

ASSEMBLY, No. 3929

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Allows certain voters residing overseas to vote in certain elections in this State depending on overseas residency or intent to return.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning voting in New Jersey elections while residing
2 overseas and amending various parts of the statutory law.

3

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

6

7 1. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read
8 as follows:

9 2. As used in this act:

10 a. "United States" means each of the several states, the District
11 of Columbia, Commonwealth of Puerto Rico, Guam, American
12 Samoa and the United States Virgin Islands; the term does not mean
13 or include the Canal Zone or any other territory or possession of the
14 United States.

15 b. "Residing abroad" means residing outside the United States.

16 c. "Federal election" means any general, special or primary
17 held for the purpose of nominating or electing any candidate for the
18 office of President or Vice President of the United States,
19 Presidential elector, United States Senator or member of the United
20 States House of Representatives.

21 d. "Election" shall have the same meaning as defined in
22 R.S.19:1-1, and include any federal, State, or local election, and any
23 public question placed before the voters.

24 e. "Overseas voter" means any person in military service, or
25 that person's spouse, partner in civil union, domestic partner, or
26 dependent, who, by reason of the person's active duty or service, is,
27 in the case of the person, absent on the date of an election from the
28 place of residence in New Jersey where the person is or would be
29 qualified to vote, or in the case of the person's spouse, partner in
30 civil union, domestic partner, or dependent, absent on the date of an
31 election from the place of residence in New Jersey where that
32 spouse, partner in civil union, domestic partner, or dependent, is or
33 would be qualified to vote.

34 The term also means any citizen of the United States temporarily
35 residing abroad who (1) immediately prior to departure from the
36 United States was domiciled in New Jersey and (a) was last
37 registered to vote, or last eligible to register and vote, in New
38 Jersey; or (b) would have been eligible to register and vote in New
39 Jersey except that the citizen had not attained 18 years of age the
40 requirement of which has since been met; or (c) would have been
41 eligible to register and vote in New Jersey except that the citizen
42 had not met the residency requirement; (2) is not registered or
43 qualified to vote elsewhere in the United States; **[and]** (3) holds a
44 valid passport or passport card or other proof of citizenship issued
45 under authority of the Secretary of State of the United States; and
46 (4) has the intent to return to New Jersey.

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 f. "Overseas federal election voter" means **any** citizen of the
2 United States residing abroad who does not intend to return or
3 whose intent to return is uncertain and who (1) immediately prior to
4 departure from the United States was domiciled in New Jersey and
5 (a) was last registered to vote, or last eligible to register and vote, in
6 New Jersey; or (b) would have been eligible to register and vote in
7 New Jersey except that the citizen had not attained 18 years of age
8 the requirement of which has since been met; or (c) would have
9 been eligible to register and vote in New Jersey except that the
10 citizen had not met the residency requirement; (2) is not registered
11 or qualified to vote elsewhere in the United States; and (3) holds a
12 valid passport or passport card or other proof of citizenship issued
13 under authority of the Secretary of State of the United States.

14 The term also means **any** citizen of the United States who was
15 born outside of the United States, is not **described above** an
16 “overseas voter” under subsection e. of this section or an “overseas
17 State and federal voter” under subsection l. of this section, and,
18 except for the residency requirement of New Jersey, otherwise
19 satisfies the State's voter eligibility requirements, if the last place
20 where a parent, legal guardian, spouse, partner in civil union, or
21 domestic partner of the voter was, or under P.L.1976, c.23
22 (C.19:59-1 et seq.) would have been, eligible to register and vote
23 before departure from the United States is within New Jersey and
24 the voter has not previously registered to vote elsewhere in the
25 United States.

26 g. "Electronic means" means any transmission made by an
27 electronic telefacsimile machine or a similar device or by any other
28 form of electronic transmission including, but not exclusive to
29 electronic mail, that transports an authentic copy of a document
30 from one user to another.

31 h. "Dependent" means an individual recognized as a dependent
32 by a military service.

33 i. "Federal postcard application" means the application
34 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.
35 s.1973ff(b)(2)).

