

[First Reprint]
SENATE, No. 2820

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 17, 2020

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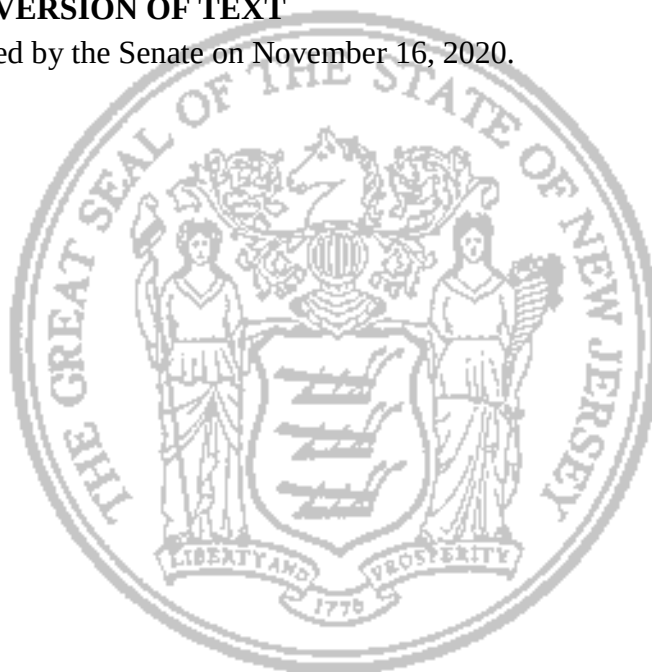
Senator Diegnan

SYNOPSIS

Allows registered voters to submit application to vote by mail using online voter registration website maintained by Secretary of State up to seven days before election.

CURRENT VERSION OF TEXT

As amended by the Senate on November 16, 2020.



(Sponsorship Updated As Of: 1/28/2021)

1 **AN ACT** concerning the manner of submitting applications to vote
2 by mail and amending P.L.2019, c.382 and P.L.2009, c.79.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is amended to
8 read as follows:

9 1. Notwithstanding any other provision of law to the contrary,
10 a person who is qualified to register to vote may submit a voter
11 registration form electronically on a secure Internet website
12 maintained by the Secretary of State, if the applicant has an email
13 address and provides a valid New Jersey driver's license number, a
14 valid New Jersey nondriver identification card number, or the last
15 four digits of the applicant's Social Security number. The voter
16 registration form shall contain substantively the same information
17 required to be contained on a paper voter registration form pursuant
18 to section 16 of P.L.1974, c.30 (C.19:31-6.4). The voter
19 registration form available electronically shall enable a person who
20 is qualified to register to vote, and a person who is registered to
21 vote, to apply for and receive a mail-in ballot as provided under
22 section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests
23 otherwise.

24 a. The Secretary of State shall apply the same voter registration
25 deadline applicable under current law for paper voter registration
26 forms to an online voter registration form submitted by an applicant
27 pursuant to this section.

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

30 c. For voter registration purposes, the applicant shall
31 affirmatively assent to the use of his or her signature from his or her
32 driver's license or non-driver identification card or the applicant's
33 digitized or electronic signature.

34 d. For each online voter registration form, the Secretary of
35 State shall obtain either an electronic copy of the applicant's
36 signature from his or her driver's license or non-driver identification
37 card directly from the New Jersey Motor Vehicle Commission, or
38 the applicant's digitized or electronic signature.

39 e. Upon submission of an online voter registration form
40 pursuant to this section, the electronic voter registration system
41 shall automatically acknowledge that the online voter registration
42 form has been submitted successfully, and provide instructions on
43 how the person completing the voter registration form may follow-
44 up on the status of the submission either online or by contacting the

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:

¹Senate floor amendments adopted November 16, 2020.

1 appropriate county commissioner of registration.

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

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

13 h. If an applicant cannot electronically submit the information
14 required pursuant to this section, the applicant shall nevertheless be
15 able to complete the online voter registration form electronically on
16 the Secretary of State's Internet website, print a paper copy of the
17 completed form, and mail or deliver the paper copy of the
18 completed form to the Secretary of State or the appropriate county
19 election official. For the purposes of this subsection, the applicant
20 shall be required to provide the same documents required to be
21 provided with a paper voter registration form pursuant to R.S.19:31-
22 5.

