

SENATE, No. 3391

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 4, 2021

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

**Senators Pennacchio, A.M.Bucco, Brown, Corrado, Thompson, Singer,
Testa, Cardinale and Holzapfel**

SYNOPSIS

Requires voter who wishes to vote by mail to complete application for mail-in ballot each calendar year; repeals automatic vote-by-mail designation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/19/2021)

1 **AN ACT** concerning applications to vote by mail and amending
2 P.L.1974, c.30 and P.L.2009, c.79 and repealing section 14 of
3 P.L.2018, c.72.
4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7
8 1. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
9 as follows:
10 16. a. The Secretary of State shall cause to be prepared and shall
11 provide to each county commissioner of registration forms of size
12 and weight suitable for mailing, which shall require the information
13 required by R.S.19:31-3 in substantially the following form:
14 **VOTER REGISTRATION APPLICATION**
15 Print clearly in ink. Use ballpoint pen or marker.
16 (1) This form is being used as:
17 [] New registration
18 [] Address change
19 [] Name change
20 (2) Name:.....
21 Last First Middle
22 (3) Are you a citizen of the United States of America? []Yes []No
23 (4) Will you be 18 years of age on or before election day? []Yes
24 [] No
25 If you checked 'No' in response to either of these questions, do not
26 complete this form.
27 (5) Street Address where you live:
28
29 Street Address Apt. No.
30
31 (6) City or Town County Zip Code
32 (7) Address Where You Receive Your Mail (if different from
33 above):
34
35 (8) Date of Birth:
36
37 Month Day Year
38 (9) (a) Telephone Number (optional).....
39 (b) E-Mail Address (optional).....
40 (10) Name and address of Your Last Voter Registration
41
42
43

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.

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3

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

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

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

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

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

18 ☐ YES. Name of Party:

19 ☐ NO. I do not wish to declare a political party affiliation at
20 this time.

21 (13)☐ I wish to receive a Mail-in Ballot for all **future** elections
22 **in which I am eligible to vote this calendar year, unless** I
23 request otherwise in writing.

24 (14)Declaration - I swear or affirm that:

25 I am a U.S. citizen.

26 I live at the above address.

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

29 I am not serving a sentence of incarceration due to a conviction
30 for an indictable offense under any federal or State laws.

31 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
32 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
33 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
34 PURSUANT TO R.S.19:34-1.

35

36 Signature or mark of the registrant Date

37 (15)If applicant is unable to complete this form, print the name
38 and address of individual who completed this form.

39

40 Name

41

42 Address

43 In addition, the form may include notice to the applicant of
44 information and options relating to the registration and voting
45 process, including but not limited to notice of qualifications required
46 of a registered voter; notice of the final day by which a person must
47 be registered to be eligible to vote in an election; notice of the effect
48 of a failure to provide required identification information; a place at

1 which the applicant may indicate availability for service as a member
2 of the district board of elections; a place at which the applicant may
3 indicate whether he or she requires a polling place which is accessible
4 to individuals with disabilities and the elderly or whether he or she is
5 legally blind; a place at which the applicant may indicate a desire to
6 receive additional information concerning voting by mail; and if the
7 application indicates a political party affiliation, the voter is
8 permitted to vote in the primary election of a political party other
9 than the political party in which the voter was affiliated previously
10 only if the voter registration form with the change of political party
11 affiliation is filed prior to the 50th day next preceding the primary
12 election. The form may also include a space for the voter registration
13 agency to record whether the applicant registered in person, by mail
14 or by other means.

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

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

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

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

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

1 g. All registration forms received by the Secretary of State in the
2 mail or forwarded to the Secretary of State shall be forwarded to the
3 commissioner of registration in the county of the registrant. Each
4 such form, and any registration form received otherwise by a
5 commissioner of registration, shall be forwarded to the county clerk
6 if the vote by mail option is selected on a form.

7 h. An application to register to vote received from the New
8 Jersey Motor Vehicle Commission or a voter registration agency, as
9 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
10 6.11), shall be deemed to have been timely made for the purpose of
11 qualifying an eligible applicant as registered to vote in an election if
12 the date on which the commission or agency shall have received that
13 document in completed form, as indicated in the lower right hand
14 corner of the form, was not later than the 21st day preceding that
15 election.

16 i. Each commissioner of registration shall make note in the
17 permanent registration file of each voter who is required to provide
18 the personal identification information required pursuant to this
19 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
20 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of identification
21 provided by the voter and the date on which it is provided. Prior to
22 the June 2004 primary election, when such a newly registered voter
23 seeks to vote for the first time following his or her registration, the
24 voter will be required to provide such personal identification
25 information. Beginning with the June 2004 primary election, when
26 such a newly registered voter seeks to vote for the first time following
27 his or her registration, the voter will not be required to provide such
28 information if he or she had previously provided the personal
29 identification information required pursuant to this section. The
30 required information shall be collected and stored for the time and in
31 the manner required pursuant to regulations promulgated by the
32 Secretary of State.