36 j. "Federal write-in absentee ballot" means the ballot described
37 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

38 k. "Military service" means the active and reserve components
39 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the
40 United States; the Merchant Marine; the commissioned corps of the
41 Public Health Service or the commissioned corps of the National
42 Oceanic and Atmospheric Administration of the United States; or
43 the National Guard or State militia.

44 l. “Overseas State and federal voter” means any citizen of the
45 United States residing abroad who does not intend to return or
46 whose intent to return is uncertain and who (1) immediately prior to

1 departure from the United States was domiciled in New Jersey and
2 (a) was last registered to vote, or last eligible to register and vote, in
3 New Jersey; or (b) would have been eligible to register and vote in
4 New Jersey except that the citizen had not attained 18 years of age
5 the requirement of which has since been met; or (c) would have
6 been eligible to register and vote in New Jersey except that the
7 citizen had not met the residency requirement; (2) is not registered
8 or qualified to vote elsewhere in the United States; and (3) holds a
9 valid passport or passport card or other proof of citizenship issued
10 under authority of the Secretary of State of the United States.

11 m. "State election" means any general, special, or primary
12 election held for the purpose of nominating or electing the office of
13 the Governor, Lieutenant Governor, New Jersey State Senator, or a
14 member of the New Jersey General Assembly, or a State public
15 question placed before all voters of the State. "State election" shall
16 not include any local election or any local public question placed
17 before less than all voters of the State.

18 (cf: P.L.2017, c.39, s.1)

19

20 2. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read
21 as follows:

22 3. Upon compliance with the provisions of this act, P.L.1976,
23 c.23 (C.19:59-1 et seq.), as amended by P.L.2017, c.39: a. any
24 person meeting the qualifications of an overseas voter may register
25 to vote and may apply for and vote by mail-in ballot in any election
26 held in the election district of this State in which the voter was
27 formerly domiciled; **[and]** b. any person meeting the qualifications
28 of an overseas federal election voter may register to vote and may
29 apply for and vote by mail-in ballot in any federal election held in
30 the election district of this State in which the voter, or in the case of
31 an overseas federal election voter who was born outside of the
32 United States described in subsection f. of section 2 of P.L.1976,
33 c.23 (C.19:59-2), in which the voter's parent, legal guardian,
34 spouse, partner in civil union, or domestic partner was formerly
35 domiciled; and c. any person meeting the qualifications of an
36 overseas State and federal voter as described in subsection l. of
37 section 2 of P.L.1976, c.23 (C.19:59-2) may register to vote and
38 may apply for and vote by mail in a State election described in
39 subsection m. of section 2 of P.L. 1976, c.23 (C.19:59-2) and a
40 federal election described in subsection c. of section 2 of P.L. 1976,
41 c.23 (C.19:59-2) held in the election district of this State in which
42 the voter was formerly domiciled.

43 (cf: P.L.2017, c.39, s.2)

44

45 3. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read
46 as follows:

1 4. a. Requests for an application to vote in **[an]** any election
2 as an overseas voter or a federal election as an overseas federal
3 election voter or a State election or federal election as an overseas
4 State and federal election voter may be made by or on behalf of an
5 applicant to the county clerk of the county in which the applicant,
6 or in the case of an overseas federal election voter who was born
7 outside of the United States described in subsection f. of section 2
8 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal
9 guardian, spouse, partner in civil union, or domestic partner, was
10 formerly domiciled, or to the Secretary of State of New Jersey if the
11 applicant does not know the county of former domicile. All such
12 applications shall be forwarded to such voters by air mail or
13 electronic means, if so requested by the voter. Any overseas voter
14 or overseas federal election voter or overseas State and federal voter
15 requesting that an application for a ballot be sent to that voter by
16 electronic means shall supply in the request to the Secretary of State
17 or the county clerk, as appropriate, the telephone number and
18 location to which the application is to be sent or the electronic
19 address of the voter, as may be appropriate, and, if known, the
20 address where the voter, or the voter's parent, legal guardian,
21 spouse, partner in civil union, or domestic partner, as appropriate,
22 was domiciled before departure from the United States. To qualify
23 for a ballot to be sent by air mail, the applicant's completed
24 application shall be received by the appropriate county clerk or the
25 Secretary of State on or before the thirtieth day preceding the
26 election. To qualify for a ballot to be distributed by electronic
27 means, the applicant's completed application shall be received by
28 the appropriate county clerk or the Secretary of State on or before
29 the fourth day preceding the election.

