

[Fifth Reprint]

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 DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator VIN GOPAL

District 11 (Monmouth)

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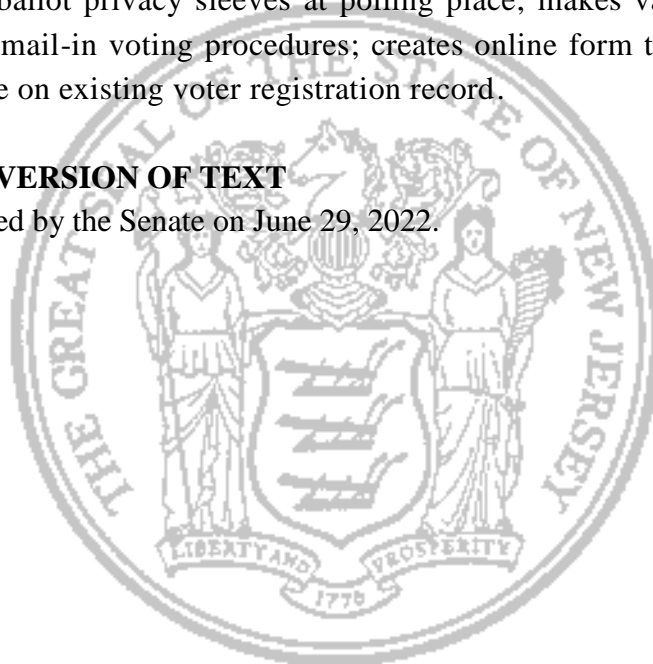
Assemblywomen Reynolds-Jackson and Jasey

SYNOPSIS

Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.

CURRENT VERSION OF TEXT

As amended by the Senate on June 29, 2022.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning certain in-person, early voting, and vote by
2 mail practices and procedures ¹, and the manner of updating the
3 name and address of a registered voter on an existing voter
4 registration record,¹ and amending various parts of the statutory
5 law and supplementing ¹chapter 31 and¹ chapter 52 of Title 19 of
6 the Revised Statutes.

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

10

11 1. (New section) ²In a manner consistent with the requirement
12 for voting machines to secure the voter's secrecy in the act of
13 voting as required under R.S.19:48-1, and for electronic voting
14 systems to provide for the secrecy of a voter's vote under sections 3
15 and 6 of P.L.1973, c.82 (C.19:53A-3 and C.19:53A-6):²

16 a. In all counties wherein voters use hand-marked paper ballots
17 to cast the voter's vote, a privacy sleeve into which the voted ballot
18 can be inserted and fully shielded from view shall be provided to
19 the voter.

20 b. In all counties wherein ballot scanning machines are used to
21 cast hand-marked paper ballots, the ²**[ballot scanning machine shall**
22 **contain a privacy screen, shield, or curtain so]** the county shall
23 ensure² that privacy is maintained as the voter inserts the voted
24 ballot into the ballot scanning machine.

25 c. In all counties wherein voters use a direct recording electronic
26 voting machine to cast the voter's vote, the direct recording
27 electronic voting machine shall contain a privacy screen, shield, or
28 curtain so that privacy is maintained as the voter casts the voter's
29 vote.

30

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

32 19:8-7. The booths shall be sufficiently large to enable the voter
33 to conveniently prepare **[his]** the voter's ballot as provided for and
34 shall have swinging doors or privacy screens, shields, or curtains so
35 that privacy is maintained as the voter prepares the voter's ballot in
36 secret and screened from the observation of others.

37 The swinging doors or privacy screens, shields, or curtains shall
38 be so arranged that some part of the person of the voters **[standing]**
39 present in the booths may be seen from the outside thereof when the
40 door or curtains are closed or when the voter is present behind the
41 screens or shields.

42 Each booth shall contain a counter or shelf suitably placed to
43 enable voters to place their ballots thereon while preparing the same

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:

¹Assembly ASL committee amendments adopted May 12, 2022.

²Assembly AJU committee amendments adopted June 9, 2022.

³Assembly AAP committee amendments adopted June 13, 2022.

⁴Assembly floor amendments adopted June 16, 2022.

⁵Senate floor amendments adopted June 29, 2022.

