

SENATE, No. 2278

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 19, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Provides primary and school election sample ballots may be sent to registered voter by electronic mail if so requested.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the electronic delivery of sample ballots to
2 registered voters for primary and school elections, and
3 supplementing various parts of the statutory law.

4

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

7

8 1. Notwithstanding the provisions of R.S.19:23-30 or any
9 provision of chapter 23 of Title 19 of the Revised Statutes to the
10 contrary, the district board or the commissioner of registration, as
11 the case may be, shall deliver a copy of the official primary election
12 sample ballot of each political party, and any additional documents
13 that may be required to be provided therewith, by electronic mail
14 instead of regular mail to any registered voter of the district who is
15 eligible to participate in the primary election and who requests to
16 receive the sample ballot and documents by electronic mail. The
17 registered voter shall provide the voter's physical address on the
18 request to receive the sample ballot and documents by electronic
19 mail. In the event the district board or the commissioner of
20 registration, as the case may be, receives a failure to deliver notice
21 from the electronic mail account of the voter who requested to
22 receive a sample ballot by electronic mail for the primary election,
23 the district board or the commissioner of registration, as the case
24 may be, shall transmit a paper copy of the sample ballot to the voter
25 in a timely manner. The electronic mail address of any voter who
26 requests to receive a sample ballot by electronic mail pursuant to
27 this section shall not be a government record as defined in section 1
28 of P.L.1995, c.23 (C.47:1A-1.1) and shall not be available for
29 public inspection or copying, and shall be redacted from any
30 document that it is a part of.

31

32 2. Notwithstanding the provisions of R.S.19:60-10 or any
33 provision of chapter 60 of Title 19 of the Revised Statutes to the
34 contrary, the district board or the commissioner of registration, as
35 the case may be, shall deliver a copy of the official school election
36 sample ballot, and any additional documents that may be required to
37 be provided therewith, by electronic mail instead of regular mail to
38 any registered voter who is eligible to participate in the school
39 election and who requests to receive the sample ballot and
40 documents by electronic mail. The registered voter shall provide
41 the voter's physical address on the request to receive the sample
42 ballot and documents by electronic mail. In the event the district
43 board or the commissioner of registration, as the case may be,
44 receives a failure to deliver notice from the electronic mail account
45 of the voter who requested to receive a sample ballot by electronic
46 mail for the school election, the district board or the commissioner
47 of registration, as the case may be shall transmit a paper copy of the
48 sample ballot to the voter in a timely manner. The electronic mail

1 address of any voter who requests to receive a sample ballot by
2 electronic mail pursuant to this section shall not be a government
3 record as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1) and
4 shall not be available for public inspection or copying, and shall be
5 redacted from any document that it is a part of.

6
7 3. The Secretary of State, in collaboration with the election
8 officials in this State, shall develop standard procedures to
9 effectuate the provisions of sections 1 and 2 of P.L. , c. , (C. ,
10 and C. , respectively) (pending before the Legislature as this bill).
11 The procedures shall:

12 a. establish a method to inform all voters of the opportunity to
13 receive a sample ballot and other materials by electronic mail, and
14 by which a voter can notify election officials of his or her desire to
15 obtain a ballot and other materials by electronic mail in lieu of
16 receiving them by regular mail;

17 b. maintain the confidentiality of the voter electronic mail
18 addresses;

19 c. provide notice and opportunity for a voter who has requested
20 to receive a sample ballot and other materials by electronic mail to
21 request to again receive the sample ballot and other materials by
22 regular mail; and

23 d. address any additional necessary measures for the proper
24 implementation of these provisions.

25 The procedure developed pursuant to this section shall include a
26 notice informing the voter that by completing a request to receive a
27 sample ballot by electronic mail the voter is waiving his or her right
28 to hold the district board or the commissioner of registration, as the
29 case may be, legally responsible if the voter does not receive the
30 sample ballot by electronic mail due to technical issues that are not
31 under the control of the sender including, but not limited to,
32 typographic errors made by the voter in providing his or her
33 address, the action of a spam filter, deactivation of the voter's email
34 address by the voter, or any other technical issue identified by the
35 Secretary of State.

36
37 4. This act shall take effect immediately, but shall not apply
38 with respect to a primary or school election that is scheduled to
39 occur within 30 days of the bill's effective date.

40 41 42 STATEMENT

43
44 This bill allows the district board of election or the commissioner
45 of registration, as appropriate, to send the primary election and
46 school election sample ballots by electronic mail instead of regular
47 mail to any registered voter in the election district who is eligible to
48 participate in that election, and who requests to receive the sample

1 ballot by electronic mail. Under current law, sample ballots must be
2 printed and mailed to each eligible registered voter. The bill further
3 provides that the electronic mail address of any voter who requests
4 to receive a sample ballot by electronic mail would not be a
5 government record under the “Open Public Records Act,” would
6 not be available for public inspection or copying, and must be
7 redacted from any document that it is a part of.

8 The bill provides that the registered voter shall provide the
9 voter’s physical address on the request to receive the sample ballot
10 and documents by electronic mail. In the event the district board or
11 the commissioner of registration, as the case may be, receives a
12 failure to deliver notice from the electronic mail account of the
13 voter who requested to receive a sample ballot by electronic mail
14 for the primary election, the district board or the commissioner of
15 registration, as the case may be, shall transmit a paper copy of the
16 sample ballot to the voter in a timely manner.

17 The bill directs the Secretary of State, in collaboration with the
18 election officials in this State, to develop standard procedures to
19 effectuate the provisions of the bill. These procedures would
20 include, but may not be limited to: (1) establishing a method to
21 inform all voters of the opportunity to receive a sample ballot and
22 other materials by electronic mail, and by which a voter can notify
23 election officials of his or her desire to obtain a ballot and other
24 materials by electronic mail in lieu of receiving them by regular
25 mail; (2) maintaining the confidentiality of the voter electronic mail
26 addresses; and (3) providing notice and opportunity for a voter who
27 has requested to receive a sample ballot and other materials by
28 electronic mail to request to again receive the sample ballot and
29 other materials by regular mail.

30 The bill also provides that the standard procedures shall include
31 a notice informing the voter that by completing a request to receive
32 a sample ballot by electronic mail the voter is waiving his or her
33 right to hold the district board or the commissioner of registration,
34 as the case may be, legally responsible if the voter does not receive
35 the sample ballot by electronic mail due to technical issues that are
36 not under the control of the sender including, but not limited to,
37 typographic errors made by the voter in providing his or her
38 address, the action of a spam filter, deactivation of the voter’s email
39 address by the voter, or any other technical issue identified by the
40 Secretary of State.