30 b. An overseas voter or overseas federal election voter or
31 overseas State and federal voter may use the federal postcard
32 application form to register to vote or to apply for an overseas
33 ballot for any election in which the voter is eligible to vote. The
34 voter may send the form by air mail or electronic means to either
35 the appropriate county clerk or the Secretary of State and, in the
36 case of the use of a federal postcard application for a ballot, may
37 request that the ballot be sent by air mail or electronic means. **[Any**
38 voter sending the form by electronic means shall also mail
39 simultaneously the federal postcard application form to the
40 appropriate county clerk or the Secretary of State.] Any federal
41 postcard application for a ballot sent by an overseas voter or
42 overseas federal election voter or overseas State and federal voter
43 and received by a county clerk or the Secretary of State shall also
44 be considered a request for registration if that voter is not already
45 registered.

46 (cf: P.L.2017, c.39, s.3)

1 4. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as
2 follows:

3 5. a. Other than a federal postcard application, an application
4 for a ballot by an overseas voter or overseas federal election voter
5 or overseas State and federal election voter shall be in substantially
6 the following form:

7 I. the undersigned, certify the following as a basis for an
8 application as citizen of the United States residing outside the
9 United States to receive a ballot to be voted at the election to be
10 held on (date of election) for (fill in elected office or
11 public question, or both):

12 1. I am a citizen of the United States;

13 2. I presently reside at (if mail should be
14 addressed other than to my residence, also provide address for
15 mail);

16 3. I was born on (month, day, year)

17 4. I hold a:

18 a. valid U.S. Passport #, dated, or

19 b. valid U.S. Passport Card #, dated, or

20 c. valid Certificate of Citizenship, dated, or

21 d. other valid form of identification recognized as such under
22 federal or state law: (form of identification), dated

23 5. a. Immediately prior to taking up residence abroad I was
24 domiciled in New Jersey and resided at (street address),
25 (municipality), (county) (If formerly registered
26 to vote from that address check here ()), or

27 b. I was born outside of the United States and my parent, legal
28 guardian, spouse, partner in civil union, or domestic partner, before
29 leaving the United States, was last domiciled in New Jersey,
30 residing at (street address), (municipality),
31(county).

32 6. I am not registered, entitled or applying to vote in any state
33 other than New Jersey.

34 7. I understand that any false statement knowingly made in this
35 application subjects me to the penalties provided by law for
36 fraudulent voting.

37 Applicant
38 (Signature)

39 Dated:.....Applicant
40 (Print or type name)

41 b. There shall also be sent to the applicant by air mail or
42 electronic means such instructions and portions of the law or
43 regulations as the Secretary of State shall direct.

44 c. Any overseas voter or overseas federal election voter or
45 overseas State and federal election voter requesting that a ballot be
46 sent to that voter by electronic means shall indicate on the
47 application for the ballot the telephone number and location to

1 which the ballot is to be sent or the electronic address of the voter,
2 as may be appropriate.

3 (cf: P.L.2017, c.39, s.4)

4

5 5. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read as
6 follows:

7 6. Each county clerk, upon receipt of an application for a ballot
8 by an overseas voter or overseas federal election voter or overseas
9 State and federal election voter, including a federal postcard
10 application, shall determine whether or not the applicant is qualified
11 to vote such a ballot, make a list of those applications approved and
12 disapproved, which list shall be open to inspection by election
13 officials and the public, and shall forward an overseas ballot to each
14 person whose application is approved. For each voter whose
15 application is approved, the county clerk shall deliver to the county
16 board of elections the completed application form for retention by
17 the board for signature comparison with that on the certificate on
18 the inner envelope containing the ballot upon its receipt.