1 for voting. ²Each booth shall also contain privacy sleeves or folders
2 into which the voter may insert the voted ballot to fully shield it
3 from view while walking the ballot outside the booth to be scanned
4 or cast, as the case may be. ²
5 (cf: R.S.19:8-7)
6

7 ⁵[3. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
8 read as follows:

9 1. a. A county board of elections shall have posted a voter
10 information notice, which shall be referred to as a voter's bill of
11 rights, in a conspicuous location in each polling place and each
12 specially designated polling place used for early voting before
13 voting begins.

14 The notice shall contain:

15 the date of the election and the hours during which polling places
16 will be open;

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

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

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

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

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

28 an explanation of the right of the voter to vote in private,
29 regardless of the voter's physical abilities;

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

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

38 an explanation of the right of the voter to ask for and receive
39 assistance in voting;

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

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

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

47 general information on federal and State laws that prohibit acts
48 of fraud or misrepresentation and the penalties for those acts;

1 an explanation of the right of the voter to confidentially discover
2 the status of their ballot using the "Track My Ballot" user portal;
3 an explanation that "All ballots are counted and your vote
4 remains anonymous";
5 an explanation of the right of the voter that if their ballot was
6 rejected, a notice will be issued to the voter within 24 hours after a
7 decision is made to reject the ballot. The voter will have up to [48
8 hours prior to the date for the final certification of the results of the
9 election] ²[midnight] 5:00 PM² on the 9th day following the day
10 of the election to provide a cure for their ballot;
11 an explanation giving the options for the voter to provide the
12 cure to their rejected ballot;
13 an explanation that no voters shall be intimidated or otherwise
14 unduly influenced by political insignia while voting. No person
15 shall wear, display, sell, give or provide any political or campaign
16 slogan, badge, button or other insignia associated with any political
17 party or candidate to be worn at or within one hundred feet of the
18 polls or within the polling place or room, on any primary, general or
19 special election day or on any commission government election day,
20 except the badge furnished by the county board as provided by law.
21 This includes any political gear representing the campaign slogans,
22 logos, or depictions or representations of any political party or
23 candidate such as merchandise sold directly from a political party,
24 campaign, candidate, or by third parties and vendors representing
25 any political party or campaign or candidate. A person violating
26 any of these provisions is guilty of a disorderly persons offense and
27 will not be permitted on the premises and can only return to vote
28 after the removal of prohibited political insignia; and
29 such other statement, instruction or explanation the Secretary of
30 State may deem appropriate to ensure the full and knowledgeable
31 participation of the voter in the process.
32 The requirement to post this notice in each polling place shall
33 not replace, supersede or void any other requirement set forth in law
34 for the posting of information in each polling place apart from the
35 voter information notice. The poster promoting the use of voting by
36 mail prepared and distributed by the Secretary of State pursuant to
37 R.S.19:8-6 shall be displayed next to or as close as may be possible
38 to the voter information notice.
39 b. The Secretary of State shall prescribe the form and specific
40 content of the voter information notice, which may be comprised of
41 more than one page. If the notice is comprised of more than one
42 page, each page shall be posted separately. For an election district
43 in which the primary language of 10 percent or more of the
44 registered voters is a language other than English, the Secretary of
45 State shall prescribe an official version of the voter information
46 notice in that other language or languages for use in that election
47 district. The notice shall be posted in English and in the other
48 language or languages in the polling places in each such district.

1 The alternate language shall be determined based on information
2 from the latest federal decennial census.

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

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

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

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

20 g. The State shall be liable for the costs incurred by local
21 government entities for compliance with this section, and they shall
22 be reimbursed for those costs, upon application, by the State
23 Treasurer.

24 (cf: P.L.2021, c.40, s.9)]⁵

25

26 ⁵[4.] 3.⁵ R.S.19:15-26 is amended to read as follows:

27 19:15-26. Every voter to whom a ballot is given shall thereupon
28 retire into the polling booth. Each booth in a polling place shall be
29 arranged in accordance with the provisions of R.S.19:8-7. Not
30 more than one voter, except as hereinafter provided, shall be
31 permitted to enter or be in the same booth, at one time. The voter
32 shall prepare **[his]** the voter's ballot in the booth secretly and
33 screened from the observation of others.