23 (cf: P.L.2019, c.382, s.1)

24

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

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

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

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

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

37 The mail-in ballot application form prepared by the Secretary of
38 State shall present the two options in the order provided above.

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

43 b. (1) Not less than seven days before an election in which a
44 voter wants to vote by mail, the voter may apply to the person
45 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
46 ballot. The application shall be in writing, shall be signed by the
47 applicant and shall state the applicant's place of voting residence

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

5 (2) Not less than seven days before an election in which a voter
6 wants to vote by mail, instead of submitting an application under
7 paragraph (1) of this subsection, the voter may apply for a mail-in
8 ballot electronically through the voter registration website
9 established by the Secretary of State pursuant to section 1 of
10 P.L.2019, c.382 (C.19:31-6.4c), which application shall be
11 electronically submitted to the person designated in section 5 of
12 P.L.2009, c.79 (C.19:63-5). The application shall be in electronic
13 form, shall be signed by the applicant using the applicant's
14 electronic signature in the Statewide Voter Registration System, and
15 shall state the applicant's place of voting residence and the address
16 to which the ballot shall be sent. The Secretary of State shall
17 prepare a mail-in ballot electronic application form and shall have
18 the authority to promulgate any rules and regulations the secretary
19 deems necessary to effectuate the purposes of this subsection.

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

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

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

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

43 g. Any mail-in ballot that is sent to a qualified voter and that is
44 returned to the county clerk for any reason shall be forwarded to the
45 commissioner of registration, who shall so note the return in the
46 voter record of that voter.

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

1 ¹3. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
2 as follows:

3 6. a. The county clerk, in the case of any Statewide election,
4 countywide election, or school election in a regional or other school
5 district comprising more than one municipality; the municipal clerk,
6 in the case of any municipal election or school election in a school
7 district comprising a single municipality; and the commissioners or
8 other governing or administrative body of the district, in the case of
9 any election to be held in any fire district or other special district,
10 other than a municipality, created for specified public purposes
11 within one or more municipalities, shall publish the following
12 notice in substantially the following form:

13 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

14 If you are a qualified and registered voter of the State who wants
15 to vote by mail in the..... (school, municipal, primary,
16 general, or other) election to be held on..... (date of
17 election), the following applies:

18 You must complete the application form below and send it to the
19 county clerk where you reside or write or apply in person to the
20 county clerk where you reside to request a mail-in ballot. Instead,
21 you may complete the application form electronically on the
22 Secretary of State's website at (insert website address
23 here).

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

27 No person may serve as an authorized messenger or bearer for
28 more than three qualified voters in an election.

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

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

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

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

45 Dated.....
46

47 (signature and title of county clerk)

1
2

3 (address of county clerk)
4

5
6

7 (telephone no. of county clerk)
8

9 Instead, application forms may be completed electronically on
10 the Secretary of State's website at (insert website
11 address here).
12

13 b. (1) The Secretary of State shall be responsible for providing
14 all information regarding overseas ballots to each overseas voter
15 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-
16 1 et seq.). The secretary shall also make available valid overseas
17 voter registration and ballot applications to any voter who is a
18 member of the armed forces of the United States and who is a
19 permanent resident of this State, or who is an overseas voter who
20 wishes to register to vote or to vote in any jurisdiction in this State.
21 The secretary shall provide such public notice as may be deemed
22 necessary to inform members of the armed forces of the United
23 States and overseas voters how to obtain valid overseas voter
24 registration and ballot applications.

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

40 c. The mail-in ballot materials shall contain a notice that any
41 person voting by mail-in ballot who has registered by mail after
42 January 1, 2003, who did not provide personal identification
43 information when registering and is voting for the first time in his
44 or her current county of residence following registration shall
45 include copies of the required identification information with the
46 mail-in ballot, and that failure to include such information shall
47 result in the rejection of the ballot.

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

51 Notices relating to any Statewide or countywide election shall be
52 published in at least two newspapers published in each county. All

1 officials charged with the duty of publishing such notices shall
2 publish the same in at least one newspaper published in each
3 municipality or district in which the election is to be held, or if no
4 newspaper is published in the municipality or district, then in a
5 newspaper published in the county and circulating in the
6 municipality or district. All such notices shall be display
7 advertisements.

