

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 2598 and 2699**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED AUGUST 20, 2020

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator NIA H. GILL**

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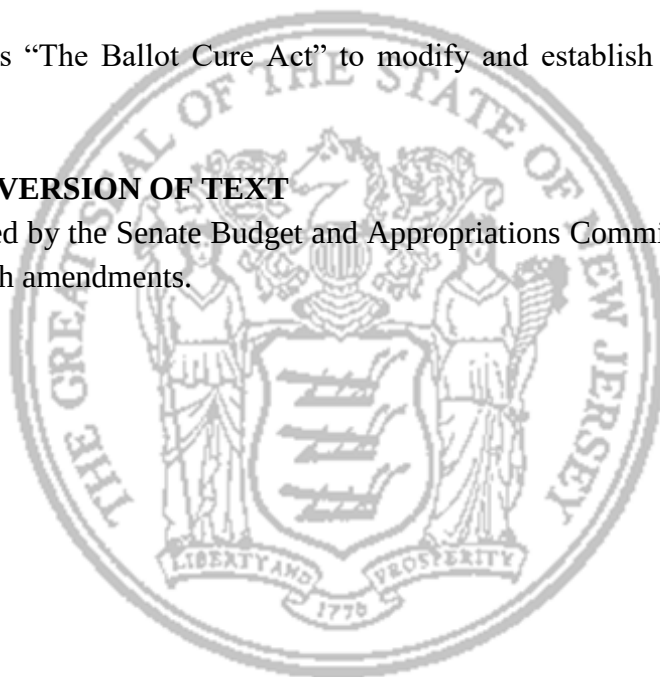
**Senators Pou, Singleton, Turner, Addiego, Greenstein and Ruiz**

**SYNOPSIS**

Establishes “The Ballot Cure Act” to modify and establish various voting procedures.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on August 25, 2020, with amendments.



**(Sponsorship Updated As Of: 8/27/2020)**

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

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

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

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

16 The notice shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted August 25, 2020.

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

4 general information on federal and State laws that prohibit acts  
5 of fraud or misrepresentation and the penalties for those acts; **[and]**  
6 an explanation of the right of the voter to confidentially discover  
7 the status of their ballot using the "Track My Ballot" user portal;

8 an explanation that "All ballots are counted and your vote  
9 remains anonymous;"

10 an explanation of the right of the voter that if their ballot was  
11 rejected, 'they will be notified' a notice will be issued to the voter<sup>1</sup>  
12 within 24 hours after a decision is made to reject the ballot. The  
13 voter will have up to '14 days after the close of the polls on  
14 Election Day] 48 hours prior to the date for the final certification of  
15 the results of the election<sup>1</sup> to provide a cure for their ballot;

16 an explanation giving the options for the voter to provide the  
17 cure to their rejected ballot;

18 an explanation that no voters shall be intimidated or otherwise  
19 unduly influenced by political insignia while voting. No person  
20 shall wear, display, sell, give or provide any political or campaign  
21 slogan, badge, button or other insignia associated with any political  
22 party or candidate to be worn at or within one hundred feet of the  
23 polls or within the polling place or room, on any primary, general or  
24 special election day or on any commission government election day,  
25 except the badge furnished by the county board as provided by law.  
26 This includes any political gear representing the campaign slogans,  
27 logos, or depictions or representations of any political party or  
28 candidate such as merchandise sold directly from a political party,  
29 campaign, candidate, or by third parties and vendors representing  
30 any political party or campaign or candidate. A person violating any  
31 of these provisions is guilty of a disorderly persons offense and will  
32 not be permitted on the premises and can only return to vote after  
33 the removal of prohibited political insignia; and

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

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

41 b. The Secretary of State shall prescribe the form and specific  
42 content of the voter information notice, which may be comprised of  
43 more than one page. If the notice is comprised of more than one  
44 page, each page shall be posted separately. For an election district  
45 in which the primary language of 10 percent or more of the  
46 registered voters is a language other than English, the Secretary of  
47 State shall prescribe an official version of the voter information  
48 notice in that other language or languages for use in that election

1 district. The notice shall be posted in English and in the other  
2 language or languages in the polling places in each such district.  
3 The alternate language shall be determined based on information  
4 from the latest federal decennial census.

