

ASSEMBLY, No. 3819

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

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District 33 (Hudson)

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District 25 (Morris and Somerset)

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District 18 (Middlesex)

SYNOPSIS

Specifies circumstances when voter will be removed from permanent vote by mail status and when ballot will be sent to primary address; requires educational campaign; makes appropriation of \$10 million.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning mail-in ballots and amending various parts of
2 the statutory law, supplementing Title 19 of the New Jersey
3 Statutes, and making an appropriation.

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

7
8 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as
9 follows:

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

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

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

15 The qualified voter who chooses the option to vote using a mail-
16 in ballot in all future elections shall be furnished with such a ballot
17 by the county clerk without further request on the part of the voter
18 and until the voter requests in writing that the voter no longer be
19 sent a mail-in ballot, or beginning with the 2020 general election
20 cycle, if the voter does not vote in four consecutive general election
21 cycles, then the voter shall no longer be furnished with a mail-in
22 ballot for future elections and the voter shall be notified in writing
23 of the change.

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

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

37 b. Not less than seven days before an election in which a voter
38 wants to vote by mail, the voter may apply to the person designated
39 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
40 application shall be in writing, shall be signed by the applicant and
41 shall state the applicant's place of voting residence and the address
42 to which the ballot shall be sent. In the case of a voter choosing to
43 have their mail-in ballot sent to a secondary address, if the ballot is
44 returned or marked undeliverable for two consecutive elections,
45 including a primary election, then future mail-in ballots shall be

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 mailed to the voter's address where they are registered to vote and
2 the voter shall be notified in writing of the change. The Secretary
3 of State shall prepare a mail-in application form and shall have the
4 authority to promulgate any rules and regulations the secretary
5 deems necessary to effectuate the purposes of this subsection.

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

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

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

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

29 g. Any mail-in ballot that is sent to a qualified voter and that is
30 returned to the county clerk for any reason shall be forwarded to the
31 commissioner of registration, who shall so note the return in the
32 voter record of that voter.
33 (cf: P.L.2020, c.70, s.8)

34

35 2. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is amended to read
36 as follows:

37 14. a. The clerk of each county shall add to the list of registered
38 voters receiving a mail-in ballot for all future elections without
39 further request each voter in the county who requested and received
40 a mail-in ballot for the 2016 general election, and each voter who
41 requested and received a mail-in ballot for any election in 2017 and
42 2018 by filing a mail-in ballot application following the deadline
43 for applying for a 2016 general election mail-in ballot. Each voter
44 so added to the list shall have the option to inform the clerk in
45 writing that the voter does not wish to receive a mail-in ballot
46 automatically for all future elections.

47 b. The county clerks shall transmit to each voter who will
48 automatically receive such a ballot for all future elections pursuant

1 to subsection a. of this section a notice informing the voter that he
2 or she will automatically receive a mail-in ballot for all future
3 elections unless the voter informs the clerk in writing that he or she
4 does not wish to receive a mail-in ballot for all future elections, or
5 beginning with the 2020 general election cycle, if the voter does not
6 vote in four consecutive general election cycles, then the voter shall
7 no longer be furnished with a mail-in ballot for future elections and
8 the voter shall be notified in writing of the change.

9 c. The additional direct expenditures required for the
10 implementation of this section shall be offset pursuant to section 1
11 of P.L.2019, c.459 (C.19:63-29).

12 (cf: P.L.2019, c.459, s.2)

13

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

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

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

24 In the case of voter registration forms that include a selected vote
25 by mail option, a copy of each such form shall be transmitted to and
26 received by the appropriate county clerk, who shall be responsible
27 for providing mail-in ballots to each qualified voter requesting such
28 ballots for future elections, until the voter requests otherwise in
29 writing, or beginning with the 2020 general election cycle, if the
30 voter does not vote in four consecutive general election cycles, then
31 the voter shall no longer be furnished with a mail-in ballot for
32 future elections and the voter shall be notified in writing of the
33 change.

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

35

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

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

48 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

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

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

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

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

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

24 Voters who want to vote by mail in all future elections will, after
25 their initial request and without further action on their part, be
26 provided with a mail-in ballot until the voter requests otherwise in
27 writing, or beginning with the 2020 general election cycle, if the
28 voter does not vote in four consecutive general election cycles, then
29 the voter shall no longer be furnished with a mail-in ballot for
30 future elections and the voter shall be notified in writing of the
31 change.

32 Application forms may be obtained by applying to the
33 undersigned either in writing or by telephone, or the application
34 form provided below may be completed and forwarded to the
35 undersigned.

