

# ASSEMBLY, No. 3817

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman CHRISTOPHER P. DEPHILLIPS**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/12/2022)

1 AN ACT concerning certain in-person, early voting, and vote by  
2 mail practices and procedures and amending various parts of the  
3 statutory law and supplementing chapter 52 of Title 19 of the  
4 Revised Statutes.

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

8  
9 1. (New section) a. In all counties wherein voters use hand-  
10 marked paper ballots to cast the voter's vote, a privacy sleeve into  
11 which the voted ballot can be inserted and fully shielded from view  
12 shall be provided to the voter.

13 b. In all counties wherein ballot scanning machines are used to  
14 cast hand-marked paper ballots, the ballot scanning machine shall  
15 contain a privacy screen, shield, or curtain so that privacy is  
16 maintained as the voter inserts the voted ballot into the ballot  
17 scanning machine.

18 c. In all counties wherein voters use a direct recording electronic  
19 voting machine to cast the voter's vote, the direct recording  
20 electronic voting machine shall contain a privacy screen, shield, or  
21 curtain so that privacy is maintained as the voter casts the voter's  
22 vote.

23  
24 2. R.S.19:8-7 is amended to read as follows:

25 19:8-7. The booths shall be sufficiently large to enable the voter  
26 to conveniently prepare **his** the voter's ballot as provided for and  
27 shall have swinging doors or privacy screens, shields, or curtains so  
28 that privacy is maintained as the voter prepares the voter's ballot in  
29 secret and screened from the observation of others.

30 The swinging doors or privacy screens, shields, or curtains shall  
31 be so arranged that some part of the person of the voters **standing**  
32 present in the booths may be seen from the outside thereof when the  
33 door or curtains are closed or when the voter is present behind the  
34 screens or shields.

35 Each booth shall contain a counter or shelf suitably placed to  
36 enable voters to place their ballots thereon while preparing the same  
37 for voting.

38 (cf: R.S.19:8-7)

39  
40 3. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to read  
41 as follows:

42 1. a. A county board of elections shall have posted a voter  
43 information notice, which shall be referred to as a voter's bill of  
44 rights, in a conspicuous location in each polling place and each  
45 specially designated polling place used for early voting before

**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.

1 voting begins.  
2 The notice shall contain:  
3 the date of the election and the hours during which polling places  
4 will be open;  
5 a statement that sample ballots are available at the polling place  
6 for review by the voter;  
7 instruction for the use of the voting machine in that polling place  
8 and an explanation of what instructions for voting are available at  
9 the polling place for the voter;  
10 instruction for a voter who is voting for the first time;  
11 instruction for a voter who is required to provide identification  
12 pursuant to the federal "Help America Vote Act of 2002" and  
13 R.S.19:15-17 prior to casting a vote;  
14 instruction on how to cast a vote if the voter cannot be present at  
15 a polling place on the day of the election;  
16 an explanation of the right of the voter to vote in private,  
17 regardless of the voter's physical abilities;  
18 an explanation of the right of the voter to a provisional ballot,  
19 including in the event that a mail-in ballot has been applied for and  
20 not received or not transmitted to the county board of elections  
21 before the day of any election, and the other circumstances under  
22 which a voter has a right to a provisional ballot;  
23 an explanation of the right of the voter to receive a replacement  
24 ballot for a ballot that has been spoiled, destroyed, lost or never  
25 received;  
26 an explanation of the right of the voter to ask for and receive  
27 assistance in voting;  
28 an explanation of the right of the voter to take a reasonable  
29 amount of time in casting a vote on a voting machine;  
30 an explanation of the right of the voter to bring written material  
31 into the polling place for the voter's personal use in casting a vote;  
32 instruction on how to contact the appropriate officials if a voter's  
33 right to vote or right to otherwise participate in the electoral process  
34 has been challenged or violated;  
35 general information on federal and State laws that prohibit acts  
36 of fraud or misrepresentation and the penalties for those acts;  
37 an explanation of the right of the voter to confidentially discover  
38 the status of their ballot using the "Track My Ballot" user portal;  
39 an explanation that "All ballots are counted and your vote  
40 remains anonymous";  
41 an explanation of the right of the voter that if their ballot was  
42 rejected, a notice will be issued to the voter within 24 hours after a  
43 decision is made to reject the ballot. The voter will have up to [48  
44 hours prior to the date for the final certification of the results of the  
45 election] midnight on the 9th day following the day of the election  
46 to provide a cure for their ballot;  
47 an explanation giving the options for the voter to provide the  
48 cure to their rejected ballot;