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

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

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

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

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

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

29  
30 2. Section 4 of P.L.2004, c.88 (C.19:61-4) is amended to read  
31 as follows:

32 4. a. The **【Attorney General】** Secretary of State shall establish  
33 a free-access system, such as a toll-free telephone number, an  
34 Internet website or any combination thereof, that any individual  
35 who casts a provisional ballot, mail-in ballot, or overseas ballot in  
36 all elections where they are qualified to vote, may access to  
37 ascertain whether the ballot of that individual was accepted for  
38 counting and, if the vote was not counted, the reason for the  
39 rejection of the ballot. The system shall at all times preserve the  
40 confidentiality of each voter, and shall ensure that no person, other  
41 than the individual who cast the ballot, may discover whether or not  
42 that individual's ballot was accepted or rejected, unless so informed  
43 by the voter.

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

47 c. To applicable situations, the free-access system shall record  
48 the date that the mail-in ballot was mailed; the date that the

overseas ballot was mailed or transmitted via electronic mail; the date the ballot was received; the notation that the ballot was “Accepted” or “Rejected;” ‘and’ the code for rejection ‘I’; the date and method that the board of elections notified the voter (mail, email, or phone) and, in cases where the ballot was initially “Rejected” and the voter provided a cure as provided under section 17 of P.L.2009, c.79 (C.19:63-17), the date when the ballot was “Accepted.” If no cure was provided successfully or at all, no other input shall be requiredI’ .

d. ‘I’The free-access system shall provide a legend containing all the codes used for rejection and their explanation for rejection. The system shall provide voters with the methods to cure the ballot, and the deadline of 14 days after the closing of the polls on Election Day to provide the cure.

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

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

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

17. a. The county board of elections shall, promptly after receiving each mail-in ballot, remove the inner envelope containing the ballot from the outer envelope and shall compare the signature and the information contained on the flap of the inner envelope with the ‘I’[digitized signature image] signature and information contained in the respective requests for mail-in ballots, and the signatureI’ and information contained in the I’[respective requests for mail-in ballots] Statewide voter registration system ‘I’[and the New Jersey Motor Vehicle Commission’s database]I’. In addition, as to mail-in ballots issued less than seven days prior to an election, the county board of elections shall also check to establish that the mail-in voter did not vote in person. The county board shall reject such a ballot if it is not satisfied, pursuant to a comparison with the Statewide voter registration system, that the voter is legally entitled to vote and that the ballot conforms with the requirements of this act. The county board of elections shall conduct the determination of qualification of each voter in accordance with the requirements of the Certificate of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-13).

In the case of a mail-in ballot to be voted at a primary election for the general election, the ballot shall be rejected if the mail-in voter has indicated in the certificate the voter's intention to vote in a primary election of any political party in which the voter is not entitled to vote according to the Statewide voter registration system,

1 and if it shall appear from the record that the voter is not entitled to  
2 vote in a primary election of the political party which has been so  
3 indicated.

4 Any mail-in ballot which is received by a county board of  
5 elections shall be rejected if **both** the inner **and** outer envelopes  
6 are envelope is unsealed or if either the inner or outer envelope has  
7 a seal that has been tampered with. Mail-in ballots shall not be  
8 rejected <sup>1</sup>when the defect is attributable to a physical defect in the  
9 inner envelope, outer envelope, certificate, or ballot outside the  
10 control of the voter **due to any defect arising out of or relating to the**  
11 preparation or mailing of the ballot or envelope that was not  
12 reasonably caused by the voters, such as a torn envelope and missing  
13 or insufficient glue to allow the ballot to be sealed.<sup>1</sup>

14 Disputes about the qualifications of a mail-in voter to vote or  
15 about whether or not or how any mail-in ballot shall be counted in  
16 such election shall be referred to the Superior Court for  
17 determination, as provided under section 4 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill).