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

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

37

38 ⁵[5.] 4.⁵ Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended
39 to read as follows:

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

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

46 b. Each early vote cast, canvassed, and tallied in an election
47 under subsection a. of this section shall be reported in the results for
48 the election district in which the voter resides. The provisions of

1 this subsection shall not be interpreted to change the manner in
 2 which each provisional ballot cast, canvassed, and tallied in each
 3 election is reported as part of the official tally of the results of the
 4 election in a manner that preserves the privacy of the voter's vote.
 5 ²~~1~~ Notwithstanding any provision of this subsection to the contrary,
 6 if the reporting of the early voting results in the election district in
 7 which the voter resides would violate the privacy of the voter's
 8 vote, those results shall instead be reported as part of the general
 9 tally.¹ Whenever the reporting requirement of this subsection
 10 would cause a voter's privacy to be violated, the election results
 11 shall be reported in a manner that maintains the privacy of the vote,
 12 provided that the election results posted on the respective websites
 13 shall contain a disclosure stating that the results reported for some
 14 individual districts reflect measures to protect the privacy of the
 15 vote while the general tally accurately reflects the results⁴, and
 16 provided further that the reports for those individual districts shall
 17 not be subject to disclosure under the provisions of P.L.1963, c.73
 18 (C.47:1A-1 et seq.), commonly known as the open public records
 19 act⁴.²
 20 (cf: P.L.2021, c.40, s.4)

21

22 ⁵~~6.~~ ⁵ R.S.19:23-45 is amended to read as follows:

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

25 A voter who votes in a primary election of a political party or
 26 who signs and files with the municipal clerk or the county
 27 commissioner of registration a declaration that he desires to vote in
 28 the primary election of a political party, or who indicates on a voter
 29 registration form the voter's choice of political party affiliation and
 30 submits the form to the commissioner of registration of the county
 31 wherein the voter resides, to the employees or agents of a public
 32 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
 33 (C.19:31-6.3), or a voter registration agency, as defined in
 34 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
 35 the Secretary of State, either on a paper form or an electronic form
 36 using the online voter registration system established under section
 37 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a
 38 member of that party until the voter signs and files with the
 39 municipal clerk or the commissioner of registration a declaration
 40 that he desires to vote in the primary election of another political
 41 party at which time he shall be deemed to be a member of such
 42 other political party. The Secretary of State shall cause to be
 43 prepared political party affiliation declaration forms and shall
 44 provide such forms to the commissioners of registration of the
 45 several counties and to the clerks of the municipalities within such
 46 counties.

47 No voter, except a newly registered voter at the first primary at
 48 which he is eligible to vote, or a voter who has not previously voted

1 in a primary election, may vote in a primary election of a political
2 party unless he was deemed to be a member of that party on the
3 55th day next preceding such primary election.

4 A member of the county committee of a political party and a
5 public official or public employee holding any office or public
6 employment to which he has been elected or appointed as a member
7 of a political party shall be deemed a member of such political
8 party.

9 A voter may declare the voter's party affiliation or change the
10 voter's party affiliation, or declare that the voter is unaffiliated with
11 any party regardless of any previously declared party affiliation, by
12 so indicating on a political party declaration form filed with the
13 municipal clerk or the county commissioner of registration. A voter
14 may also indicate that the voter wishes to declare a political party
15 affiliation or that the voter does not want to declare a political party
16 affiliation on a voter registration form filed at the time of initial
17 registration. A voter may declare the voter's party affiliation, or
18 make changes to that affiliation, either on a paper form or an
19 electronic form using the online voter registration system
20 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

21 Any person voting in the primary ballot box of any political
22 party in any primary election in contravention of the election law
23 shall be guilty of a disorderly persons offense, and any person who
24 aids or assists any such person in such violation by means of public
25 proclamation or order, or by means of any public or private
26 direction or suggestions, or by means of any help or assistance or
27 cooperation, shall likewise be guilty of a disorderly persons offense.
28 (cf: P.L.2011, c.134, s.27)

29

30 ⁵~~[7.]~~ ⁵6. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is
31 amended to read as follows:

32 2. a. The county commissioner of registration in each of the
33 several counties shall cause a notice to be published in each
34 municipality of their respective counties in a newspaper or
35 newspapers circulating therein. The notice to be so published shall
36 be published once during each of the two calendar weeks next
37 preceding the week in which the 55th day next preceding the
38 primary election of a political party occurs.