1 an explanation that no voters shall be intimidated or otherwise  
2 unduly influenced by political insignia while voting. No person  
3 shall wear, display, sell, give or provide any political or campaign  
4 slogan, badge, button or other insignia associated with any political  
5 party or candidate to be worn at or within one hundred feet of the  
6 polls or within the polling place or room, on any primary, general or  
7 special election day or on any commission government election day,  
8 except the badge furnished by the county board as provided by law.  
9 This includes any political gear representing the campaign slogans,  
10 logos, or depictions or representations of any political party or  
11 candidate such as merchandise sold directly from a political party,  
12 campaign, candidate, or by third parties and vendors representing  
13 any political party or campaign or candidate. A person violating  
14 any of these provisions is guilty of a disorderly persons offense and  
15 will not be permitted on the premises and can only return to vote  
16 after the removal of prohibited political insignia; and

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

20 The requirement to post this notice in each polling place shall  
21 not replace, supersede or void any other requirement set forth in law  
22 for the posting of information in each polling place apart from the  
23 voter information notice. The poster promoting the use of voting by  
24 mail prepared and distributed by the Secretary of State pursuant to  
25 R.S.19:8-6 shall be displayed next to or as close as may be possible  
26 to the voter information notice.

27 b. The Secretary of State shall prescribe the form and specific  
28 content of the voter information notice, which may be comprised of  
29 more than one page. If the notice is comprised of more than one  
30 page, each page shall be posted separately. For an election district  
31 in which the primary language of 10 percent or more of the  
32 registered voters is a language other than English, the Secretary of  
33 State shall prescribe an official version of the voter information  
34 notice in that other language or languages for use in that election  
35 district. The notice shall be posted in English and in the other  
36 language or languages in the polling places in each such district.  
37 The alternate language shall be determined based on information  
38 from the latest federal decennial census.

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

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

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

7 f. (Deleted by amendment, P.L.2020, c.70)

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

12 (cf: P.L.2021, c.40, s.9)

13

14 4. R.S.19:15-26 is amended to read as follows:

15 19:15-26. Every voter to whom a ballot is given shall thereupon  
16 retire into the polling booth. Each booth in a polling place shall be  
17 arranged in accordance with the provisions of R.S.19:8-7. Not  
18 more than one voter, except as hereinafter provided, shall be  
19 permitted to enter or be in the same booth, at one time. The voter  
20 shall prepare **[his]** the voter's ballot in the booth secretly and  
21 screened from the observation of others.

22 Any person or voter who shall violate the provisions of this  
23 section shall be deemed guilty of a disorderly persons offense.

24 (cf: P.L.2005, c.154, s.3)

25

26 5. Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended to read  
27 as follows:

28 4. a. An early vote cast in an election, as provided for in this  
29 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior  
30 to the closing of the polls on the day of an election.

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

34 b. Each early vote cast, canvassed, and tallied in an election  
35 under subsection a. of this section shall be reported in the results for  
36 the election district in which the voter resides. The provisions of  
37 this subsection shall not be interpreted to change the manner in  
38 which each provisional ballot cast, canvassed, and tallied in each  
39 election is reported as part of the official tally of the results of the  
40 election in a manner that preserves the privacy of the voter's vote.

41 (cf: P.L.2021, c.40, s.4)

42

43 6. R.S.19:23-45 is amended to read as follows:

44 19:23-45. No voter shall be allowed to vote at the primary  
45 election unless his name appears in the signature copy register.