19 (cf: P.L.2017, c.39, s.5)

20

21 6. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as
22 follows:

23 7. The county clerk shall prescribe the form of the ballot for
24 overseas voters and overseas federal election voters and overseas
25 State and federal election voters.

26 (cf: P.L.2017, c.39, s.6)

27

28 7. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read as
29 follows:

30 8. a. Each county clerk shall send by air mail, with each ballot
31 for an overseas voter or overseas federal election voter or overseas
32 State and federal election voter transmitted by such means,
33 appropriate printed instructions for its completion and return,
34 together with an inner and outer envelope similar to that required as
35 to civilian vote by mail ballots with a legend on the inner envelope
36 stating "Ballot for Overseas Voter," **[or]** "Ballot for Overseas
37 Federal Election Voter," or "Ballot for Overseas State and Federal
38 Election Voter," as appropriate.

39 b. Each county clerk shall send to each overseas voter or
40 overseas federal election voter or overseas State and federal
41 election voter requesting that a ballot be sent to that voter by
42 electronic means all appropriate printed instructions for its
43 completion and return. The printed instructions sent to each such
44 voter shall include a certificate substantially the same as provided
45 for in section 9 of P.L.1976, c.23 (C.19:59-9).

1 c. The printed instructions sent with each ballot to an overseas
2 voter or overseas federal election voter or overseas State and federal
3 election voter, including instructions sent by electronic means, shall
4 include a copy of the following notice:

5 PENALTY FOR FRAUDULENT VOTING

6 Any person who knowingly violates any of the provisions of the
7 Overseas Residents Absentee Voting Law, or who, not being
8 entitled to vote thereunder, fraudulently votes or attempts to vote
9 thereunder or enables or attempts to enable another person, not
10 entitled to vote thereunder, to vote fraudulently thereunder or who
11 prevents or attempts to prevent by fraud the voting of any person
12 legally entitled to vote under this act, shall be guilty of an indictable
13 offense, and upon conviction thereof shall be subject, in addition to
14 such other penalties as are authorized by law, to disenfranchisement
15 while serving a sentence of incarceration unless and until pardoned
16 or restored by law to the right of suffrage.

17 (cf: P.L.2019, c.270, s.9)

18

19 8. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to read
20 as follows:

21 12. Whenever a county clerk receives a request by electronic
22 means from an overseas voter or overseas federal election voter or
23 overseas State and federal election voter that a ballot be sent to that
24 person by electronic means, the county clerk shall verify the voter's
25 eligibility to vote as an overseas voter or overseas federal election
26 voter or overseas State and federal election voter in the State and
27 the county desired. If the overseas voter or overseas federal election
28 voter or overseas State and federal election voter is eligible to vote
29 therein, the county clerk shall send the appropriate ballot to the
30 voter at least 45 days before the day of the election and thereafter
31 by electronic means using the telephone number or electronic
32 address supplied by the voter for that purpose. If the overseas voter
33 or overseas federal election voter or overseas State and federal
34 election voter is not eligible to vote in the State or the county
35 desired, notice of noneligibility shall be provided to the voter by
36 electronic means as soon as practicable after the receipt of the
37 request.

38 (cf: P.L.2017, c.39, s.12)

39

40 9. Section 9 of P.L.1976, c.23 (C.19:59-9) is amended to read
41 as follows:

42 9. Upon the margin of the flap of the inner envelope to be sent
43 to an overseas voter or overseas federal election voter or overseas
44 State and federal election voter shall be printed a certificate
45 substantially as follows:

46 I, the undersigned, residing at am the
47 person who applied for, received and voted the enclosed Ballot.

1 Dated:.....
2Voter (SIGNATURE)
3Voter (PRINT or type name)
4 (cf: P.L.2017, c.39, s.13)
5

6 10. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to
7 read as follows:

8 10. a. For ballots sent to overseas voters or overseas federal
9 election voters or overseas State and federal election voters, other
10 than such ballots sent to the voter by electronic means, the
11 procedure for completing the ballot shall be as follows:

12 Upon completion of the ballot by indicating the voter's choice of
13 candidates for the offices named or the voter's choice regarding a
14 public question, or both, the ballot shall be placed in the inner
15 envelope and sealed. Upon completion and signing in the voter's
16 handwriting the certificate attached to the inner envelope, the inner
17 envelope shall be placed in the outer envelope, which when sealed
18 shall be mailed postage prepaid to the county board of elections
19 whose address is printed thereon.