39 b. The notice required to be published by the preceding
40 paragraph shall inform the reader thereof that no voter, except a
41 newly registered voter at the first primary at which he is eligible to
42 vote, or a voter who has not previously voted in a primary election
43 may vote in a primary election of a political party unless he was
44 deemed to be a member of that party on the 55th day next preceding
45 such primary election. It shall further inform the reader thereof that
46 a voter who votes in the primary election of a political party, or who
47 signs and files with the municipal clerk or the county commissioner
48 of registration a declaration that he desires to vote in the primary

1 election of a political party, or who indicates on a voter registration
2 form the voter's choice of political party affiliation and submits the
3 form to the commissioner of registration of the county wherein the
4 voter resides, to the employees or agents of a public agency, as
5 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
6 6.3), or a voter registration agency, as defined in subsection a. of
7 section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of
8 State, either on a paper form or an electronic form using the online
9 voter registration system established under section 1 of P.L.2019,
10 c.382 (C.19:31-6.4c), shall be deemed to be a member of that party
11 until the voter signs and files with the municipal clerk or the
12 commissioner of registration a declaration that he desires to vote in
13 the primary election of another political party, at which time he
14 shall be deemed to be a member of such other political party, or that
15 the voter chooses not to be affiliated with any political party. The
16 notice shall also state the time and location where a person may
17 obtain political party affiliation declaration forms or voter
18 registration forms.

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

20

21 ⁵**[8.] 7.**⁵ Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is
22 amended to read as follows:

23 1. Notwithstanding any other provision of law to the contrary,
24 a person who is qualified to register to vote may submit a voter
25 registration form electronically on a secure Internet website
26 maintained by the Secretary of State, if the applicant has an email
27 address and provides a valid New Jersey driver's license number, a
28 valid New Jersey nondriver identification card number, or the last
29 four digits of the applicant's Social Security number. The voter
30 registration form shall contain substantively the same information
31 required to be contained on a paper voter registration form pursuant
32 to section 16 of P.L.1974, c.30 (C.19:31-6.4). ²**[The voter**
33 **registration form available electronically shall enable a person who**
34 **is qualified to register to vote, and a person who is registered to**
35 **vote, to apply for and receive a mail-in ballot as provided under**
36 **section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests**
37 **otherwise.]**² **The voter registration form available electronically**
38 **shall also enable a person who is qualified to register to vote, and a**
39 **person who is registered to vote, to declare a political party**
40 **affiliation and to make changes to that affiliation, with an option to**
41 **indicate no affiliation with any political party, by updating the**
42 **online voter registration form.** ²**Beginning on January 1, 2026 and**
43 **thereafter, the voter registration form available electronically shall**
44 **enable a person who is qualified to register to vote, and a person**
45 **who is registered to vote, to apply for and receive a mail-in ballot as**
46 **provided under section 3 of P.L.2009, c.79 (C.19:63-3), until the**
47 **voter requests otherwise.**²