46 A voter who votes in a primary election of a political party or  
47 who signs and files with the municipal clerk or the county  
48 commissioner of registration a declaration that he desires to vote in  
49 the primary election of a political party, or who indicates on a voter

1 registration form the voter's choice of political party affiliation and  
2 submits the form to the commissioner of registration of the county  
3 wherein the voter resides, to the employees or agents of a public  
4 agency, as defined in subsection a. of section 15 of P.L.1974, c.30  
5 (C.19:31-6.3), or a voter registration agency, as defined in  
6 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to  
7 the Secretary of State, either on a paper form or an electronic form  
8 using the online voter registration system established under section  
9 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a  
10 member of that party until the voter signs and files with the  
11 municipal clerk or the commissioner of registration a declaration  
12 that he desires to vote in the primary election of another political  
13 party at which time he shall be deemed to be a member of such  
14 other political party. The Secretary of State shall cause to be  
15 prepared political party affiliation declaration forms and shall  
16 provide such forms to the commissioners of registration of the  
17 several counties and to the clerks of the municipalities within such  
18 counties.

19 No voter, except a newly registered voter at the first primary at  
20 which he is eligible to vote, or a voter who has not previously voted  
21 in a primary election, may vote in a primary election of a political  
22 party unless he was deemed to be a member of that party on the  
23 55th day next preceding such primary election.

24 A member of the county committee of a political party and a  
25 public official or public employee holding any office or public  
26 employment to which he has been elected or appointed as a member  
27 of a political party shall be deemed a member of such political  
28 party.

29 A voter may declare the voter's party affiliation or change the  
30 voter's party affiliation, or declare that the voter is unaffiliated with  
31 any party regardless of any previously declared party affiliation, by  
32 so indicating on a political party declaration form filed with the  
33 municipal clerk or the county commissioner of registration. A voter  
34 may also indicate that the voter wishes to declare a political party  
35 affiliation or that the voter does not want to declare a political party  
36 affiliation on a voter registration form filed at the time of initial  
37 registration. A voter may declare the voter's party affiliation, or  
38 make changes to that affiliation, either on a paper form or an  
39 electronic form using the online voter registration system  
40 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

41 Any person voting in the primary ballot box of any political  
42 party in any primary election in contravention of the election law  
43 shall be guilty of a disorderly persons offense, and any person who  
44 aids or assists any such person in such violation by means of public  
45 proclamation or order, or by means of any public or private  
46 direction or suggestions, or by means of any help or assistance or  
47 cooperation, shall likewise be guilty of a disorderly persons offense.  
48 (cf: P.L.2011, c.134, s.27)

1       7. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to  
2 read as follows:

3       2. a. The county commissioner of registration in each of the  
4 several counties shall cause a notice to be published in each  
5 municipality of their respective counties in a newspaper or  
6 newspapers circulating therein. The notice to be so published shall  
7 be published once during each of the two calendar weeks next  
8 preceding the week in which the 55th day next preceding the  
9 primary election of a political party occurs.

10       b. The notice required to be published by the preceding  
11 paragraph shall inform the reader thereof that no voter, except a  
12 newly registered voter at the first primary at which he is eligible to  
13 vote, or a voter who has not previously voted in a primary election  
14 may vote in a primary election of a political party unless he was  
15 deemed to be a member of that party on the 55th day next preceding  
16 such primary election. It shall further inform the reader thereof that  
17 a voter who votes in the primary election of a political party, or who  
18 signs and files with the municipal clerk or the county commissioner  
19 of registration a declaration that he desires to vote in the primary  
20 election of a political party, or who indicates on a voter registration  
21 form the voter's choice of political party affiliation and submits the  
22 form to the commissioner of registration of the county wherein the  
23 voter resides, to the employees or agents of a public agency, as  
24 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-  
25 6.3), or a voter registration agency, as defined in subsection a. of  
26 section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of  
27 State, either on a paper form or an electronic form using the online  
28 voter registration system established under section 1 of P.L.2019,  
29 c.382 (C.19:31-6.4c), shall be deemed to be a member of that party  
30 until the voter signs and files with the municipal clerk or the  
31 commissioner of registration a declaration that he desires to vote in  
32 the primary election of another political party, at which time he  
33 shall be deemed to be a member of such other political party, or that  
34 the voter chooses not to be affiliated with any political party. The  
35 notice shall also state the time and location where a person may  
36 obtain political party affiliation declaration forms or voter  
37 registration forms.