20 b. For ballots sent to overseas voters or overseas federal
21 election voters or overseas State and federal election voters by
22 electronic means, the procedure for completing the ballot shall be as
23 follows:

24 After the ballot is received and completed by the voter by
25 indicating that person's choice of candidates for the offices named
26 or that person's choice regarding a public question, or both, the
27 ballot shall be placed in a secure envelope. Upon completion and
28 signing in the voter's handwriting of the certificate sent to the voter
29 pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be
30 placed in the same envelope as the voted ballot. The envelope shall
31 then be sealed securely and sent immediately by air mail to the
32 appropriate county board of elections in this State.

33 c. Notwithstanding the provisions of subsections a. and b. of
34 this section, a copy of an overseas voter's or overseas federal
35 election voter's or overseas State and federal election voter's ballot
36 may be transmitted by electronic means to the appropriate county
37 board of elections in this State. Such a ballot shall be subject to the
38 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and
39 C.19:59-15).

40 (cf: P.L.2017, c.39, s.6)
41

42 11. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to
43 read as follows:

44 11. Upon receipt of each ballot from an overseas voter or
45 overseas federal election voter or overseas State and federal
46 election voter, other than a ballot which had been sent by electronic
47 means to an overseas voter or overseas federal election voter or

1 overseas State and federal election voter, the signature on the
2 certificate on the inner envelope shall be compared to that on the
3 person's application. All ballots, whether originally sent to an
4 overseas voter or overseas federal election voter or overseas State
5 and federal election voter by air mail or electronic means, shall be
6 approved, disapproved, processed, counted and disputes in
7 connection therewith shall be handled in the same manner as is
8 applicable to other vote by mail ballots. No ballot received after the
9 time designated for the closing of the polls shall be counted.
10 (cf: P.L.2017, c.39, s.14)

11
12 12. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to
13 read as follows:

14 12. An overseas voter or overseas federal election voter or
15 overseas State and federal election voter may request, on any
16 application form used, a ballot for all elections held during the
17 calendar year in which the request is made and in which the voter is
18 eligible to vote. Any instructions sent to an applicant pursuant to
19 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
20 that such a request may be made. If such a request is made, a ballot
21 shall be sent in a timely manner to the voter for all such elections in
22 which the voter is eligible to vote and by the transmission method
23 first requested by the voter unless the voter instructs otherwise.
24 (cf: P.L.2017, c.39, s.8)

25
26 13. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to read
27 as follows:

28 3. Notwithstanding any law, rule or regulation to the contrary, a
29 copy of an overseas voter's or overseas federal election voter's or
30 overseas State and federal election voter's voted ballot, or a voted
31 federal write-in absentee ballot, which is transmitted by electronic
32 means to the appropriate county board of elections in this State
33 shall be considered valid and counted if it:

- 34 a. is from a qualified voter;
- 35 b. has been transmitted to the appropriate county board of
36 elections no later than the time designated by law for the closing of
37 the polls on that day; and
- 38 c. is accompanied by the following statement, which shall be
39 certified by the voter's signature: "I understand that by transmitting
40 by electronic means a copy of my voted ballot I am voluntarily
41 waiving my right to a secret ballot. At the same time, I pledge to
42 place the original voted ballot in a secure envelope, together with
43 any other required certification, and send the documents
44 immediately by air mail to the appropriate county board of
45 elections."