19 After such investigation, the county board of elections shall  
20 detach or separate the certificate from the inner envelope containing  
21 the mail-in ballot, unless it has been rejected by it or by the  
22 Superior Court, marking the envelope so as to identify the election  
23 district in which the ballot contained therein is to be voted as  
24 indicated by the voter's home address appearing on the certificate  
25 attached to or accompanying the inner envelope and, in the case of  
26 ballots to be voted at a primary election for a general election, so as  
27 to identify the political party in the primary election of which it is  
28 to be voted.

29 The location at which a county board of elections determines  
30 whether a mail-in ballot shall be accepted or rejected shall be  
31 considered an election district for the purposes of appointment of  
32 challengers.

33 b. The county board of elections shall, promptly after receiving  
34 each mail-in ballot, undertake the following procedures and  
35 requirements concerning the acceptance or rejection of each mail-in  
36 ballot:

37 (1) <sup>1</sup>record in the Statewide voter registration system and the  
38 free-access system the acceptance or rejection of the voter's ballot.  
39 Where the voter's ballot is rejected, a code shall be input and  
40 displayed showing the reason for rejection;

41 (2)<sup>1</sup> within 24 hours after the decision has been made to  
42 <sup>1</sup>tentatively reject or to<sup>1</sup> reject a voter's mail-in or provisional  
43 ballot <sup>1</sup>on the basis of a missing signature or discrepant signature<sup>1</sup> ,  
44 issue a "Cure Letter" by mail or email to the voter whose ballot was  
45 <sup>1</sup>tentatively rejected or<sup>1</sup> rejected, which shall inform the voter of  
46 that fact and provide the reasoning for rejection <sup>1</sup>, and attempt to  
47 contact the voter by telephone, if a telephone number is available<sup>1</sup> .

1 The cure letter shall include a “Cure Form” and the form shall  
2 include the voter’s name and instruct the voter on how to cure the  
3 alleged or actual deficiency. Cure forms shall not be referred to as  
4 affidavits or certifications and shall not be required to be sworn;  
5 ’[(3)] (2)’ when the alleged or actual deficiency involves the  
6 signature of the voter, instruct the voter that they may cure the  
7 deficiency by completing the cure form and returning it to the  
8 county board of elections in person, by fax, or by email, not later  
9 than ’[14 days after the date] 48 hours prior to the final certification  
10 of the results’ of the election, or by returning it to the county board  
11 of elections by mail, and that the completed cure form must be  
12 received by the county board of elections not later than ’[14 days  
13 after the date] 48 hours prior to the final certification of the results’  
14 of the election;  
15 ’[(4)] (3)’ include, with the cure letter, when sent by mail, a  
16 pre-printed cure form and a postage-paid return envelope addressed  
17 to the county board of elections which the voter may use to return  
18 the cure form; and  
19 ’[(5)] (4)’ inform voters that they shall not be required to  
20 submit any form of hard-copy identification document or copy  
21 thereof in order to cure a signature deficiency, but may do so by  
22 declaring that they submitted their provisional ballot or mail-in  
23 ballot, and verifying their identity by either: (a) providing a valid  
24 New Jersey driver’s license number or Motor Vehicle Commission  
25 non-driver identification number; ’or’ (b) ’if the voter does not have  
26 a valid New Jersey driver’s license number or Motor Vehicle  
27 Commission non-driver identification number, then by’ providing the  
28 last four digits of their Social Security Number; or (c) ’if the voter  
29 does not have the identification in (a) or (b), then’ attaching a legible  
30 copy of a New Jersey State-accepted form of identification,  
31 including either a sample ballot which lists the voter’s name and  
32 address, an official federal, State, county, or municipal document  
33 which lists the voter’s name and address, or a utility bill, telephone  
34 bill, or tax or rent receipt which lists the voter’s name and address;  
35 and (d) signing and dating the cure form prior to returning it.  
36 c. If a voter ’[whose mail-in or provisional ballot was  
37 tentatively rejected or rejected based solely on a signature  
38 deficiency]’ returns a completed cure form in a timely manner and  
39 the information provided verifies the voter’s identity, pursuant to  
40 this section, their otherwise valid mail-in or provisional ballot shall  
41 be counted in the final election results irrespective of any signature  
42 deficiency previously identified and, under those circumstances, the  
43 cure form may not be verified or authenticated using signature  
44 matching.  
45 d. ’[If a voter whose mail-in or provisional ballot was  
46 tentatively rejected or rejected based solely on a signature  
47 deficiency returns a completed cure form in a timely manner and

1 provides a copy of an identification document as set forth in  
2 paragraph (5) of subsection b. of this section, the address listed on  
3 the identification document shall not be required to match the voter  
4 registration address, provided that the identification document  
5 otherwise verifies the voter's identity.