38 (cf: P.L.2011, c.134, s.28)

39

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

42       1. Notwithstanding any other provision of law to the contrary,  
43 a person who is qualified to register to vote may submit a voter  
44 registration form electronically on a secure Internet website  
45 maintained by the Secretary of State, if the applicant has an email  
46 address and provides a valid New Jersey driver's license number, a  
47 valid New Jersey nondriver identification card number, or the last  
48 four digits of the applicant's Social Security number. The voter  
49 registration form shall contain substantively the same information

1 required to be contained on a paper voter registration form pursuant  
2 to section 16 of P.L.1974, c.30 (C.19:31-6.4). The voter  
3 registration form available electronically shall enable a person who  
4 is qualified to register to vote, and a person who is registered to  
5 vote, to apply for and receive a mail-in ballot as provided under  
6 section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests  
7 otherwise. The voter registration form available electronically shall  
8 also enable a person who is qualified to register to vote, and a  
9 person who is registered to vote, to declare a political party  
10 affiliation and to make changes to that affiliation, with an option to  
11 indicate no affiliation with any political party, by updating the  
12 online voter registration form.

13 a. The Secretary of State shall apply the same voter registration  
14 deadline applicable under current law for paper voter registration  
15 forms to an online voter registration form submitted by an applicant  
16 pursuant to this section.

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

19 c. For voter registration purposes, the applicant shall  
20 affirmatively assent to the use of his or her signature from his or her  
21 driver's license or non-driver identification card or the applicant's  
22 digitized or electronic signature.

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

28 e. Upon submission of an online voter registration form  
29 pursuant to this section, the electronic voter registration system  
30 shall automatically acknowledge that the online voter registration  
31 form has been submitted successfully, and provide instructions on  
32 how the person completing the voter registration form may follow-  
33 up on the status of the submission either online or by contacting the  
34 appropriate county commissioner of registration. Once a person has  
35 submitted the online voter registration form, the online voter  
36 registration system shall not accept a new voter registration form  
37 submission from the same person until the previous submission has  
38 been processed.

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

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



1 h. If an applicant cannot electronically submit the information  
2 required pursuant to this section, the applicant shall nevertheless be  
3 able to complete the online voter registration form electronically on  
4 the Secretary of State's Internet website, print a paper copy of the  
5 completed form, and mail or deliver the paper copy of the  
6 completed form to the Secretary of State or the appropriate county  
7 election official. For the purposes of this subsection, the applicant  
8 shall be required to provide the same documents required to be  
9 provided with a paper voter registration form pursuant to R.S.19:31-  
10 5.

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

12

13 9. Section 6 of P.L.1973, c.82 (C.19:53A-6) is amended to read  
14 as follows:

15 6. a. Prior to any election at which electronic voting devices are  
16 used the county board of elections shall have the voting devices  
17 prepared for the election and shall provide the district election  
18 officers with voting devices, voting booths, ballot boxes, ballot  
19 cards, "write-in" ballots and other records and supplies as  
20 required.

21 b. Ballot cards shall be of the size, design and stock suitable for  
22 processing by automatic data processing machines. Each ballot  
23 card shall have an attached numbered perforated stub, which shall  
24 be removed by an election officer before it is deposited in the ballot  
25 box. In primary elections the ballot cards of each political party  
26 shall be distinctly marked or shall be of a different color or tint so  
27 that the ballot cards of each political party are readily  
28 distinguishable.

29 c. Unless the voting device enables the voter to mark **【his】** the  
30 voter's choices in secret, the board of elections shall provide a  
31 sufficient number of voting booths for each **【voting】** election  
32 district in a polling place, which shall be of a size and design in  
33 accordance with the provisions of R.S.19:8-7 so as to enable the  
34 voter to mark **【his】** the voter's ballot in secret.

