

[Second Reprint]

ASSEMBLY, No. 3929

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:

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Assemblywoman Jaffer, Assemblyman Verrelli, Assemblywoman McKnight, Senators Cryan, Diegnan, Johnson, Stack and Pou

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 reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on June 23, 2022, with amendments.

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

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 as
8 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;

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

²Senate SSG committee amendments adopted June 23, 2022.

1 ¹**["and"]**¹ (4) ¹does not establish permanent residency in any other
2 state or country; and (5)¹ has the intent to return to New Jersey.

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

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

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

33 h. "Dependent" means an individual recognized as a dependent
34 by a military service.

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

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

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

46 l. "Overseas State and federal voter" means any citizen of the
47 United States residing abroad who does not intend to return or
48 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:

47 4. a. Requests for an application to vote in **an** any election
48 as an overseas voter or a federal election as an overseas federal
49 election voter or a State election or federal election as an overseas

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

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

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

44

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

47 5. a. Other than a federal postcard application, an application
48 for a ballot by an overseas voter or overseas federal election voter

1 or overseas State and federal election voter shall be in substantially
2 the following form:

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

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

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

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

13 4. I hold a:

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

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

16 c. valid Certificate of Citizenship, dated, or

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

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

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

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

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

33 Applicant
34 (Signature)

35 Dated:.....Applicant
36 (Print or type name)

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

40 c. Any overseas voter or overseas federal election voter or
41 overseas State and federal election voter requesting that a ballot be
42 sent to that voter by electronic means shall indicate on the
43 application for the ballot the telephone number and location to
44 which the ballot is to be sent or the electronic address of the voter,
45 as may be appropriate.

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

47

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

1 6. Each county clerk, upon receipt of an application for a ballot
2 by an overseas voter or overseas federal election voter or overseas
3 State and federal election voter, including a federal postcard
4 application, shall determine whether or not the applicant is qualified
5 to vote such a ballot, make a list of those applications approved and
6 disapproved, which list shall be open to inspection by election
7 officials and the public, and shall forward an overseas ballot to each
8 person whose application is approved. For each voter whose
9 application is approved, the county clerk shall deliver to the county
10 board of elections the completed application form for retention by
11 the board for signature comparison with that on the certificate on
12 the inner envelope containing the ballot upon its receipt.
13 (cf: P.L.2017, c.39, s.5)

14

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

17 7. The county clerk shall prescribe the form of the ballot for
18 overseas voters and overseas federal election voters and overseas
19 State and federal election voters.
20 (cf: P.L.2017, c.39, s.6)

21

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

24 8. a. Each county clerk shall send by air mail, with each ballot
25 for an overseas voter or overseas federal election voter or overseas
26 State and federal election voter transmitted by such means,
27 appropriate printed instructions for its completion and return,
28 together with an inner and outer envelope similar to that required as
29 to civilian vote by mail ballots with a legend on the inner envelope
30 stating "Ballot for Overseas Voter," **【or】** "Ballot for Overseas
31 Federal Election Voter," or "Ballot for Overseas State and Federal
32 Election Voter," as appropriate.

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

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

44 PENALTY FOR FRAUDULENT VOTING

45 Any person who knowingly violates any of the provisions of the
46 Overseas Residents Absentee Voting Law, or who, not being
47 entitled to vote thereunder, fraudulently votes or attempts to vote
48 thereunder or enables or attempts to enable another person, not
49 entitled to vote thereunder, to vote fraudulently thereunder or who

1 prevents or attempts to prevent by fraud the voting of any person
2 legally entitled to vote under this act, shall be guilty of an indictable
3 offense, and upon conviction thereof shall be subject, in addition to
4 such other penalties as are authorized by law, to disenfranchisement
5 while serving a sentence of incarceration unless and until pardoned
6 or restored by law to the right of suffrage.
7 (cf: P.L.2019, c.270, s.9)