6 e.]<sup>1</sup> In accordance with this section, variations in voter  
7 signatures caused by the substitution of initials for the first name,  
8 middle name, or both, shall not be grounds for the county board of  
9 elections to determine that the signatures are non-conforming or do  
10 not match.

11 <sup>1</sup>[f. In circumstances when it would be appropriate to do so, and  
12 not later than the day of the election, the county board of elections  
13 may provide the voter with a replacement mail-in ballot and return  
14 envelope.

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

19 h.] e.<sup>1</sup> In cases of rejected ballots, the county board of elections  
20 shall retain the voter's outer envelope, inner envelope, self-  
21 certification certificate, and mail-in ballot in a bundle unique to  
22 each voter for a period of two years in accordance with section 24  
23 of P.L.2009, c.79 (C.19:63-24).

24 <sup>1</sup>f. County boards of elections shall be required to meet at least  
25 once each week during the three-week period preceding each election  
26 to conduct the ballot processing and curing provisions specified in this  
27 section, and shall meet more frequently as may be required by the  
28 Secretary of State to ensure the timely processing of ballots.<sup>1</sup>

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

30  
31 4. (New section) a. Following the attempt to cure any alleged  
32 deficiencies in a mail-in ballot pursuant to section 17 of P.L.2009,  
33 c.79 (C.19:63-17), the county board of elections shall make a final  
34 determination about <sup>1</sup>[the qualifications of a mail-in voter and]<sup>1</sup>  
35 whether or not the mail-in ballot alleged to be deficient shall be  
36 counted. The failure or alleged failure of any voter to cure alleged  
37 deficiencies in the voter's mail-in ballot shall not create a  
38 presumption that the vote is improper or invalid, nor shall it be  
39 considered evidence that the vote is improper or invalid.

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

44 <sup>1</sup>[c. Upon referral to the Superior Court for determination, the  
45 Superior Court shall set a date and time for a hearing during which  
46 each of the county parties may designate an attorney to be present  
47 and provide limited argument to the Superior Court as to the  
48 qualifications of a mail-in voter to vote, or about whether or not or

1 how any mail-in ballot shall be counted in that election. Prior to any  
2 hearing, the proofs presented to the Superior Court from the county  
3 board of elections shall be provided to the designated representative  
4 for each of the county parties. Any hearing shall be conducted in a  
5 summary manner to which there shall be no right to additional  
6 discovery or presentation of witnesses.】<sup>1</sup>

7  
8 5. (New section) a. The Secretary of State shall prepare  
9 educational materials regarding the provisions of section 17 of  
10 P.L.2009, c.79 (C.19:63-17) that all county boards of elections  
11 persons handling ballots shall be required to read or view prior to  
12 the election. The materials shall provide clear information regarding  
13 the standards for acceptance and rejection of mail-in ballots and the  
14 safe holding of all materials in the case of rejection.

15 b. Prior to each election, the Secretary of State shall direct all  
16 county boards of elections and their members, agents, employees,  
17 and representatives, who shall be collectively known as the  
18 “evaluators,” and who are responsible for authenticating or  
19 verifying mail-in ballots pursuant to section 17 of P.L.2009, c.79  
20 (C.19:63-17), or authenticating or verifying provisional ballots  
21 pursuant to section 19 of P.L.1999, c.232 (C.19:53C-13), to comply  
22 with the provisions of subsection c. of this section.

