

[Third Reprint]

**ASSEMBLY, No. 3819**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED MARCH 24, 2022

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman AURA K. DUNN**

**District 25 (Morris and Somerset)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Assemblywomen Reynolds-Jackson, Jimenez and McKnight**

**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 \$5 million.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 27, 2022, with amendments.

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

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 <sup>2</sup>by mail<sup>2</sup> in four consecutive  
21 <sup>2</sup>[general election cycles] years<sup>2</sup>, then the voter shall no longer be  
22 furnished with a mail-in ballot for future elections and the voter  
23 shall be notified in writing 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 <sup>2</sup>general<sup>2</sup>

**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:

<sup>1</sup>Assembly ASL committee amendments adopted May 12, 2022.

<sup>2</sup>Assembly AJU committee amendments adopted June 9, 2022.

<sup>3</sup>Senate SBA committee amendments adopted June 27, 2022.

1 elections, <sup>2</sup>[including a primary election,]<sup>2</sup> then future mail-in  
2 ballots shall be mailed to the voter's address where they are  
3 registered to vote and the voter shall be notified in writing of the  
4 change. The Secretary of State shall prepare a mail-in application  
5 form and shall have the authority to promulgate any rules and  
6 regulations the secretary deems necessary to effectuate the purposes  
7 of this subsection.

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

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

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

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

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

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

36

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

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

1       b. The county clerks shall transmit to each voter who will  
2 automatically receive such a ballot for all future elections pursuant  
3 to subsection a. of this section a notice informing the voter that he  
4 or she will automatically receive a mail-in ballot for all future  
5 elections unless the voter informs the clerk in writing that he or she  
6 does not wish to receive a mail-in ballot for all future elections, or  
7 beginning with the 2020 general election cycle, if the voter does not  
8 vote <sup>2</sup>by mail<sup>2</sup> in four consecutive <sup>2</sup>[general election cycles]  
9 years<sup>2</sup>, then the voter shall no longer be furnished with a mail-in  
10 ballot for future elections and the voter shall be notified in writing  
11 of the change.

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

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

16

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

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

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

27       In the case of voter registration forms that include a selected vote  
28 by mail option, a copy of each such form shall be transmitted to and  
29 received by the appropriate county clerk, who shall be responsible  
30 for providing mail-in ballots to each qualified voter requesting such  
31 ballots for future elections, until the voter requests otherwise in  
32 writing, or beginning with the 2020 general election cycle, if the  
33 voter does not vote <sup>2</sup>by mail<sup>2</sup> in four consecutive <sup>2</sup>[general election  
34 cycles] years<sup>2</sup>, then the voter shall no longer be furnished with a  
35 mail-in ballot for future elections and the voter shall be notified in  
36 writing of the change.

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

38

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

41       6. a. The county clerk, in the case of any Statewide election,  
42 countywide election, or school election in a regional or other school  
43 district comprising more than one municipality; the municipal clerk,  
44 in the case of any municipal election or school election in a school  
45 district comprising a single municipality; and the commissioners or  
46 other governing or administrative body of the district, in the case of  
47 any election to be held in any fire district or other special district,  
48 other than a municipality, created for specified public purposes

1 within one or more municipalities, shall publish the following  
2 notice in substantially the following form:

3 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

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

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

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

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

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

27 Voters who want to vote by mail in all future elections will, after  
28 their initial request and without further action on their part, be  
29 provided with a mail-in ballot until the voter requests otherwise in  
30 writing, or beginning with the 2020 general election cycle, if the  
31 voter does not vote <sup>2</sup>by mail<sup>2</sup> in four consecutive <sup>2</sup>[general election  
32 cycles] years<sup>2</sup>, then the voter shall no longer be furnished with a  
33 mail-in ballot for future elections and the voter shall be notified in  
34 writing of the change.

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

39 Dated.....  
40 .....  
41 (signature and title of county clerk)  
42 .....  
43 (address of county clerk)  
44 .....  
45 (telephone no. of county clerk)

46 b. (1) The Secretary of State shall be responsible for providing  
47 all information regarding overseas ballots to each overseas voter  
48 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-

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

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

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

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

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

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

46

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

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

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

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

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

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

43

44       6. (New section) <sup>1</sup>**[The Division of Elections within the**  
45 **Department of State]** Each county<sup>1</sup> shall undertake a voter  
46 education campaign <sup>1</sup>, through existing media such as television or  
47 newspapers, through online platforms, or by mail addressed to

1 registered voters with vote by mail status,<sup>1</sup> to inform voters about  
2 the potential of removal from permanent vote by mail status and the  
3 potential change in where a mail-in ballot is sent as provided by  
4 P.L. , c. (pending before the Legislature as this bill). <sup>3</sup>The  
5 Division of Elections within the Department of State shall establish  
6 guidelines to be distributed to the counties for the counties to follow  
7 for the purpose of carrying out the voter education campaign.<sup>3</sup>

8  
9 7. There is appropriated from the State General Fund to the  
10 Department of State <sup>1</sup>~~[\$10 million]~~ \$5 million for the purpose of  
11 providing grants to counties<sup>1</sup> to implement the requirements of  
12 section 6 of P.L. , c. (pending before the Legislature as this  
13 bill).

14  
15 8. This act shall take effect immediately.