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

11 12. Whenever a county clerk receives a request by electronic
12 means from an overseas voter or overseas federal election voter or
13 overseas State and federal election voter that a ballot be sent to that
14 person by electronic means, the county clerk shall verify the voter's
15 eligibility to vote as an overseas voter or overseas federal election
16 voter or overseas State and federal election voter in the State and
17 the county desired. If the overseas voter or overseas federal election
18 voter or overseas State and federal election voter is eligible to vote
19 therein, the county clerk shall send the appropriate ballot to the
20 voter at least 45 days before the day of the election and thereafter
21 by electronic means using the telephone number or electronic
22 address supplied by the voter for that purpose. If the overseas voter
23 or overseas federal election voter or overseas State and federal
24 election voter is not eligible to vote in the State or the county
25 desired, notice of noneligibility shall be provided to the voter by
26 electronic means as soon as practicable after the receipt of the
27 request.

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

29
30 9. Section 9 of P.L.1976, c.23 (C.19:59-9) is amended to read
31 as follows:

32 9. Upon the margin of the flap of the inner envelope to be sent
33 to an overseas voter or overseas federal election voter or overseas
34 State and federal election voter shall be printed a certificate
35 substantially as follows:

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

38 Dated:.....

39Voter (SIGNATURE)

40Voter (PRINT or type name)

41 (cf: P.L.2017, c.39, s.13)

42
43 10. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to
44 read as follows:

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

1 Upon completion of the ballot by indicating the voter's choice of
2 candidates for the offices named or the voter's choice regarding a
3 public question, or both, the ballot shall be placed in the inner
4 envelope and sealed. Upon completion and signing in the voter's
5 handwriting the certificate attached to the inner envelope, the inner
6 envelope shall be placed in the outer envelope, which when sealed
7 shall be mailed postage prepaid to the county board of elections
8 whose address is printed thereon.

9 b. For ballots sent to overseas voters or overseas federal
10 election voters or overseas State and federal election voters by
11 electronic means, the procedure for completing the ballot shall be as
12 follows:

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

22 c. Notwithstanding the provisions of subsections a. and b. of
23 this section, a copy of an overseas voter's or overseas federal
24 election voter's or overseas State and federal election voter's ballot
25 may be transmitted by electronic means to the appropriate county
26 board of elections in this State. Such a ballot shall be subject to the
27 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and
28 C.19:59-15).

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

30

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

33 11. Upon receipt of each ballot from an overseas voter or
34 overseas federal election voter or overseas State and federal
35 election voter, other than a ballot which had been sent by electronic
36 means to an overseas voter or overseas federal election voter or
37 overseas State and federal election voter, the signature on the
38 certificate on the inner envelope shall be compared to that on the
39 person's application. All ballots, whether originally sent to an
40 overseas voter or overseas federal election voter or overseas State
41 and federal election voter by air mail or electronic means, shall be
42 approved, disapproved, processed, counted and disputes in
43 connection therewith shall be handled in the same manner as is
44 applicable to other vote by mail ballots. No ballot received after the
45 time designated for the closing of the polls shall be counted.

46 (cf: P.L.2017, c.39, s.14)

47

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

1 12. An overseas voter or overseas federal election voter or
2 overseas State and federal election voter may request, on any
3 application form used, a ballot for all elections held during the
4 calendar year in which the request is made and in which the voter is
5 eligible to vote. Any instructions sent to an applicant pursuant to
6 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant
7 that such a request may be made. If such a request is made, a ballot
8 shall be sent in a timely manner to the voter for all such elections in
9 which the voter is eligible to vote and by the transmission method
10 first requested by the voter unless the voter instructs otherwise.

11 (cf: P.L.2017, c.39, s.8)

12

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

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

21 a. is from a qualified voter;

22 b. has been transmitted to the appropriate county board of
23 elections no later than the time designated by law for the closing of
24 the polls on that day; and

25 c. is accompanied by the following statement, which shall be
26 certified by the voter's signature: "I understand that by transmitting
27 by electronic means a copy of my voted ballot I am voluntarily
28 waiving my right to a secret ballot. At the same time, I pledge to
29 place the original voted ballot in a secure envelope, together with
30 any other required certification, and send the documents
31 immediately by air mail to the appropriate county board of
32 elections."