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

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

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

30 (3) many factors can lead to signature variance, including, but  
31 not limited to, age, disability, underlying health conditions, writing  
32 implement or surface, level of concentration, and educational  
33 background;

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

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

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

45 <sup>1</sup>e. The Secretary of State shall, at least 30 days prior to the  
46 election, conduct a voter education campaign to inform voters about  
47 the signature matching and ballot curing provisions established by this  
48 act, P.L. , c. (pending before the Legislature as this bill), which

1 campaign shall also exhort voters to update their contact information  
2 with their respective county board of elections, including their email  
3 address and telephone number, to enable the county board to contact  
4 the voter in case the need arises for the voter to cure their ballot.<sup>1</sup>

5  
6 6. Section 23 of P.L.2009, c.79 (C.19:63-23) is amended to  
7 read as follows:

8 23. **【As soon as practicable after each election】** On an ongoing  
9 basis as each action is completed, the county clerk <sup>1</sup>**【and the board**  
10 **of elections】** shall mark in the Statewide voter registration system  
11 <sup>1</sup>**【and all duplicate voting records】** , which will be shared with the  
12 free-access system,<sup>1</sup> to show that mail-in ballots were delivered or  
13 forwarded to the respective registered voters. <sup>1</sup>**【Pursuant to section**  
14 **9 of P.L.2009, c.79 (C.19:63-9), whenever the clerk mails or hand-**  
15 **delivers a mail-in ballot, the county clerk shall input the**  
16 **information as such in the free-access system, including the date of**  
17 **mailing or delivery.】**<sup>1</sup> For each mail-in ballot that has been voted,  
18 received and counted, the board of elections shall also, by reference  
19 to the certificates removed from the inner envelopes of such ballots,  
20 place the word "Voted" in the space provided in the Statewide voter  
21 registration system and duplicate voting record for recording the  
22 ballot number of the voter's ballot in the election. For each mail-in  
23 ballot that has been voted, received and rejected pursuant to section  
24 17 of P.L.2009, c.79 (C.19:63-17), the board of elections shall mark  
25 as "Rejected" in the Statewide voter registration system, <sup>1</sup>**【the free-**  
26 **access system, and all duplicate voting records】** which will be  
27 shared with the free-access system<sup>1</sup> . For each of the rejected mail-in  
28 ballots where the voter provided a cure and therefore were accepted,  
29 the board of elections shall provide an additional input as  
30 "Accepted" in the <sup>1</sup>**【same systems】** Statewide voter registration  
31 system, which will be shared with the free access system<sup>1</sup> . In the case  
32 of the primary election for the general election, the board shall also  
33 cause to be noted in the proper space of the Statewide voter  
34 registration system or other record of voting form the first three  
35 letters of the name of the political party primary in which such  
36 ballot was voted. The record contained in the Statewide voter  
37 registration system and of voting forms in the original permanent  
38 registration binders shall be conformed to the foregoing entries in  
39 the duplicate forms.

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

41  
42 <sup>1</sup>**【7. Section 24 of P.L.2009, c.79 (C.19:63-24) is amended to**  
43 **read as follows:**

44 24. The county board of elections shall keep, for two years, all  
45 of the requests and applications for mail-in ballots, all voted mail-in  
46 ballots, and all of the certificates that have been detached or  
47 separated by them from the inner envelopes. The county board of

1 elections shall also keep, for two years, all of the rejected mail-in  
 2 ballots, accompanying outer and inner envelopes, and the self-  
 3 certification certificates that have been detached or separated by  
 4 them from the inner envelopes. These contents shall be kept in  
 5 bundles unique and belonging to individual voters, and shall be  
 6 made available for inspection by the voter for challenges. All inner  
 7 envelopes together with their certificates, and the contents of those  
 8 envelopes not opened by order of the county board or Superior  
 9 Court, shall also be retained for the same period by the board. The  
 10 superintendent of elections in counties having a superintendent of  
 11 elections and the prosecutor in all other counties shall have the  
 12 authority to impound all mail-in ballots whenever the  
 13 superintendent or prosecutor, as may be appropriate, shall deem  
 14 such action to be necessary.  
 15 (cf: P.L.2009, c.79, s.24) **1**<sup>1</sup>

16  
 17 <sup>1</sup>7. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read  
 18 as follows:

19 7. a. (1) The county clerk or the municipal clerk, in the case of a  
 20 municipal election, shall arrange for the preparation of a provisional  
 21 ballot packet for each election district. It shall include the  
 22 appropriate number of provisional ballots, the appropriate number  
 23 of envelopes with an affirmation statement, the appropriate number  
 24 of written notices to be distributed to voters who vote by  
 25 provisional ballot and one provisional ballot inventory form affixed  
 26 to the provisional ballot bag. The clerk shall arrange for the  
 27 preparation of and placement in each provisional ballot bag of a  
 28 provisional ballot packet and an envelope containing a numbered  
 29 seal. The envelope shall contain, on its face, the instructions for the  
 30 use of the seal, the number and the election district location of the  
 31 provisional ballot bag, and the identification numbers of the seal  
 32 placed in the envelope. Each provisional ballot bag shall be sealed  
 33 with a numbered security seal before being forwarded to the  
 34 appropriate election district.

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

38 b. The county clerk or the municipal clerk, in the case of a  
 39 municipal election, shall arrange for the preparation of the  
 40 envelope, affirmation statement, and written notice that is to  
 41 accompany each provisional ballot. The envelope shall be of  
 42 sufficient size to accommodate the provisional ballot, and the  
 43 affirmation statement shall be affixed thereto in a manner that  
 44 enables it to be detached once completed and verified by the county  
 45 commissioner of registration. The statement shall require the voter  
 46 to provide the voter's name, and to indicate whether the voter is  
 47 registered to vote in a county but has moved within that county  
 48 since registering to vote; or is registered to vote in the election

1 district in which that polling place is located but the voter's  
2 registration information is missing or otherwise deficient; or  
3 indicate the voter has applied for a mail-in ballot and not received  
4 either the ballot or an explanation for not receiving such a ballot  
5 pursuant to notification by the county clerk or from the free-access  
6 system, or has applied for and received a mail-in ballot and has not  
7 transmitted it to the county board of elections or given it to a bearer  
8 for delivery to the county board before the time for the opening of  
9 the polls on the day of an election but wants, nevertheless, to vote  
10 in the election. The statement shall further require the voter to  
11 provide the voter's most recent prior voter registration address and  
12 address on the day of the election and date of birth. The statement  
13 shall include the statement: "I swear or affirm, that the foregoing  
14 statements made by me are true and correct and that I understand  
15 that any fraudulent voting may subject me to a fine of up to  
16 \$15,000, imprisonment up to five years or both, pursuant to  
17 R.S.19:34-11." It shall be followed immediately by spaces for the  
18 voter's signature and printed name, and in the case of a name  
19 change, the voter's printed old and new name and a signature for  
20 each name, the date the statement was completed, political party  
21 affiliation, if used in a primary election, and the name of the person  
22 providing assistance to the voter, if applicable. Each statement  
23 shall also provide spaces for the voter's telephone number and  
24 email address, including language informing the voter that this  
25 contact information will be used to contact the voter concerning the  
26 acceptance or rejection of the ballot, and how the voter may cure a  
27 defect. A voter's telephone number and email address shall not be  
28 subject to public disclosure and shall not be considered a  
29 government record. Each statement shall also note the number of  
30 the election district, or ward, and name of the municipality at which  
31 the statement will be used. The Secretary of State shall prepare for  
32 inclusion in the affirmation statement language for the voter to  
33 submit the information required in the registration form described  
34 in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the  
35 county commissioner of registration to process the statement as a  
36 voter registration application, which shall be valid for future  
37 elections if the individual who submitted the provisional ballot is  
38 determined not to be a registered voter. The Secretary of State  
39 shall also prepare and shall provide language for any written  
40 instructions necessary to assure proper completion of the statement.