46 (cf: P.L.2017, c.39, s.15)

1 14. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to
2 read as follows:

3 4. a. Immediately after a copy of an overseas voter's or
4 overseas federal election voter's or overseas State and federal
5 election voter's voted ballot, or a voted federal write-in absentee
6 ballot, has been transmitted by electronic means to the appropriate
7 county board of elections, as permitted pursuant to section 3 of
8 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal
9 election voter or overseas State and federal election voter shall
10 place the original voted ballot in a secure envelope, together with a
11 certificate substantially the same as provided for in section 9 of
12 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
13 the appropriate county board of elections.

14 b. All copies of voted ballots received by electronic means
15 shall be approved, disapproved, processed and counted, and
16 disputes in connection therewith shall be handled, in the same
17 manner as is applicable to other vote by mail ballots. No ballot
18 received after the time designated for the closing of the polls shall
19 be counted.

20 c. The county board of elections shall take all necessary
21 precautions to preserve the security of the ballot materials and
22 specifically shall ensure that the vote cast by a voter using a ballot
23 transmitted by electronic means is not revealed, except to the extent
24 necessary by law or judicial determination. Upon the completion of
25 all inspections of a ballot transmitted by electronic means required
26 by law, the board or any employee thereof acting under its direction
27 shall promptly separate the waiver certification from the ballot
28 transmitted by electronic means. Any person handling such a ballot
29 shall not identify the votes cast by any voter, except upon judicial
30 determination.

31 d. Prior to certification of the results of the election, the county
32 board shall:

33 (1) compare the information on the copy transmitted by
34 electronic means of each voted ballot with the same on the original
35 voted ballot sent by air mail by the voter who transmitted to the
36 county board a copy of the voted ballot by electronic means, and the
37 signature on the statement received by electronic means with the
38 signature on the certificate received by air mail; and

39 (2) ascertain whether an original voted ballot has been received
40 for each copy of a voted ballot received by electronic means and
41 counted.

42 Whenever the particulars of the copy of a voted ballot
43 transmitted by electronic means do not conform exactly with the
44 particulars of the original voted ballot sent by air mail to the county
45 board afterwards by that voter and whenever an original voted
46 ballot has not been received which corresponds to a copy of a voted
47 ballot transmitted by electronic means which has been received and

1 counted by the county board, those ballots and all other pertinent
2 documents and information relative to those ballots shall be turned
3 over to the superintendent of elections in counties having a
4 superintendent and the prosecutor in all other counties for further
5 investigation and action.

6 e. Within 30 days after the election, the county board shall
7 gather and keep together the copy of the voted ballot transmitted by
8 electronic means, the certified statement and the original voted
9 ballot sent by air mail of each voter who transmitted a copy of a
10 voted ballot by electronic means. Those ballots needed for an
11 investigation conducted by the superintendent of elections or the
12 county prosecutor, as the case may be, or by any other law
13 enforcement official shall be returned to the county board as soon
14 as practicable after the conclusion of the investigation. All ballots
15 and documents relative to a copy of a voted ballot transmitted by
16 electronic means and received by the county board shall be retained
17 by it for a period of one year following the day of the election. The
18 superintendent of elections in counties having a superintendent and
19 the prosecutor in all other counties shall have the authority to
20 impound all such documents whenever the superintendent or
21 prosecutor shall deem such action necessary.

22 (cf: P.L.2017, c.39, c.16)

23

24 15. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to
25 read as follows:

26 26. For the purpose of complying with the federal "Uniformed
27 and Overseas Citizens Absentee Voting Act," [42 U.S.C. s.1973ff-1
28 et seq.] 52 U.S.C. s.20301 et seq., the office of the Secretary of
29 State shall:

30 a. be designated as the single State office responsible for
31 providing information to all overseas voters and overseas federal
32 election voters and overseas State and federal election voters who
33 wish to register to vote or vote in any jurisdiction in the State with
34 respect to voter registration procedures and vote by mail procedures
35 to be used by overseas voters and overseas federal election voters or
36 overseas State and federal election voters for all elections in which
37 the voter is eligible to vote;