- 1 a. The Secretary of State shall apply the same voter registration
2 deadline applicable under current law for paper voter registration
3 forms to an online voter registration form submitted by an applicant
4 pursuant to this section.
- 5 b. The applicant completing the form shall affirmatively attest
6 to the truth of the information provided in the form.
- 7 c. For voter registration purposes, the applicant shall
8 affirmatively assent to the use of his or her signature from his or her
9 driver's license or non-driver identification card or the applicant's
10 digitized or electronic signature.
- 11 d. For each online voter registration form, the Secretary of
12 State shall obtain either an electronic copy of the applicant's
13 signature from his or her driver's license or non-driver identification
14 card directly from the New Jersey Motor Vehicle Commission, or
15 the applicant's digitized or electronic signature.
- 16 e. Upon submission of an online voter registration form
17 pursuant to this section, the electronic voter registration system
18 shall automatically acknowledge that the online voter registration
19 form has been submitted successfully, and provide instructions on
20 how the person completing the voter registration form may follow-
21 up on the status of the submission either online or by contacting the
22 appropriate county commissioner of registration. ²Once a person
23 has submitted the online voter registration form, the online voter
24 registration system shall not accept a new voter registration form
25 submission from the same person until the previous submission has
26 been processed. If a person submits more than one online voter
27 registration form with identical information, the county ³board of
28 elections commissioner of registration ³of the county in which the
29 voter resides may process and adjudicate only the first online voter
30 registration form submitted by the person through the system. ²
- 31 f. The Secretary of State shall employ security measures to
32 ensure the accuracy and integrity of voter registration forms
33 submitted electronically pursuant to this section.
- 34 g. The New Jersey Motor Vehicle Commission and the
35 Secretary of State shall jointly develop a process and the
36 infrastructure to allow the electronic copy of the applicant's
37 signature and other information required under this section that is in
38 the possession of the commission to be transferred to the Secretary
39 of State and to the appropriate county election officials to allow a
40 person who is qualified to register to vote in New Jersey to register
41 to vote under this section.
- 42 h. If an applicant cannot electronically submit the information
43 required pursuant to this section, the applicant shall nevertheless be
44 able to complete the online voter registration form electronically on
45 the Secretary of State's Internet website, print a paper copy of the
46 completed form, and mail or deliver the paper copy of the
47 completed form to the Secretary of State or the appropriate county
48 election official. For the purposes of this subsection, the applicant

1 shall be required to provide the same documents required to be
2 provided with a paper voter registration form pursuant to R.S.19:31-
3 5.

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

5

6 ⁵**[9.] 8.**⁵ Section 6 of P.L.1973, c.82 (C.19:53A-6) is amended
7 to read as follows:

8 6. a. Prior to any election at which electronic voting devices
9 are used the county board of elections shall have the voting devices
10 prepared for the election and shall provide the district election
11 officers with voting devices, voting booths, ballot boxes, ballot
12 cards, "write-in" ballots and other records and supplies as
13 required.

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

22 c. Unless the voting device enables the voter to mark **[his] the**
23 voter's choices in secret, the board of elections shall provide a
24 sufficient number of voting booths for each **[voting] election**
25 district in a polling place, which shall be of a size and design in
26 accordance with the provisions of R.S.19:8-7 so as to enable the
27 voter to mark **[his] the voter's** ballot in secret.

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

29

30 ⁵**[10.] 9.**⁵ Section 10 of P.L.1999, c.232 (C.19:53C-4) is
31 amended to read as follows:

32 10. The district board shall designate an area within the polling
33 place, which may be a voting booth, for the voter to mark the
34 provisional ballot and affirmation statement. If the district board
35 designates a voting booth for the voter to mark the provisional
36 ballot and affirmation statement, the voting booth shall be arranged
37 in accordance with the provisions of R.S.19:8-7. If a voting booth
38 is not used, the area designated for voters to mark the provisional
39 ballot and affirmation statement shall have swinging doors or
40 privacy screens, shields, or curtains so that privacy is maintained as
41 the voter prepares the provisional ballot and affirmation statement
42 in secret and screened from the observation of others. No
43 provisional ballot and envelope with an affirmation statement shall
44 be handed to a voter until the area designated for voters to mark the
45 provisional ballot and affirmation statement is ready. **[If a voting**
46 **booth is not used, the voter shall be provided with a security screen**
47 **at the same time that the provisional ballot and envelope with**
48 **affirmation statement is provided.]**

1 A district board member shall instruct the voter how to complete
2 the affirmation statement and place the voted provisional ballot into
3 the envelope.

4 If for any reason provisional ballots and envelopes with
5 affirmation statements are not ready or available for distribution at
6 any polling place, the district board member in charge shall notify
7 the appropriate authority that additional ballots and affirmation
8 statements are required.

