatic Voter Registration Task Force established under the bill, are directed to promulgate the rules and regulations necessary to implement the bill. The automatic voter registration process would be implemented by the secretary and the chief administrator by January 1, 2017.

These provisions are modeled after an automatic voter registration law recently enacted in Oregon.

Pre-registration of 17-year-olds

The bill allows a 17-year-old to file a voter registration form (section 22). Under current law, a person who at the time he or she applies to register to vote resides in the district in which he or she expects to vote, and who will be 18 years old or more at the next ensuing election, is permitted to register to vote, provided the person: (1) is a citizen of the United States; (2) continues to reside in the district until the next election; and (3) will, at the time of the election, have fulfilled all the requirements as to length of residence to qualify him or her as a legal voter. This section of the bill clarifies that a person who is 17 years of age will be able to register to vote, and may vote at the next election occurring on or after the person's 18th birthday.

Language Accessibility

The bill expands various language accessibility provisions in current law by lowering the population threshold that triggers requirements for the publication of certain election notices and materials in languages other than English (sections 1, 3 through 5, 8, 9, 17, 24, 29, and 30). Under current law, whenever at least 10% of the population in an election district or county, as the case may be, primarily speaks Spanish, certain election notices and materials are required to be printed and distributed in both the English and Spanish languages. This bill reduces that threshold to 5%, and applies it to primary speakers of any language other than English. Specifically, these bill provisions would apply to multilingual requirements applicable to polling place staffing, publication of voter information and voting procedure notices, sample ballots, official ballots, challenged voter affidavits and instructions, and voter complaint forms.

Voting by Mail

The bill changes various vote by mail procedures to facilitate voting by mail in future election, postal tracking of ballots, and postage paid return ballots (sections 24, 27, 34, 46 through 54, 57, and 60).

Under current law, a registered voter can choose to vote by mail-in ballot in all future general elections, until the voter notifies the county clerk that the voter no longer wishes to do so, or unless the voter fails to vote in the fourth general election following the general election in which the voter last voted. Current law also gives the registered voter who applies for a mail-in ballot the option to receive a mail-in ballot for each election occurring in the remainder of that calendar year.

The bill amends current law to provide that a registered voter can choose to vote by mail-in ballot in all future elections, or for future general elections only. The bill provides that, if a voter who requested a mail-in ballot for all future elections does not vote by such means in four consecutive elections following the election in which the voter last voted, the voter will receive a mail-in ballot for future general elections only, and the ability of the voter to receive a mail-in ballot for all other elections would be suspended until the voter submits a new application indicating that the voter wishes to vote by mail-in ballot in all future elections.

The bill also provides that any voter who has requested a mail-in ballot but wishes to vote in person at the appropriate polling place would be permitted to do so using the same voting machine used by other qualified voters at that election after surrendering the ballot to a designated poll worker, instead of voting by provisional ballot as the law now provides.

The bill also requires the State to pay postage for voted ballots returned by mail. Under current law, the mail is the primary means by which mail-in voting ballots, presidential election ballots, and ballots used in small municipalities that hold elections by mail, are returned to a county board of elections. Currently, these ballots require the voter to pay the postage to return the voted ballot, unless the county clerk has chosen to provide a postage prepaid return envelope as allowed by law. The bill amends current law to require the balloting materials used for mail-in voting ballots, presidential election ballots, and ballots used in small municipalities that hold elections by mail include a postage prepaid return envelope for the return of the voted ballot by mail to the county board of elections. The bill provides that the county or municipality will be reimbursed by the State for any additional costs incurred in providing postage for voted ballots that are returned by mail. Under the bill, the county or municipality must apply for reimbursement to the Secretary of State and receive approval of the application from the

Director of the Division of Budget and Accounting in the Department of the Treasury.

The bill makes an appropriation, and provides for the annual appropriation from the General Fund to the Secretary of State such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury determine are necessary for the State to reimburse counties and municipalities for any additional costs incurred in providing postage for voted ballots returned by mail.