38 b. work with the federal Election Assistance Commission and
39 the federal Department of Defense to develop standards to report
40 data on the number of ballots transmitted and received by mail or
41 electronic means by overseas voters or overseas federal election
42 voters or overseas State and federal election voters pursuant to the
43 "Overseas Residents Absentee Voting Law," P.L.1976, c.23
44 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

45 c. provide such additional information relating to voting by
46 overseas voters and overseas federal election voters and overseas

1 State and federal election voters from this State as the Department
2 of Defense determines is necessary.

3 (cf: P.L.2017, c.39, s.9)

4

5 16. R.S.19:31-6 is amended to read as follows:

6 19:31-6. Any person qualified to vote in an election shall be
7 entitled to vote in the election if the person shall have registered to
8 vote on or before the 21st day preceding the election by:

9 a. registering in person at any offices designated by the
10 commissioner of registration for providing and receiving
11 registration forms;

12 b. completing a voter registration form while applying for a
13 motor vehicle driver's license from an agent of the New Jersey
14 Motor Vehicle Commission, as provided for in section 24 of
15 P.L.1994, c.182 (C.39:2-3.2);

16 c. completing and returning to the Secretary of State or having
17 returned thereto a voter registration form received from a voter
18 registration agency, as defined in subsection a. of section 26 of
19 P.L.1994, c.182 (C.19:31-6.11), while applying for services or
20 assistance or seeking a recertification, renewal or change of address
21 at an office of that agency;

22 d. completing and returning to the Secretary of State a voter
23 registration form obtained from a public agency, as defined in
24 subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

25 e. completing and returning to the Secretary of State or having
26 returned thereto a voter registration form received from a door-to-
27 door canvass or mobile registration drive, as provided for in section
28 19 of P.L.1974, c.30 (C.19:31-6.7);

29 f. completing and returning to the Secretary of State a federal
30 mail voter registration form, as prescribed in subsection (b) of
31 section 9 of the "National Voter Registration Act of 1993," (42
32 U.S.C. s. 1973gg et seq.);

33 g. completing and returning to the Secretary of State or the
34 appropriate county clerk an application for a federal postcard
35 application form to register to vote, as permitted pursuant to the
36 federal "Uniform and Overseas Citizens Absentee Voting Act" [(42
37 U.S.C. s. 1973ff-1 et seq.)] 52 U.S.C. s.120301 et seq.) and section
38 4 of P.L.1976, c.23 (C.19:59-4);

39 h. completing a provisional ballot affirmation statement and
40 voting the provisional ballot in the previous election, if the person
41 who submitted the provisional ballot in that election is determined
42 not to be a registered voter; or

43 i. completing and submitting an online voter registration form
44 available on the Secretary of State's Internet website, as provided
45 under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

1 When the commissioner has designated a place or places other
2 than his office for receiving registrations, the commissioner shall
3 cause to be published a notice in a newspaper circulated in the
4 municipality wherein such place or places of registration shall be
5 located. Such notice shall be published pursuant to R.S.19:12-7.

6 Any office designated by the commissioner of registration for
7 receiving registration forms shall have displayed, in a conspicuous
8 location, registration and voting instructions. These instructions
9 shall be the same as those provided for polling places under
10 R.S.19:9-2 and shall be provided by the commissioner
11 (cf: P.L.2019, c.382, s.2)

12

13 17. This act shall take effect immediately.