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

11 ⁵~~[11.]~~ ⁵10. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended
12 to read as follows:

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

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

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

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

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

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

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

45 (2) ²[Not] Beginning on January 1, 2026 and thereafter, not²
46 less than seven days before an election in which a voter wants to
47 vote by mail, instead of submitting an application under paragraph
48 (1) of this subsection, the voter may apply for a mail-in ballot

1 electronically through the voter registration website established by
2 the Secretary of State pursuant to section 1 of P.L.2019, c.382
3 (C.19:31-6.4c), which application shall be electronically submitted
4 to the person designated ²[in section 5 of P.L.2009, c.79 (C.19:63-
5 5)] by the Secretary of State² . The application shall be in
6 electronic form, shall be signed by the applicant using the
7 applicant's electronic signature in the Statewide Voter Registration
8 System, and shall state the applicant's place of voting residence and
9 the address to which the ballot shall be sent. The Secretary of State
10 shall prepare a mail-in ballot electronic application form and shall
11 have the authority to promulgate any ²guidance, guidelines,² rules
12 and regulations the secretary deems necessary to effectuate the
13 purposes of this subsection. ⁴The rules and regulations shall ensure
14 the security of the online mail-in ballot application form and the use
15 of verifiable signatures, including a process for the resolution of
16 signature discrepancies and the validation of the information
17 provided by the applicant.⁴

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 ⁵[12.] 11.⁵ Section 6 of P.L.2009, c.79 (C.19:63-6) is amended
48 to read 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 ²[at (insert website
21 address here)]².

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)

1
2 (address of county clerk)

3
4 (telephone no. of county clerk)

5 ²【Instead, application forms may be completed electronically on
6 the Secretary of State’s website at (insert website
7 address here).】²

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

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

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

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

46 Notices relating to any Statewide or countywide election shall be
47 published in at least two newspapers published in each county. All
48 officials charged with the duty of publishing such notices shall

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

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

8

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

11 17. a. The county board of elections shall, promptly after
12 receiving each mail-in ballot, remove the inner envelope containing
13 the ballot from the outer envelope and shall compare the signature
14 and the information contained on the flap of the inner envelope with
15 the signature and information contained in the respective requests
16 for mail-in ballots and the signature and information contained in
17 the Statewide voter registration system. In addition, as to mail-in
18 ballots issued less than seven days prior to an election, the county
19 board of elections shall also check to establish that the mail-in voter
20 did not vote in person. The county board shall reject such a ballot if
21 it is not satisfied, pursuant to a comparison with the Statewide voter
22 registration system, that the voter is legally entitled to vote and that
23 the ballot conforms with the requirements of this act. The county
24 board of elections shall conduct the determination of qualification
25 of each voter in accordance with the requirements of the Certificate
26 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
27 13).

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

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

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

1 After such investigation, the county board of elections shall
2 detach or separate the certificate from the inner envelope containing
3 the mail-in ballot, unless it has been rejected by it or by the
4 Superior Court, marking the envelope so as to identify the election
5 district in which the ballot contained therein is to be voted as
6 indicated by the voter's home address appearing on the certificate
7 attached to or accompanying the inner envelope and, in the case of
8 ballots to be voted at a primary election for a general election, so as
9 to identify the political party in the primary election of which it is
10 to be voted.

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

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

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

29 (2) when the alleged or actual deficiency involves the signature
30 of the voter, instruct the voter that they may cure the deficiency by
31 completing the cure form and returning it to the county board of
32 elections in person, by fax, or by email, **【not later than 48 hours**
33 **prior to the final certification of the results of the election,】** or by
34 returning it to the county board of elections by mail, and that the
35 completed cure form must be received by the county board of
36 elections not later than **【48 hours prior to the final certification of**
37 **the results of the election】** ²**【midnight】** 5:00 PM² on the 9th day
38 following the day of the election;

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

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

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

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

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

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

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

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

45 (cf: P.L.2020, c.71, s.12)]⁵

46

47 ¹[14. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
48 read as follows:

1 22. a. On the day of each election, or as provided under
2 subsection b. of this section, each county board of elections shall
3 open in the presence of the commissioner of registration, or the
4 designee thereof, the inner envelopes that contain the mail-in ballots
5 with the votes cast for the election. The inner envelopes containing
6 the ballots that the board or the Superior Court has rejected shall
7 not be so opened, but shall be retained as provided for by this act.
8 The board shall then proceed to canvass the votes cast on the mail-
9 in ballots, but no such ballot shall be counted in any primary
10 election for the general election if the ballot of the political party
11 marked for voting thereon differs from the designation of the
12 political party in the primary election of which such ballot is
13 intended to be voted as marked on the envelope by the county board
14 of elections.