Military and Overseas Voting

The bill revises the Overseas Residents Absentee Voting Law to more closely resemble the federal overseas voting laws (sections 35 through 45). Based on principles suggested in the Uniform Military and Overseas Voters Act, which was approved and recommended for enactment by the Uniform Law Commission in 2010, this bill would incorporate into New Jersey law the few concepts that have not yet been addressed. The bill adds definitions for previously undefined statutory terms. The bill also expands the definition of "overseas voter" to expressly include legally recognized partners of military service personnel, voters born outside of the United States, and overseas voters with a residence in New Jersey.

Additionally, the bill permits the use of the federal postcard application to apply for an overseas ballot or to register to vote in all elections held in the State. Under the bill, for a ballot to be distributed via electronic means, the completed application must be received by 3 p.m. on the day preceding the election. Under current law, the application must be received on or before the fourth day preceding the election.

The bill permits an overseas voter to use the federal write-in absentee ballot to vote, to register to vote, and to request an overseas ballot for all elections.

The bill also eliminates references to an outdated form of identification and adds other types of valid identification that may be used in an application for an overseas ballot. In addition to using a valid U.S. Passport, the bill permits an individual to use a valid U.S. Passport Card, a valid Certificate of Citizenship, or any other valid form of identification recognized under federal or State law.

The bill expressly limits the permitted uses, or disclosures, of a voter's electronic address and requires that these limitations be described on the request to use an electronic address. In completing any document under the provisions of this bill, a voter's mistake or omission that is not substantive in nature would not invalidate the document. On write-in ballots, where the intention of the voter is discernable, the ballot would not be invalidated.

Filling Congressional Vacancies

The bill establishes a new procedure for filling vacancies in the United States Senate and House of Representatives (sections 18 through 20, 62).

Under the bill, the Governor would be required to make a temporary appointment to fill a Senate vacancy within 30 days of the occurrence of the vacancy. If the person vacating the office is a member of a political party, the temporary appointee must be a member of the same political party. No person would qualify as a temporary appointee if that person has changed political party affiliation to match that of the person vacating the office within 180 days prior to the occurrence of the vacancy or within 30 days following the occurrence of the vacancy. The appointee would serve until a successor is elected and assumes office.

If the vacancy occurs on or before the 70th day preceding the general election, the vacancy would be filled at that general election. If the vacancy occurs after the 70th day preceding the general election, the vacancy would be filled at the following year's general election. A vacancy would not be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. If the vacancy in the Senate occurs after the 70th day preceding a general election but on or before the 70th day preceding the primary election, the candidates would be nominated at that primary election. If the vacancy occurs after the 70th day preceding the primary election, the candidates would be nominated by the State committee of the relevant political party, as provided by law, within 10 days of the issuance of the writ of election. Petitions of nomination of other candidates must be filed with the Secretary of State within the same 10-day time span.

The bill also establishes the procedure for the filling of vacancies in the United States House of Representatives. In the case of a vacancy in the House, the Governor would not make a temporary appointment. Instead, the Governor would issue a writ of election to fill the vacancy, except that no writ of election would be issued if the vacancy occurs in an even-numbered year after the 70th day preceding the general election. If the vacancy occurs on or before the 70th day preceding the general election, the vacancy would be filled at that general election. If the vacancy occurs in an odd-numbered year and after the 70th day preceding the general election, the vacancy would be filled at the following year's general election. If the vacancy occurs after the 70th day preceding a general election but on or before the 70th day preceding the primary election, the candidates would be nominated at that primary election. If the vacancy occurs after the 70th day preceding the primary election, the candidates would be nominated by those members of the county committee or committees wherein the vacancy has occurred who represent those portions of the respective

county or counties which are comprised in the district from which the candidate is to be elected, as provided by law, within 10 days of the issuance of the writ of election. Petitions of nomination of other candidates must be filed with the Secretary of State within the same 10-day time span.