41 The written notice shall contain information to be distributed to  
42 each voter who votes by provisional ballot. The notice shall state  
43 that, if the voter is a mail-in registrant voting for the first time in his  
44 or her current county of residence following registration and was  
45 given a provisional ballot because he or she did not provide  
46 required personal identification information, the voter shall be  
47 given until the close of business on the second day after the election  
48 to provide identification to the applicable county commissioner of  
49 registration, and the notice shall contain a telephone number at

1 which the commissioner may be contacted. The notice shall further  
2 state that failure to provide the required personal identification  
3 information within that time period shall result in the rejection of  
4 the ballot. The notice shall state that pursuant to section 4 of  
5 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional  
6 ballot will be able to ascertain under a system established by the  
7 State whether the ballot was accepted for counting, and if the vote  
8 was not counted, the reason for the rejection of the ballot. The  
9 notice shall include instructions on how to access such information.

10 c. For the primary for the general election, the provisional  
11 ballots shall be printed in ink on paper of a color that matches the  
12 color of the voting authority, which shall indicate the party primary  
13 of the voter. The provisional ballots shall be uniform in size, quality  
14 and type and of a thickness that the printing thereon cannot be  
15 distinguished from the back of the paper, and without any mark,  
16 device or figure on the front or back other than as provided in  
17 P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall  
18 include near the top thereof and in large type the designation  
19 PROVISIONAL BALLOT. In all other respects, the provisional  
20 ballots shall conform generally to the other ballots to be used in the  
21 election district for the primary election.

22 The clerk of the county or municipality shall arrange for the  
23 preparation of each provisional ballot package with an appropriate  
24 number of provisional ballots for each political party, a  
25 corresponding number of envelopes with affirmation statements,  
26 and a corresponding number of written notices. Additional  
27 provisional ballots, envelopes, and notices shall be available for  
28 delivery to that election district on the day of the election, if  
29 necessary.

30 d. For the general election the provisional ballots shall be  
31 printed in ink. The provisional ballots shall be uniform in size,  
32 quality and type and of a thickness that the printing thereon cannot  
33 be distinguished from the back of the paper, and without any mark,  
34 device or figure on the front or back other than as provided in this  
35 act. Each such ballot shall include near the top thereof and in large  
36 type the designation PROVISIONAL BALLOT. In all other  
37 respects, the provisional ballots shall conform generally to the other  
38 ballots to be used in the election district for the general election.

39 The clerk of the county or municipality shall arrange for the  
40 preparation of each provisional ballot package with an appropriate  
41 number of provisional ballots, a corresponding number of envelopes  
42 with affirmation statements, and a corresponding number of written  
43 notices. Additional provisional ballots, envelopes, and notices shall  
44 be available for delivery to that election district on the day of the  
45 election, if necessary.

46 e. For a school election the provisional ballots shall be printed  
47 in ink. The provisional ballots shall be uniform in size, quality and  
48 type and of a thickness that the printing thereon cannot be  
49 distinguished from the back of the paper, and without any mark,

1 device or figure on the front or back other than as provided in this  
2 act. Each such ballot shall include near the top thereof and in large  
3 type the designation PROVISIONAL BALLOT. In all other  
4 respects, the provisional ballots shall conform generally to the other  
5 ballots to be used in the election district for the school election.

6 The clerk of the county shall arrange for the preparation of each  
7 provisional ballot package with an appropriate number of  
8 provisional ballots, a corresponding number of envelopes with  
9 affirmation statements, and a corresponding number of written  
10 notices. Additional provisional ballots, envelopes, and notices shall  
11 be available for delivery to that election district on the day of the  
12 election, if necessary.

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

17 g. (Deleted by amendment, P.L.2011, c.134).<sup>1</sup>  
18 (cf: P.L.2011, c.134, s.47)  
19

20 <sup>1</sup>8. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as  
21 follows:

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

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

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

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

32 The mail-in ballot application form prepared by the Secretary of  
33 State shall present the two options in the order provided above. The  
34 mail-in ballot application shall also provide spaces for the voter's  
35 telephone number and email address, including language informing  
36 the voter that this contact information will be used to contact the  
37 voter concerning the acceptance or rejection of the ballot, and how  
38 the voter may cure a defect. A voter's telephone number and email  
39 address shall not be subject to public disclosure and shall not be  
40 considered a government record.