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

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

46 c. Immediately after the canvass is completed, the respective
47 county boards of election shall certify the result of the canvass to
48 the county clerk or the municipal or district clerk or other

1 appropriate officer, as the case may be, showing the result of the
2 canvass by municipality and ward. The votes thus canvassed shall
3 be counted in determining the result of the election.

4 The county board of elections shall, immediately after the
5 canvass is completed for any primary election, certify the results of
6 the votes cast for members of the county committees to the
7 respective municipal clerks, and those votes shall be counted in
8 determining the result of the election.

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

12 (cf: P.L.2020, c.71, s.13)]¹

13

14 ⁵[^{14.} 12.⁵ R.S.19:31-11 is amended to read as follows:

15 19:31-11. a. In all counties within the State, change of
16 residence notices shall be made: (1) by a written request, signed by
17 the registrant, forwarded to the commissioner by mail, and actually
18 received by the commissioner [, or]; (2) by calling in person at the
19 office of the commissioner or the municipal clerk; or (3) by
20 completing and submitting a change of residence notice online as
21 provided ²[under section 16 of P.L. , c. (C.) (pending before
22 the Legislature as this bill)] by the Secretary of State². The
23 commissioner shall provide change of residence notices in card
24 form for the use of any registered voter moving to another address
25 within the same election district [or]; to another election district
26 within the same county; or to another election district in another
27 county for processing as provided under subsection c. of this
28 section. Copies of these notices shall also be available at the office
29 of the municipal clerk in each municipality. Each municipal clerk
30 shall transmit daily to the commissioner all the filled out change of
31 residence notices that may be in the municipal clerk's office at the
32 time. These notices shall be printed upon cards, shall contain a
33 blank form showing where the applicant last resided and the address
34 and exact location to which the applicant has moved and shall have
35 a line for the applicant's signature, printed name and date of birth.
36 Upon receipt of such change of residence notice the commissioner
37 shall cause the signature to be compared with the registration forms
38 of the applicant and, if such signature appears to be of and by one
39 and the same legal voter, the commissioner shall cause the entry of
40 the change of residence to be made on those registration forms and
41 the registrant shall thereupon be qualified to vote in the election
42 district to which the registrant shall have so moved. If the
43 commissioner is not satisfied as to the signature on the request for a
44 change of residence, a confirmation notice as prescribed by
45 subsection d. of R.S.19:31-15 shall be sent by mail with postage
46 prepaid to the registrant at the new address.

1 The application for change of residence shall be filed with the
2 commissioner or municipal clerk, as the case may be, on or before
3 the 21st day preceding any election.

4 b. In any county any voter who, prior to an election, shall move
5 within the same county after the time above prescribed for filing an
6 application for change of residence without having made
7 application for change of residence, or who has not returned a
8 confirmation notice sent to the voter by the commissioner of
9 registration of the county, if such a notice has been sent to the voter,
10 or who has not moved since the previous election but whose
11 registration information is missing or otherwise deficient, or has
12 otherwise failed to notify the commissioner of registration of the
13 voter's change of address within the county, shall be permitted to
14 vote in that election in the district to which the voter has moved,
15 upon making a written affirmation regarding the change of address
16 at the polling place of the district in which the voter resides on the
17 day of the election. No identifying document shall be required from
18 the voter for this affirmation. A district board member shall
19 provide the voter with a provisional ballot, and an envelope with an
20 affirmation statement that conforms with the requirements for such
21 documents contained in subsection b. of section 7 of P.L.1999,
22 c.232 (C.19:53C-1). The voter shall complete the provisional ballot
23 and affirmation statement, place the ballot in the envelope, seal and
24 return it to the district board member. The board member shall
25 review the information in the affirmation statement for
26 completeness before forwarding it for inspection, tabulation and
27 notation by the county board of elections, as provided for by
28 sections 7 through 26 of P.L.1999, c.232 (C.19:53C-1 through
29 C.19:53C-20). The affirmation statement shall constitute a transfer
30 to the registrant's new residence for any subsequent election.
31 However, if the voter has moved from one residence to another
32 within the same election district at any time, the voter shall be
33 permitted to vote in such election district at any election in the same
34 manner as other voters at the polling place upon written affirmation
35 by the registrant to the district board member of the registrant's
36 change of address.