8 (cf: P.L.2018, c.72, s.2)I¹

9
10 ¹2. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as
11 follows:

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

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

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

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

22 The mail-in ballot application form prepared by the Secretary of
23 State shall present the two options in the order provided above. The
24 mail-in ballot application shall also provide spaces for the voter's
25 telephone number and email address, including language informing
26 the voter that this contact information will be used to contact the
27 voter concerning the acceptance or rejection of the ballot, and how
28 the voter may cure a defect. A voter's telephone number and email
29 address shall not be subject to public disclosure and shall not be
30 considered a government record.

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

35 b. (1) Not less than seven days before an election in which a
36 voter wants to vote by mail, the voter may apply to the person
37 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
38 ballot. The application shall be in writing, shall be signed by the
39 applicant and shall state the applicant's place of voting residence
40 and the address to which the ballot shall be sent. The Secretary of
41 State shall prepare a mail-in application form and shall have the
42 authority to promulgate any rules and regulations the secretary
43 deems necessary to effectuate the purposes of this subsection.

44 (2) Not less than seven days before an election in which a voter
45 wants to vote by mail, instead of submitting an application under
46 paragraph (1) of this subsection, the voter may apply for a mail-in
47 ballot electronically through the voter registration website

1 established by the Secretary of State pursuant to section 1 of
2 P.L.2019, c.382 (C.19:31-6.4c), which application shall be
3 electronically submitted to the person designated in section 5 of
4 P.L.2009, c.79 (C.19:63-5). The application shall be in electronic
5 form, shall be signed by the applicant using the applicant's
6 electronic signature in the Statewide Voter Registration System, and
7 shall state the applicant's place of voting residence and the address
8 to which the ballot shall be sent. The Secretary of State shall
9 prepare a mail-in ballot electronic application form and shall have
10 the authority to promulgate any rules and regulations the secretary
11 deems necessary to effectuate the purposes of this subsection.

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

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

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

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

35 g. Any mail-in ballot that is sent to a qualified voter and that is
36 returned to the county clerk for any reason shall be forwarded to the
37 commissioner of registration, who shall so note the return in the
38 voter record of that voter.¹

39 (cf: P.L.2020, c.70, s.8)

40

41 ¹3. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
42 as follows:

43 6. a. The county clerk, in the case of any Statewide election,
44 countywide election, or school election in a regional or other school
45 district comprising more than one municipality; the municipal clerk,
46 in the case of any municipal election or school election in a school
47 district comprising a single municipality; and the commissioners or

1 other governing or administrative body of the district, in the case of
2 any election to be held in any fire district or other special district,
3 other than a municipality, created for specified public purposes
4 within one or more municipalities, shall publish the following
5 notice in substantially the following form:

6 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

7 If you are a qualified and registered voter of the State who wants
8 to vote by mail in the..... (school, municipal, primary,
9 general, or other) election to be held on..... (date of
10 election), the following applies:

11 You must complete the application form below and send it to the
12 county clerk where you reside or write or apply in person to the
13 county clerk where you reside to request a mail-in ballot. Instead,
14 you may complete the application form electronically on the
15 Secretary of State's website at (insert website address
16 here).

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

20 No person may serve as an authorized messenger or bearer for
21 more than three qualified voters in an election, but a person may
22 serve as such for up to five qualified voters in an election if those
23 voters are immediate family members residing in the same
24 household as the messenger or bearer.

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

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

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

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

41 Dated.....
42
43 (signature and title of county clerk)
44
45 (address of county clerk)
46
47 (telephone no. of county clerk)

1 Instead, application forms may be completed electronically on
2 the Secretary of State's website at (insert website
3 address here).

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

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

31 c. The mail-in ballot materials shall contain a notice that any
32 person voting by mail-in ballot who has registered by mail after
33 January 1, 2003, who did not provide personal identification
34 information when registering and is voting for the first time in his
35 or her current county of residence following registration shall
36 include copies of the required identification information with the
37 mail-in ballot, and that failure to include such information shall
38 result in the rejection of the ballot.

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

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

1 newspaper published in the county and circulating in the
2 municipality or district. All such notices shall be display
3 advertisements.¹

4 (cf: P.L.2020, c.71, s.7)

5

6 4. This act shall take effect on January 1 next following the
7 date of enactment.