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

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

43 (cf: P.L.2019, c.270, s.3)

44

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

1 3. a. A qualified voter shall be entitled to vote using a mail-in
2 ballot by completing a mail-in ballot application each calendar year,
3 indicating the voter's desire to vote:

4 (1) in all **【future】** elections, including general elections, held in
5 this State in the calendar year, in which the voter is eligible to vote;
6 or

7 (2) in any single election held in this State in the calendar year,
8 in which the voter is eligible to vote.

9 The qualified voter who chooses the option to vote using a mail-
10 in ballot in all **【future】** elections held in this State in the calendar
11 year shall be furnished with such a ballot by the county clerk without
12 further request on the part of the voter **【and until】** for that calendar
13 year, unless the voter requests in writing that the voter no longer be
14 sent a mail-in ballot.

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

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

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

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

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

46 e. A person voting by mail-in ballot who registered by mail after
47 January 1, 2003, who did not provide personal identification
48 information when registering pursuant to section 16 of P.L.1974, c.30

1 (C.19:31-6.4) and is voting for the first time in his or her current
2 county of residence following registration shall include copies of the
3 required identification information with the mail-in ballot. Failure to
4 include such information with the mail-in ballot shall result in its
5 rejection.

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

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

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

17
18 3. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read as
19 follows:

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

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

28 In the case of voter registration forms that include a selected vote
29 by mail option, a copy of each such form shall be transmitted to and
30 received by the appropriate county clerk, who shall be responsible
31 for providing mail-in ballots to each qualified voter requesting such
32 ballots for **【future】** all elections **【, until】** held in that calendar year,
33 unless the voter requests otherwise in writing.

34 (cf: P.L.2018, c.72, s.5)

35
36 4. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read as
37 follows:

38 6. a. The county clerk, in the case of any Statewide election,
39 countywide election, or school election in a regional or other school
40 district comprising more than one municipality; the municipal clerk,
41 in the case of any municipal election or school election in a school
42 district comprising a single municipality; and the commissioners or
43 other governing or administrative body of the district, in the case of
44 any election to be held in any fire district or other special district,
45 other than a municipality, created for specified public purposes
46 within one or more municipalities, shall publish the following notice
47 in substantially the following form:

48 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

5 You must complete the application form below and send it to the
6 county clerk where you reside or write or apply in person to the
7 county clerk where you reside to request a mail-in ballot.

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

11 No person may serve as an authorized messenger or bearer for
12 more than three qualified voters in an election, but a person may
13 serve as such for up to five qualified voters in an election if those
14 voters are immediate family members residing in the same household
15 as the messenger or bearer.

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

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

24 Voters who want to vote by mail in all **【future】** elections held in
25 the same calendar year will, after their initial request and without
26 further action on their part in that calendar year, be provided with a
27 mail-in ballot **【until】** unless the voter requests otherwise in writing.

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

31 Dated.....
32
33 (signature and title of county clerk)
34
35 (address of county clerk)
36
37 (telephone no. of county clerk)

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

1 how to obtain valid overseas voter registration and ballot
2 applications.

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

17 c. The mail-in ballot materials shall contain a notice that any
18 person voting by mail-in ballot who has registered by mail after
19 January 1, 2003, who did not provide personal identification
20 information when registering and is voting for the first time in his or
21 her current county of residence following registration shall include
22 copies of the required identification information with the mail-in
23 ballot, and that failure to include such information shall result in the
24 rejection of the ballot.

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

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

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

37

38 5. Within 30 days of the implementation date of this act, the
39 county clerk in each county shall transmit to each voter who is
40 designated in the Statewide Voter Registration System as receiving a
41 mail-in ballot for all future elections, a notice informing the voter
42 that he or she is required to complete an application to vote by mail
43 each calendar year, pursuant to the provisions of this act, P.L. ,
44 c. (pending before the Legislature as this bill).

45

46 6. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is repealed.

1 7. This act shall take effect immediately, and shall be
2 implemented on the first day following the November general
3 election occurring after that effective date.

4
5
6 STATEMENT
7

8 This bill requires a voter who wishes to vote by mail to complete
9 an application for a mail-in ballot each calendar year. The bill also
10 repeals a provision of current law which required each county clerk
11 to designate each voter who voted by mail in 2016, 2017, and 2018
12 as automatic vote-by-mail voters in all future elections.

13 Under current law, a voter may apply to vote by mail in all future
14 elections or in any single election. A voter who indicates a desire to
15 vote by mail in all future elections is not required to reapply for a
16 mail-in ballot each year, but may notify the county clerk that he or
17 she no longer wishes to vote by mail. This bill would require voters
18 who want to vote by mail to complete a mail-in ballot application
19 each calendar year. The application would offer the voter the
20 opportunity to either vote by mail in all elections held in that calendar
21 year, or in any single election held in that calendar year. This bill also
22 repeals a provision of law that made voters who voted by mail in
23 2016, 2017, and 2018 be designated as automatic vote-by-mail voters
24 in all future elections, unless they opted out at the time of the law's
25 implementation.

26 The bill requires the county clerk in each county, within 30 days
27 of the implementation date, to transmit to each voter who is
28 designated in the Statewide Voter Registration System as receiving a
29 mail-in ballot for all future elections, a notice informing the voter
30 that he or she is required to complete an application to vote by mail
31 each calendar year. The bill would take effect immediately, but
32 would be implemented on the first day following the November
33 general election occurring after that effective date.