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STATEMENT

17

18 Under current law, two categories of United States citizens living
19 outside the country are defined as “overseas federal election voters”
20 who are entitled to vote in this State for federal elections only,
21 using an overseas ballot. Under one category, the term means any
22 citizen of the United States residing abroad who does not intend to
23 return or whose intent to return is uncertain. Such “overseas federal
24 election voter” is permitted to vote if the voter (1) immediately
25 prior to departure from the United States was domiciled in New
26 Jersey and (a) was last registered to vote, or last eligible to register
27 and vote, in New Jersey; or (b) would have been eligible to register
28 and vote in New Jersey except that the citizen had not attained 18
29 years of age the requirement of which has since been met; or (c)
30 would have been eligible to register and vote in New Jersey except
31 that the citizen had not met the residency requirement; (2) is not
32 registered or qualified to vote elsewhere in the United States; and
33 (3) holds a valid passport or passport card or other proof of
34 citizenship issued under authority of the Secretary of State of the
35 United States. Under another category, “overseas federal election
36 voter” also means any citizen of the United States who was born
37 outside of the United States, is not described above, and, except for
38 the residency requirement of New Jersey, otherwise satisfies the
39 State's voter eligibility requirements, if the last place where a
40 parent, legal guardian, spouse, partner in civil union, or domestic
41 partner of the voter was, or under P.L.1976, c.23 (C.19:59-1 et seq.)
42 would have been, eligible to register and vote before departure from
43 the United States is within New Jersey and the voter has not
44 previously registered to vote elsewhere in the United States.

45 This bill splits these two categories of voters by modifying the
46 definition of “overseas federal election voter” and adding a
47 definition of “overseas State and federal voter.”

1 Under the bill, an “*overseas federal election voter*” would be
2 permitted to vote in federal elections (but not in State or local
3 elections). The bill defines that term as any citizen of the United
4 States who was born outside of the United States, is not an
5 “overseas voter” or an “overseas State and federal voter” under the
6 bill, and, except for the residency requirement of New Jersey,
7 otherwise satisfies the State's voter eligibility requirements, if the
8 last place where a parent, legal guardian, spouse, partner in civil
9 union, or domestic partner of the voter was, or under N.J.S.A.19:59-
10 1 et seq. would have been, eligible to register and vote before
11 departure from the United States is within New Jersey and the voter
12 has not previously registered to vote elsewhere in the United States.

13 Under the bill, an “*overseas State and federal voter*” would be
14 permitted to vote in federal and State elections (but not in local
15 elections). The bill defines that term as any citizen of the United
16 States residing abroad who does not intend to return or whose intent
17 to return is uncertain and who (1) immediately prior to departure
18 from the United States was domiciled in New Jersey and (a) was
19 last registered to vote, or last eligible to register and vote, in New
20 Jersey; or (b) would have been eligible to register and vote in New
21 Jersey except that the citizen had not attained 18 years of age the
22 requirement of which has since been met; or (c) would have been
23 eligible to register and vote in New Jersey except that the citizen
24 had not met the residency requirement; (2) is not registered or
25 qualified to vote elsewhere in the United States; and (3) holds a
26 valid passport or passport card or other proof of citizenship issued
27 under authority of the Secretary of State of the United States.

28 This bill does not substantively change the definition of
29 “*overseas voter*” under current law, except for making a technical
30 clarification to explicitly add that the voter “has the intent to return
31 to New Jersey,” which is already required. “Overseas voters” would
32 continue to be eligible to vote in any local, State, and federal
33 election, and any public question placed before the voters in any
34 election.

35 Under the bill, the term “election” has the same meaning as
36 defined in R.S.19:1-1, and includes any federal, State, or local
37 election, and any public question placed before the voters in an
38 election. The bill defines “State election” as any general, special, or
39 primary election held for the purpose of nominating or electing the
40 office of the Governor, Lieutenant Governor, New Jersey State
41 Senator, or a member of the New Jersey General Assembly, or a
42 State public question placed before all voters of the State. “State
43 election” would not include any local election or any local public
44 question placed before less than all voters of the State.

45 The intent of this bill is to more closely mirror the selection
46 categories voters must choose from on the Federal Postcard
47 Application (FPCA), which determine the types of elections – local,

1 State, federal, or all – in which the U.S. citizen living outside of the
2 country is permitted to participate. Under the FPCA, the type of
3 election in which the voter is permitted to vote depends on whether
4 the voter indicates “I intend to return,” or “my intent to return is
5 uncertain,” or “I have never lived in the United States.” This bill
6 does not make any changes to the entry regarding voters who are on
7 active duty in the Uniformed Services or Merchant Marine, or their
8 eligible spouses or dependents.