35 (cf: P.L.1973, c.82, s.6)

36

37 10. Section 10 of P.L.1999, c.232 (C.19:53C-4) is amended to  
38 read as follows:

39 10. The district board shall designate an area within the polling  
40 place, which may be a voting booth, for the voter to mark the  
41 provisional ballot and affirmation statement. If the district board  
42 designates a voting booth for the voter to mark the provisional  
43 ballot and affirmation statement, the voting booth shall be arranged  
44 in accordance with the provisions of R.S.19:8-7. If a voting booth  
45 is not used, the area designated for voters to mark the provisional  
46 ballot and affirmation statement shall have swinging doors or  
47 privacy screens, shields, or curtains so that privacy is maintained as  
48 the voter prepares the provisional ballot and affirmation statement  
49 in secret and screened from the observation of others. No

1 provisional ballot and envelope with an affirmation statement shall  
2 be handed to a voter until the area designated for voters to mark the  
3 provisional ballot and affirmation statement is ready. **【If a voting**  
4 **booth is not used, the voter shall be provided with a security screen**  
5 **at the same time that the provisional ballot and envelope with**  
6 **affirmation statement is provided.】**

7 A district board member shall instruct the voter how to complete  
8 the affirmation statement and place the voted provisional ballot into  
9 the envelope.

10 If for any reason provisional ballots and envelopes with  
11 affirmation statements are not ready or available for distribution at  
12 any polling place, the district board member in charge shall notify  
13 the appropriate authority that additional ballots and affirmation  
14 statements are required.

15 (cf: P.L.1999, c.232, s.10)

16  
17 11. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read  
18 as follows:

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

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

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

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

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

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

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

1 authority to promulgate any rules and regulations the secretary  
2 deems necessary to effectuate the purposes of this subsection.

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

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

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

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

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

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

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

46

47 12. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read  
48 as follows:

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

11 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

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

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

25 No person may serve as an authorized messenger or bearer for  
26 more than three qualified voters in an election, but a person may  
27 serve as such for up to five qualified voters in an election if those  
28 voters are immediate family members residing in the same  
29 household as the messenger or bearer.

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

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

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

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

46 Dated.....  
47 .....  
48 (signature and title of county clerk)  
49 .....

1 (address of county clerk)

2 .....

3 (telephone no. of county clerk)

4 Instead, application forms may be completed electronically on  
5 the Secretary of State's website at ..... (insert website  
6 address here).

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

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

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

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

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

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

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

6

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

9 17. a. The county board of elections shall, promptly after  
10 receiving each mail-in ballot, remove the inner envelope containing  
11 the ballot from the outer envelope and shall compare the signature  
12 and the information contained on the flap of the inner envelope with  
13 the signature and information contained in the respective requests  
14 for mail-in ballots and the signature and information contained in  
15 the Statewide voter registration system. In addition, as to mail-in  
16 ballots issued less than seven days prior to an election, the county  
17 board of elections shall also check to establish that the mail-in voter  
18 did not vote in person. The county board shall reject such a ballot if  
19 it is not satisfied, pursuant to a comparison with the Statewide voter  
20 registration system, that the voter is legally entitled to vote and that  
21 the ballot conforms with the requirements of this act. The county  
22 board of elections shall conduct the determination of qualification  
23 of each voter in accordance with the requirements of the Certificate  
24 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-  
25 13).

26 In the case of a mail-in ballot to be voted at a primary election  
27 for the general election, the ballot shall be rejected if the mail-in  
28 voter has indicated in the certificate the voter's intention to vote in a  
29 primary election of any political party in which the voter is not  
30 entitled to vote according to the Statewide voter registration system,  
31 and if it shall appear from the record that the voter is not entitled to  
32 vote in a primary election of the political party which has been so  
33 indicated.

34 Any mail-in ballot which is received by a county board of  
35 elections shall be rejected if the inner envelope is unsealed or if  
36 either the inner or outer envelope has a seal that has been tampered  
37 with. Mail-in ballots shall not be rejected due to any defect arising  
38 out of or relating to the preparation or mailing of the ballot or  
39 envelope that was not reasonably caused by the voters, such as a  
40 torn envelope and missing or insufficient glue to allow the ballot to  
41 be sealed.

42 Disputes about the qualifications of a mail-in voter to vote or  
43 about whether or not or how any mail-in ballot shall be counted in  
44 such election shall be referred to the Superior Court for  
45 determination, as provided under section 4 of P.L.2020, c.70  
46 (C.19:63-17.1).

47 After such investigation, the county board of elections shall  
48 detach or separate the certificate from the inner envelope containing  
49 the mail-in ballot, unless it has been rejected by it or by the

1 Superior Court, marking the envelope so as to identify the election  
2 district in which the ballot contained therein is to be voted as  
3 indicated by the voter's home address appearing on the certificate  
4 attached to or accompanying the inner envelope and, in the case of  
5 ballots to be voted at a primary election for a general election, so as  
6 to identify the political party in the primary election of which it is  
7 to be voted.