The following sections of law would be repealed:

- R.S.19:3-26, which provides the procedure for filling a U.S. Senate vacancy and permits the Governor to make a temporary appointment to fill the vacancy and to call a special election to fill the vacancy;
- R.S.19:3-27, which requires the Governor to issue a writ of election to fill a vacancy in the House of Representatives unless the term is set to expire within six months of the occurrence of the vacancy;
- R.S.19:27-4, which requires the Governor to issue a writ of election to fill a vacancy in the Senate or House of Representatives unless the term is set to expire within six months of the occurrence of the vacancy;
- R.S.19:27-6, which provides the timeframe and procedure for the Governor to issue a writ of election to fill a congressional vacancy and provides the Governor discretion to call a special election; and
- Section 1 of P.L.1945, c.206 (C.19:27-10.1), which provides the procedure for filling a vacancy in the House of Representatives between the specified dates preceding the primary and general elections if more than one year remains on the unexpired term.

The bill also amends a section of law to remove a reference to special elections to the United States Senate or House of Representatives. Under the bill, congressional vacancies would only be filled on a general election day or, in the case of Senate vacancies, temporarily by appointment by the Governor.

Office of Accessible Elections

The bill establishes an Office of Accessible Elections in the Division of Elections in the Department of State (section 56). The duty of the office would be to monitor accessibility problems arising in the course of election administration; receive complaints from voters; inform the Secretary of State on best practices in making the various election processes, technologies, materials, and procedures accessible to persons with disabilities; and disseminate that information among all election jurisdictions in this State. When appropriate, the office would work closely with the Voting Accessibility Advisory Committee in each county, established under N.J.S.A.19:8-3.7, and also would work with the Secretary of State to ensure that all Internet sites administered by the Division of Elections are available to the public in both English and Spanish

languages and are accessible to persons with disabilities within six months following the effective date of the bill.

Deceptive Voting Practices

The bill contains provisions that would apply to both major political parties, as well as to any person, based upon a 1982 federal court consent decree that settled assertions that the Republican National Committee had attempted to suppress minority voter turnout in New Jersey (section 58). It would ban deceptive voting practices by a political party or any person that knowingly provides false information to any other person or political party regarding the time, place, or manner of conducting elections or voter qualifications, or intimidation, threats, or coercion to prevent the casting of a free and secret ballot.

In addition, the bill forbids any political party or person from: directing, authorizing, or encouraging any person to deface or remove any lawfully placed printed or electronic campaign material or signs of any other political party or person; implementing a deceptive voting practice in any election district in which a decision to conduct such activities would be based on the racial or ethnic composition of the district; seeking to have any private individual deputized as a member law enforcement in connection with a deceptive voting practice; or authorizing, directing, or encouraging any individual to dress or conduct himself or herself in a manner that falsely implies that the individual is a member of law enforcement.

Voter Fraud Court Challenges and Incident Reports

The bill changes the standard for challenging election voter fraud in court, and requires periodic reporting of incidents of voter fraud during the conduct of an election (sections 21 and 59).

Under current law, the nomination or election of any person to any public office or party position, or the approval or disapproval of any public proposition, may be contested by the voters of this State or of any of its political subdivisions affected thereby upon various grounds. These grounds include when illegal votes have been received, or legal votes rejected at the polls sufficient to change the result. The bill provides that a petition must not be dismissed before trial unless it appears to the court that it does not plausibly allege facts that, if believed by the fact finder, could result in a judgment in petitioners' favor. In any petition brought under that statute, the burden of proof and persuasion would be on the petitioner to show by a preponderance of the evidence that one or more of the grounds enumerated in this section have been established.

The bill also requires each county board of elections, immediately following the certification of the election results of each election, to document and account for any allegation of voter fraud that arose during the election and how each allegation was addressed. Under the bill, each county board must prepare a report with that information which must be submitted to the Secretary of State within 30 days following the certification of the election results. The Secretary of State must annually prepare a report containing the information submitted to it by each county board of elections, detailing all of the allegations of voter fraud that arose during the election and how they were addressed in each county. The report would be prepared by the Secretary of State within 180 days following the election, and must be made available to the public on the website of the New Jersey Division of Elections. Every five years the secretary must prepare a report to be submitted to the Governor and to the Legislature, containing recommendations on how the election laws should be amended or supplemented to prevent voter fraud.