37 c. A voter who moves from an election district in one county to
38 an election district in another county prior to the close of
39 registration preceding an election shall register in the new county of
40 residence, in accordance with the provisions of R.S.19:31-6, or
41 shall file a change of residence notice with the commissioner of
42 either county or complete and submit that notice online as provided
43 ²[under section 16 of P.L. , c. (C.) (pending before the
44 Legislature as this bill)] by the Secretary of State² , in order to be
45 permitted to vote. A change of residence notice filed by a voter
46 pursuant to this subsection shall cause the commissioners of the
47 county of previous residence and the county of new residence to
48 update the voter registration record of that voter ²[and to transfer

1 that record to the county of new residence² . The commissioner of
2 the county of new residence shall notify the voter by mail that the
3 voter is now registered to vote in that county or, if the notice
4 submitted by the voter is incomplete, to request any additional
5 information or documentation necessary to finalize the change of
6 residence notice. Nothing in this subsection shall be interpreted to
7 waive the requirement specified under R.S.19:31-5 that the voter
8 shall have been a resident of the county of new residence for at least
9 30 days prior to being eligible to vote in any election in that
10 county.¹

11 (cf: P.L.2005, c.139, s.13)

12

13 ⁵**[¹15.] 13.**⁵ R.S.19:31-13 is amended to read as follows:

14 19:31-13. Whenever the registrant after his or her original
15 registration shall change his or her name due to marriage, divorce,
16 or by judgment of court, the registrant shall in person or by mail
17 submit to the commissioner of registration a written statement
18 notifying the commissioner of the change, which statement shall
19 take such form, and be printed on a postal card suitable for mailing
20 of such design, as the Attorney General shall prescribe and shall be
21 signed by the registrant. A registrant may complete the form online
22 ²[pursuant to section 16 of P.L. , c. (C.) (pending before the
23 Legislature as this bill)] as provided by the Secretary of State² .
24 The commissioner, upon receipt of such a notice of change of name,
25 shall revise accordingly the name of the registrant as it appears
26 among the items of information concerning the registrant included
27 on the registrant's registration forms, shall make a photographic
28 copy of the notice of name change submitted by the registrant, and
29 shall affix the original notice so submitted to the registrant's
30 original registration form and the photographic copy of that notice
31 to the registrant's duplicate registration record.

32 When notice of such change in name has not been received by or
33 filed with the commissioner prior to the 21st day preceding any
34 election, such person may be permitted to vote under the name
35 under which the person was registered prior to that change at the
36 first election following such change in name at which the person
37 shall appear to vote, after signing the signature copy register with
38 both the registered name and his or her new name. The
39 commissioner shall then revise accordingly the name of the
40 registrant as it appears on the registrant's registration forms, make a
41 photographic copy of the notice, and affix the original and copy of
42 the notice to the registrant's permanent registration forms as
43 hereinabove prescribed.¹

44 (cf: P.L.2005, c.139, s.14)

45

46 ⁵**[¹16.] 14.**⁵ (New section) The Secretary of State shall develop
47 and make available on its website a form to allow a registered voter

1 to electronically complete a change of residence notice, change of
2 name notice, or both, and to electronically submit that form to the
3 appropriate county commissioner of registration. If the voter is
4 reporting a change of residence from one county to another, the
5 form shall be submitted to both the commissioner of the previous
6 county of residence and the new county of residence. The form shall
7 contain substantively the same information required to be submitted
8 by a registered voter on a paper version of a change of residence
9 and change of name form pursuant to R.S.19:31-11 and R.S.19:31-
10 13. The form shall contain any additional information deemed
11 necessary by the secretary.¹

12
13 ¹[15.] ⁵[17. ¹] ⁵15.⁵ This act shall take effect on January 1 next
14 following the date of enactment ², except that sections ⁵[14 and
15 ⁵15] ⁵12 and 13⁵ shall take effect on January 1 next following the
16 date of enactment or on the first day of the 12th month next
17 following the date of enactment, whichever is later².