8 The location at which a county board of elections determines  
9 whether a mail-in ballot shall be accepted or rejected shall be  
10 considered an election district for the purposes of appointment of  
11 challengers.

12 b. The county board of elections shall, promptly after receiving  
13 each mail-in ballot, undertake the following procedures and  
14 requirements concerning the acceptance or rejection of each mail-in  
15 ballot:

16 (1) within 24 hours after the decision has been made to reject a  
17 voter's mail-in or provisional ballot on the basis of a missing  
18 signature or discrepant signature, issue a "Cure Letter" by mail or  
19 email to the voter whose ballot was rejected, which shall inform the  
20 voter of that fact and provide the reasoning for rejection, and  
21 attempt to contact the voter by telephone, if a telephone number is  
22 available. The cure letter shall include a "Cure Form" and the form  
23 shall include the voter's name and instruct the voter on how to cure  
24 the alleged or actual deficiency. Cure forms shall not be referred to  
25 as affidavits or certifications and shall not be required to be sworn;

26 (2) when the alleged or actual deficiency involves the signature  
27 of the voter, instruct the voter that they may cure the deficiency by  
28 completing the cure form and returning it to the county board of  
29 elections in person, by fax, or by email, **【not later than 48 hours**  
30 **prior to the final certification of the results of the election,】** or by  
31 returning it to the county board of elections by mail, and that the  
32 completed cure form must be received by the county board of  
33 elections not later than **【48 hours prior to the final certification of**  
34 **the results of the election】** midnight on the 9th day following the  
35 day of the election;

36 (3) include, with the cure letter, when sent by mail, a pre-printed  
37 cure form and a postage-paid return envelope addressed to the  
38 county board of elections which the voter may use to return the cure  
39 form; and

40 (4) inform voters that they shall not be required to submit any  
41 form of hard-copy identification document or copy thereof in order  
42 to cure a signature deficiency, but may do so by declaring that they  
43 submitted their provisional ballot or mail-in ballot, and verifying  
44 their identity by either: (a) providing a valid New Jersey driver's  
45 license number or Motor Vehicle Commission non-driver  
46 identification number; or (b) if the voter does not have a valid New  
47 Jersey driver's license number or Motor Vehicle Commission non-  
48 driver identification number, then by providing the last four digits

1 of their Social Security Number; or (c) if the voter does not have  
2 the identification in (a) or (b), then attaching a legible copy of a  
3 New Jersey State-accepted form of identification, including either a  
4 sample ballot which lists the voter's name and address, an official  
5 federal, State, county, or municipal document which lists the voter's  
6 name and address, or a utility bill, telephone bill, or tax or rent  
7 receipt which lists the voter's name and address; and (d) signing and  
8 dating the cure form prior to returning it.

9 c. If a voter returns a completed cure form in a timely manner  
10 and the information provided verifies the voter's identity, pursuant  
11 to this section, their otherwise valid mail-in or provisional ballot  
12 shall be counted in the final election results irrespective of any  
13 signature deficiency previously identified and, under those  
14 circumstances, the cure form may not be verified or authenticated  
15 using signature matching.

16 d. In accordance with this section, variations in voter  
17 signatures caused by the substitution of initials for the first name,  
18 middle name, or both, shall not be grounds for the county board of  
19 elections to determine that the signatures are non-conforming or do  
20 not match.

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

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

32 The Secretary of State shall prepare educational materials  
33 regarding this section that all employed county boards of elections  
34 employees handling ballots shall read and have available for  
35 review. The materials shall provide clear information regarding the  
36 standards for acceptance and rejection of mail-in ballots and the  
37 safe-keeping of all materials in the case of rejection. The materials  
38 shall serve an educational purpose for the county board of elections  
39 and shall not replace, supersede, or void the authority of the county  
40 board or a judge of the Superior Court to accept or reject a mail-in  
41 ballot.

