

ASSEMBLY, No. 3820

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman SADAF F. JAFFER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblymen Stanley and Danielsen

SYNOPSIS

Requires unaffiliated voter to request mail-in ballot for primary election and declare political party affiliation; requires election officials notify unaffiliated voters of unaffiliated status.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/2/2022)

1 AN ACT concerning unaffiliated mail-in voters during a primary
2 election and amending R.S.19:23-45 and P.L.1976, c.16.

3

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

6

7 1. R.S.19:23-45 is amended to read as follows:

8 19:23-45. No voter shall be allowed to vote at the primary
9 election unless his name appears in the signature copy register.

10 A voter who votes in a primary election of a political party or
11 who signs and files with the municipal clerk or the county
12 commissioner of registration a declaration that **[he]** the voter
13 desires to vote in the primary election of a political party, or who
14 indicates on a voter registration form the voter's choice of political
15 party affiliation and submits the form to the commissioner of
16 registration of the county wherein the voter resides, to the
17 employees or agents of a public agency, as defined in subsection a.
18 of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration
19 agency, as defined in subsection a. of section 26 of P.L.1994, c.182
20 (C.19:31-6.11), or to the Secretary of State, shall be deemed to be a
21 member of that party until the voter signs and files with the
22 municipal clerk or the commissioner of registration a declaration
23 that **[he]** the voter desires to vote in the primary election of another
24 political party at which time **[he]** the voter shall be deemed to be a
25 member of such other political party. The Secretary of State shall
26 cause to be prepared political party affiliation declaration forms and
27 shall provide such forms to the commissioners of registration of the
28 several counties and to the clerks of the municipalities within such
29 counties.

30 No voter, except a newly registered voter at the first primary at
31 which **[he]** the voter is eligible to vote, or a voter who has not
32 previously voted in a primary election, may vote in a primary
33 election of a political party unless he was deemed to be a member
34 of that party on the 55th day next preceding such primary election.

35 Notwithstanding the provisions of this section, or any law, rule,
36 or regulation to the contrary, a voter who is listed to receive mail-in
37 ballots for all future elections, pursuant to the provisions of section
38 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72
39 (C.19:63-3.1), and who is not affiliated with any political party,
40 shall not receive a mail-in ballot for a primary election. A voter
41 who is not affiliated with any political party who wishes to vote by
42 mail-in ballot in the primary election of a political party shall apply
43 to the county clerk in the manner and within the timeframe
44 specified under section 3 of P.L.2009, c.79 (C.19:63-3) for the
45 ballot of the political party in whose primary the voter wishes to
46 vote, or designate a political party affiliation for the first time by
47 whatever means permitted by law. Nothing in this section 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 construed to prohibit any unaffiliated mail-in voter from voting in-
2 person by provisional ballot and affiliate with a political party at a
3 polling place on the day of the primary election.

4 A voter who is listed to receive mail-in ballots for all future
5 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
6 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
7 is not affiliated with any political party shall receive a notification
8 that the voter is not affiliated with any political party and shall not
9 receive a primary ballot for a primary election of a political party.
10 The notification shall include instructions on how to register with a
11 political party through a political party affiliation declaration form
12 and instructions on how to vote in person by provisional ballot and
13 affiliate with a political party at a polling place on the day of a
14 primary election. The Secretary of State shall cause to be prepared
15 uniform language for such notifications. The commissioners of
16 registration of the several counties and the clerks of the
17 municipalities within such counties shall distribute such
18 notifications to a registered voter who is not affiliated with any
19 political party.

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

25 A voter may declare the voter's party affiliation or change the
26 voter's party affiliation, or declare that the voter is unaffiliated with
27 any party regardless of any previously declared party affiliation, by
28 so indicating on a political party declaration form filed with the
29 municipal clerk or the county commissioner of registration. A voter
30 may also indicate that the voter wishes to declare a political party
31 affiliation or that the voter does not want to declare a political party
32 affiliation on a voter registration form filed at the time of initial
33 registration.