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

45 b. Not less than seven days before an election in which a voter  
46 wants to vote by mail, the voter may apply to the person designated  
47 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The  
48 application shall be in writing, shall be signed by the applicant and

1 shall state the applicant's place of voting residence and the address  
2 to which the ballot shall be sent. The Secretary of State shall  
3 prepare a mail-in application form and shall have the authority to  
4 promulgate any rules and regulations the secretary deems necessary  
5 to effectuate the purposes of this subsection.

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

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

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

23 f. The county clerk shall not transmit a mail-in ballot for any  
24 election to any person who: is deemed by a county commissioner of  
25 registration to be an inactive voter; or notifies the clerk in writing  
26 that the person no longer wishes to receive such a ballot for any  
27 election; or is no longer eligible to vote and whose registration file  
28 has been transferred to the deleted file pursuant to R.S.19:31-19.

29 g. Any mail-in ballot that is sent to a qualified voter and that is  
30 returned to the county clerk for any reason shall be forwarded to the  
31 commissioner of registration, who shall so note the return in the  
32 voter record of that voter.<sup>1</sup>

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

34

35 <sup>1</sup>9. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to read  
36 as follows:

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

40 CERTIFICATE OF MAIL-IN VOTER

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

42 (print your name clearly) (street

43 ....., DO HEREBY CERTIFY,

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

1 .....  
2 (signature of voter)  
3 Any person providing assistance shall complete the following:  
4 I do hereby certify that I am the person who provided assistance  
5 to this voter and declare that I will maintain the secrecy of this  
6 ballot.  
7 .....  
8 (signature of person providing  
9 assistance)  
10 .....  
11 (printed name of person providing  
12 assistance)  
13 .....  
14 .....  
15 (address of person providing  
16 assistance)  
17 b. On the margin of the flap on the inner envelope forwarded  
18 with any mail-in ballot intended to be voted in any primary election  
19 for the general election, as the case may be, there shall be printed a  
20 certificate in the following form:  
21 CERTIFICATE OF MAIL-IN VOTER  
22 I, ....., whose home address is.....  
23 (print your name clearly) (street address or R.D. number)  
24 (municipality)  
25 ....., DO HEREBY CERTIFY,  
26 subject to the penalties for fraudulent voting, that I am the person  
27 who applied for the enclosed ballot for the primary election of the  
28 ..... political party. I MARKED AND SEALED THIS BALLOT  
29 AND CERTIFICATE IN SECRET. However, a family member may  
30 assist me in doing so.  
31 .....  
32 (signature of voter)  
33 Any person providing assistance shall complete the following:  
34 I do hereby certify that I am the person who provided assistance  
35 to this voter and declare that I will maintain the secrecy of this  
36 ballot.  
37 .....  
38 (signature of person providing  
39 assistance)  
40 .....  
41 (printed name of person  
42 providing assistance)  
43 .....  
44 .....  
45 (address of person providing  
46 assistance)  
47 c. The clerk of each county shall be permitted to print on or  
48 affix to the margin of the flap on the inner envelope of the mail-in  
49 ballot transmitted thereby to a mail-in ballot voter an alternative

1 certificate, substantially similar to the certificate provided for by  
2 subsection a. or b. of this section, that permits the voter to certify  
3 the correctness of the voter's name, street, mailing address or R.D.  
4 number, and municipality as it appears on the label of the mail-in  
5 ballot received by the voter.

6 d. The certificates specified under subsections a., b., and c. of  
7 this section shall also provide spaces for the voter's telephone  
8 number and email address, including language informing the voter  
9 that this contact information will be used to contact the voter  
10 concerning the acceptance or rejection of the ballot, and how the  
11 voter may cure a defect. A voter's telephone number and email  
12 address shall not be subject to public disclosure and shall not be  
13 considered a public record.<sup>1</sup>

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

15

16 <sup>1</sup>10. Section 18 of P.L.2009, c.79 (C.19:63-18) is repealed.<sup>1</sup>

17

18 <sup>1</sup>**[8. This]** 11. Sections 1 through 6 and section 10 of this<sup>1</sup> act  
19 shall take effect immediately and shall apply to all future elections  
20 occurring after the effective date of this act <sup>1</sup>and sections 7 through  
21 9 shall take effect on February 1, 2021<sup>1</sup>.