42 (cf: P.L.2020, c.71, s.12)

43  
44 14. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to  
45 read as follows:

46 22. a. On the day of each election, or as provided under  
47 subsection b. of this section, each county board of elections shall  
48 open in the presence of the commissioner of registration, or the  
49 designee thereof, the inner envelopes that contain the mail-in ballots



1 with the votes cast for the election. The inner envelopes containing  
2 the ballots that the board or the Superior Court has rejected shall  
3 not be so opened, but shall be retained as provided for by this act.  
4 The board shall then proceed to canvass the votes cast on the mail-  
5 in ballots, but no such ballot shall be counted in any primary  
6 election for the general election if the ballot of the political party  
7 marked for voting thereon differs from the designation of the  
8 political party in the primary election of which such ballot is  
9 intended to be voted as marked on the envelope by the county board  
10 of elections.

11 Every mail-in ballot that bears a postmark date before or of the  
12 day of the election and that is received by the county board within  
13 ~~【144 hours】~~ 72 hours after the time of the closing of the polls for  
14 the election that the ballot was prepared shall be considered valid  
15 and shall be canvassed. Every mail-in ballot that does not bear a  
16 postmark date but that is received by the county board by delivery  
17 of the United States Postal Service before, or within 48 hours after,  
18 the time of the closing of the polls for the election for which the  
19 ballot was prepared shall be considered valid and shall be  
20 canvassed.

21 b. A county board of elections may begin opening the inner  
22 envelopes for each mail-in ballot no earlier than five days prior to  
23 the day of the election, and canvassing each mail-in ballot from the  
24 inner envelopes no earlier than three days prior to the day of the  
25 election. The Secretary of State shall establish guidelines  
26 concerning the early canvassing process. If a county board of  
27 elections begins opening the inner envelopes and canvassing the  
28 mail-in ballots from the inner envelopes prior to the day of the  
29 election, the county board shall implement the measures necessary  
30 to ensure the security and secrecy of the mail-in ballots. The  
31 contents of the mail-in ballots and the results of the ballot  
32 canvassing shall remain confidential and shall be disclosed only in  
33 accordance with the provisions of Title 19 of the Revised Statutes,  
34 regulations and guidelines concerning the disclosure of election  
35 results, and in no circumstances disclosed prior to the close of polls  
36 on the day of the election. As provided under R.S.19:34-13, any  
37 person who is authorized to receive and canvass completed mail-in-  
38 ballots who knowingly discloses to the public the contents of a  
39 mail-in ballot prior to the time designated by law for the closing of  
40 the polls for each election shall be guilty of a crime of the third  
41 degree.

42 c. Immediately after the canvass is completed, the respective  
43 county boards of election shall certify the result of the canvass to  
44 the county clerk or the municipal or district clerk or other  
45 appropriate officer, as the case may be, showing the result of the  
46 canvass by municipality and ward. The votes thus canvassed shall  
47 be counted in determining the result of the election.

48 The county board of elections shall, immediately after the  
49 canvass is completed for any primary election, certify the results of

1 the votes cast for members of the county committees to the  
2 respective municipal clerks, and those votes shall be counted in  
3 determining the result of the election.

4 Each mail-in ballot cast, canvassed, and tallied in an election  
5 under this section shall be reported in the results for the election  
6 district in which the voter resides.

7 (cf: P.L.2020, c.71, s.13)

8

9 15. This act shall take effect on January 1 next following the  
10 date of enactment.

11

12

13

### STATEMENT

14

15 This bill makes various changes to certain in-person, early  
16 voting, and vote by mail practices and procedures. Specifically, the  
17 bill requires ballot privacy sleeves at each polling place; requires  
18 that early and vote by mail votes be reported in the election district  
19 where the voter resides; ends the mail-in ballot cure deadline 9 days  
20 after election day; ends the period for when a ballot can be received  
21 and counted, if it is postmarked on the day of the election, 72 hours  
22 after the election; allows mail-in ballots to be processed starting  
23 five days before the election and canvassed starting three days  
24 before the election; and allows voters to request a mail-in ballot,  
25 and to declare or change their political party affiliation, using the  
26 online voter registration system. This bill also provides that, once a  
27 person has submitted the online voter registration form, the online  
28 voter registration system would not accept a new voter registration  
29 form submission from the same person until the previous  
30 submission has been processed.