34 Any person voting in the primary ballot box of any political
35 party in any primary election in contravention of the election law
36 shall be guilty of a disorderly persons offense, and any person who
37 aids or assists any such person in such violation by means of public
38 proclamation or order, or by means of any public or private
39 direction or suggestions, or by means of any help or assistance or
40 cooperation, shall likewise be guilty of a disorderly persons offense.
41 (cf: P.L.2011, c.134, s.27)

42
43 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
44 read as follows:

45 2. a. The county commissioner of registration in each of the
46 several counties shall cause a notice to be published in each
47 municipality of their respective counties in a newspaper or
48 newspapers circulating therein. The notice to be so published shall

1 be published once during each of the two calendar weeks next
2 preceding the week in which the 55th day next preceding the
3 primary election of a political party occurs.

4 b. (1) The notice required to be published by the preceding
5 paragraph shall inform the reader thereof that:

6 (a) no voter, except a newly registered voter at the first primary
7 at which he is eligible to vote, or a voter who has not previously
8 voted in a primary election may vote in a primary election of a
9 political party unless he was deemed to be a member of that party
10 on the 55th day next preceding such primary election. It shall
11 further inform the reader thereof that:

12 (b) a voter who is listed to receive mail-in ballots for all future
13 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
14 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
15 is not affiliated with any political party shall not receive a mail-in
16 ballot for a primary election. A voter who is not affiliated with any
17 political party who wishes to vote by mail-in ballot in the primary
18 election of a political party shall apply to the county clerk in the
19 manner and within the timeframe specified under section 3 of
20 P.L.2009, c.79 (C.19:63-3) for the ballot of the political party in
21 whose primary the voter wishes to vote, or designate a political
22 party affiliation for the first time by whatever means permitted by
23 law. An unaffiliated mail-in voter shall be permitted to vote in
24 person by provisional ballot and affiliate with a political party at a
25 polling place on the day of the primary election; and

26 (c) a voter who votes in the primary election of a political party,
27 or who signs and files with the municipal clerk or the county
28 commissioner of registration a declaration that he desires to vote in
29 the primary election of a political party, or who indicates on a voter
30 registration form the voter's choice of political party affiliation and
31 submits the form to the commissioner of registration of the county
32 wherein the voter resides, to the employees or agents of a public
33 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
34 (C.19:31-6.3), or a voter registration agency, as defined in
35 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to
36 the Secretary of State, shall be deemed to be a member of that party
37 until the voter signs and files with the municipal clerk or the
38 commissioner of registration a declaration that he desires to vote in
39 the primary election of another political party, at which time he
40 shall be deemed to be a member of such other political party, or that
41 the voter chooses not to be affiliated with any political party.

42 (2) The notice shall also state the time and location where a
43 person may obtain political party affiliation declaration forms or
44 voter registration forms.

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

46

47 3. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

This bill requires that an unaffiliated voter request a mail-in ballot for a primary election and declare a political party affiliation.

Currently, unaffiliated voters listed to receive mail-in ballots receive both a Democrat and Republican primary ballot for a primary election. If they choose, a voter may fill out one ballot and return it, which would then designate them as an affiliated voter for the appropriate party.

This bill requires an unaffiliated voter to request to the county clerk a mail-in ballot for the political party in whose primary the voter wishes to vote. However, the bill allows any unaffiliated mail-in voter to vote in person at the polling place using a provisional ballot and thereby affiliate with a political party that day. This is similar to the process in place in municipalities with 500 or fewer persons that conduct all elections by mail. This bill also requires the county commissioner of registration in each county to publish notice of the requirements for voting in primary elections for unaffiliated voters who vote by mail-in ballot.

This bill also requires notifications to be sent out to any unaffiliated voter listed to receive mail-in ballots informing the voter that they are unaffiliated and providing instructions on how to register with a political party through a political party affiliation declaration form and instructions on how to vote in person by provisional ballot and affiliate with a political party at a polling place on the day of a primary election. The Secretary of State would prepare uniform language for the notifications. The commissioners of registration of the several counties and the clerks of the municipalities within such counties would distribute the notifications to the appropriate voters.

These measures would strengthen the integrity of elections by improving ballot security.