36 Dated.....
37
38 (signature and title of county clerk)
39
40 (address of county clerk)
41
42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
44 all information regarding overseas ballots to each overseas voter
45 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
46 seq.). The secretary shall also make available valid overseas voter
47 registration and ballot applications to any voter who is a member of
48 the armed forces of the United States and who is a permanent

1 resident of this State, or who is an overseas voter who wishes to
2 register to vote or to vote in any jurisdiction in this State. The
3 secretary shall provide such public notice as may be deemed
4 necessary to inform members of the armed forces of the United
5 States and overseas voters how to obtain valid overseas voter
6 registration and ballot applications.

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

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

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

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

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

43

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

46 9. a. Starting on or before the 45th day before the day an
47 election is held, each county clerk shall forward mail-in ballots by
48 first-class postage or hand delivery to each mail-in voter whose

1 request therefor has been approved. Mail-in ballots that have been
2 approved before the 45th day before an election shall be forwarded
3 or delivered at least 45 days before the day of the election. Hand
4 delivery of a mail-in ballot shall be made by the county clerk or the
5 clerk's designee only to the voter, or the voter's authorized
6 messenger, who must appear in person. No person shall serve as an
7 authorized messenger for more than three qualified voters in an
8 election, but a person may serve as such for up to five qualified
9 voters in an election if those voters are immediate family members
10 residing in the same household as the messenger. Ballots that have
11 not been hand delivered shall be addressed to the voter at the
12 forwarding address given in the application. In the case of a voter
13 choosing to have their mail-in ballot sent to a secondary address, if
14 the ballot is returned or marked undeliverable for two consecutive
15 elections, including a primary election, then future mail-in ballots
16 shall be mailed to the voter's address where they are registered to
17 vote and the voter shall be notified in writing of the change.

18 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
19 mail-in voter between the 45th day and the 13th day before the day
20 of an election, the ballot shall be transmitted within three business
21 days of the receipt of the application.

22 (2) Whenever the clerk forwards a mail-in ballot by mail to a
23 mail-in voter between the 12th day and the seventh day before the
24 day of an election, the ballot shall be transmitted within two
25 business days of the receipt of the application.

26 The provisions of this subsection shall not apply to: (a) annual
27 school elections and special school elections in those school
28 districts holding such elections, pursuant to P.L.1995, c.278
29 (C.19:60-1 et seq.); (b) any municipality in which elections are
30 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
31 (c) annual elections for members of the boards of fire district
32 commissions, pursuant to N.J.S.40A:14-72, when such elections are
33 held at a time other than the time of the general election; and (d) the
34 vote on any public question submitted to the voters of a local unit to
35 increase the amount to be raised by taxation by more than the
36 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
37 c.62 (C.40A:4-45.46).

38 (cf: P.L.2020, c.71, s.9)

39

40 6. (New section) The Division of Elections within the
41 Department of State shall undertake a voter education campaign to
42 inform voters about the potential of removal from permanent vote
43 by mail status and the potential change in where a mail-in ballot is
44 sent as provided by P.L. , c. (pending before the Legislature
45 as this bill).

46

47 7. There is appropriated from the State General Fund to the
48 Department of State \$10 million to implement the requirements of

1 section 6 of P.L. , c. (pending before the Legislature as this
2 bill).

3

4 8. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill adds a circumstance for which a voter may be removed
10 from a permanent vote by mail list and when a voter's preference
11 for where their ballot is sent may be changed.

12 The bill would remove a voter from a permanent vote by mail
13 status after a voter opted in if the voter does not vote in four
14 consecutive general election cycles beginning with the 2020
15 election cycle. The bill specifies that the voter will no longer
16 automatically receive a mail-in ballot. The bill specifies a voter
17 will be notified in writing of their change in status after the fourth
18 consecutive election cycle in which they have not voted.

19 Under current law, a voter will continue to receive a mail-in
20 ballot after opting to receive one for all future elections, until they
21 notify otherwise in writing.

22 A person will remain a registered voter under the bill. The
23 provisions of the bill may remove a voter from permanent vote by
24 mail status, not the voter roll.

25 The bill also specifies that for a voter who chooses to have their
26 mail-in ballot sent to an address other than the address for which
27 they are registered to vote, the ballot will be sent to the address for
28 which they are registered to vote if the ballot is returned or
29 undeliverable after two consecutive elections, including primary
30 elections. The bill requires a voter to be notified in writing after the
31 second consecutive election cycle when the ballot was returned or
32 undeliverable of the change in where their ballot will be sent.

33 The bill also appropriates \$10 million for the purposes of the
34 State to undertake a public education campaign to notify voters of
35 the changes to mail-in ballot procedures set forth in this bill.