31

#### *Privacy Sleeves*

32

33  
34 This bill requires privacy sleeves be provided to voters when  
35 hand-marked paper ballots are used to cast the voter's vote at the  
36 polling place. The bill also requires ballot scanning machines to  
37 have a privacy screen, shield, or curtain and requires the use of  
38 privacy screens and shields at polling places.

39

#### *Reporting of Early and Mail-in Votes*

40

41  
42 This bill would require each early vote (except for provisional  
43 ballots cast at an early voting site) and each mail-in vote cast,  
44 canvassed, and tallied in an election to be reported in the results for  
45 the election district in which the voter resides.

46

#### *Mail-in Ballot Cure Deadline*

47

48

1 Under current law, a mail-in voter may cure a defect in their  
2 mail-in ballot not later than 48 hours prior to the final certification  
3 of the results of the election. This bill would change the cure  
4 deadline to midnight on the 9th day following the day of the  
5 election.

6

7 *Postmarked Mail-in Ballot Acceptance Deadline*

8

9 Under current law, every mail-in ballot that bears a postmark  
10 date before or of the day of the election and that is received by the  
11 county board within 144 hours (six days) after the time of the  
12 closing of the polls for the election is considered valid and shall be  
13 canvassed. This bill would change that postmarked ballot  
14 acceptance deadline to within 72 hours after election day (3 days).

15

16 *Mail-in Ballot Processing*

17

18 Under current law, mail-in ballot inner envelopes are prohibited  
19 from being opened prior to election day. Under this bill, county  
20 boards of election would be permitted to begin opening the inner  
21 envelopes for each mail-in ballot no earlier than five days prior to  
22 the day of the election, and begin canvassing such ballots no earlier  
23 than three days prior to the day of the election.

24 The bill directs the Secretary of State to establish guidelines  
25 concerning the early canvassing process. If a county board of  
26 elections begins opening the inner envelopes and canvassing the  
27 mail-in ballots from the inner envelopes prior to the day of the  
28 election, the county board is required to implement the measures  
29 necessary to ensure the security and secrecy of the mail-in ballots.  
30 The bill requires the contents of the mail-in ballots and the results  
31 of the ballot canvassing to remain confidential and be disclosed  
32 only in accordance with current law, regulations, and guidelines  
33 concerning the disclosure of election results. The bill prohibits  
34 disclosure prior to the close of polls on the day of the election.  
35 Under the bill, as provided under R.S.19:34-13, any person who is  
36 authorized to receive and canvass completed mail-in-ballots who  
37 knowingly discloses to the public the contents of a mail-in ballot  
38 prior to the time designated by law for the closing of the polls for  
39 each election is guilty of a crime of the third degree.

40

41 *Online Application for Mail-in Ballot*

42

43 This bill allows registered voters to submit an application to vote  
44 by mail electronically, using the online voter registration website  
45 maintained by the Secretary of State, up to seven days before an  
46 election. Under current law, registered voters may apply to vote by  
47 mail using a paper application form up to seven days before an  
48 election, and may apply for a mail-in ballot in person up to 3:00 PM  
49 the day before election day. This bill would allow registered voters

1 to complete a mail-in ballot application form electronically using  
2 the online voter registration website established by the Secretary of  
3 State. Under the bill, applications to vote by mail submitted online  
4 would be forwarded to the appropriate county clerk. The bill  
5 requires the electronic application to be signed by the applicant  
6 using the applicant's electronic signature in the Statewide Voter  
7 Registration System, and to state the applicant's place of voting  
8 residence and the address to which the ballot will be sent. The bill  
9 directs the Secretary of State to prepare a mail-in ballot electronic  
10 application form and authorizes the secretary to promulgate any  
11 rules and regulations deemed necessary. The bill also updates the  
12 notices required to be published ahead of each election concerning  
13 the manner of applying to vote by mail, to include the online  
14 application form authorized by the bill.

15

16 *Online Political Party Affiliation*

17

18 Under current law, a person registering to vote may declare a  
19 political party affiliation on the voter registration form, and  
20 thereafter may update such affiliation using a paper form. This bill  
21 allows a person registering to vote, and registered voters, to submit  
22 or update their political party affiliation, including the option to not  
23 be affiliated with any political party, using the online voter  
24 registration system maintained by the Secretary of State.