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

34

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

37 4. a. Immediately after a copy of an overseas voter's or
38 overseas federal election voter's or overseas State and federal
39 election voter's voted ballot, or a voted federal write-in absentee
40 ballot, has been transmitted by electronic means to the appropriate
41 county board of elections, as permitted pursuant to section 3 of
42 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal
43 election voter or overseas State and federal election voter shall
44 place the original voted ballot in a secure envelope, together with a
45 certificate substantially the same as provided for in section 9 of
46 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to
47 the appropriate county board of elections.

48 b. All copies of voted ballots received by electronic means
49 shall be approved, disapproved, processed and counted, and

1 disputes in connection therewith shall be handled, in the same
2 manner as is applicable to other vote by mail ballots. No ballot
3 received after the time designated for the closing of the polls shall
4 be counted.

5 c. The county board of elections shall take all necessary
6 precautions to preserve the security of the ballot materials and
7 specifically shall ensure that the vote cast by a voter using a ballot
8 transmitted by electronic means is not revealed, except to the extent
9 necessary by law or judicial determination. Upon the completion of
10 all inspections of a ballot transmitted by electronic means required
11 by law, the board or any employee thereof acting under its direction
12 shall promptly separate the waiver certification from the ballot
13 transmitted by electronic means. Any person handling such a ballot
14 shall not identify the votes cast by any voter, except upon judicial
15 determination.

16 d. Prior to certification of the results of the election, the county
17 board shall:

18 (1) compare the information on the copy transmitted by
19 electronic means of each voted ballot with the same on the original
20 voted ballot sent by air mail by the voter who transmitted to the
21 county board a copy of the voted ballot by electronic means, and the
22 signature on the statement received by electronic means with the
23 signature on the certificate received by air mail; and

24 (2) ascertain whether an original voted ballot has been received
25 for each copy of a voted ballot received by electronic means and
26 counted.

27 Whenever the particulars of the copy of a voted ballot
28 transmitted by electronic means do not conform exactly with the
29 particulars of the original voted ballot sent by air mail to the county
30 board afterwards by that voter and whenever an original voted
31 ballot has not been received which corresponds to a copy of a voted
32 ballot transmitted by electronic means which has been received and
33 counted by the county board, those ballots and all other pertinent
34 documents and information relative to those ballots shall be turned
35 over to the superintendent of elections in counties having a
36 superintendent and the prosecutor in all other counties for further
37 investigation and action.

38 e. Within 30 days after the election, the county board shall
39 gather and keep together the copy of the voted ballot transmitted by
40 electronic means, the certified statement and the original voted
41 ballot sent by air mail of each voter who transmitted a copy of a
42 voted ballot by electronic means. Those ballots needed for an
43 investigation conducted by the superintendent of elections or the
44 county prosecutor, as the case may be, or by any other law
45 enforcement official shall be returned to the county board as soon
46 as practicable after the conclusion of the investigation. All ballots
47 and documents relative to a copy of a voted ballot transmitted by
48 electronic means and received by the county board shall be retained
49 by it for a period of one year following the day of the election. The

1 superintendent of elections in counties having a superintendent and
2 the prosecutor in all other counties shall have the authority to
3 impound all such documents whenever the superintendent or
4 prosecutor shall deem such action necessary.

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

6

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

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

13 a. be designated as the single State office responsible for
14 providing information to all overseas voters and overseas federal
15 election voters and overseas State and federal election voters who
16 wish to register to vote or vote in any jurisdiction in the State with
17 respect to voter registration procedures and vote by mail procedures
18 to be used by overseas voters and overseas federal election voters or
19 overseas State and federal election voters for all elections in which
20 the voter is eligible to vote;

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

28 c. provide such additional information relating to voting by
29 overseas voters and overseas federal election voters and overseas
30 State and federal election voters from this State as the Department
31 of Defense determines is necessary.

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

33

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

35 19:31-6. Any person qualified to vote in an election shall be
36 entitled to vote in the election if the person shall have registered to
37 vote on or before the 21st day preceding the election by:

38 a. registering in person at any offices designated by the
39 commissioner of registration for providing and receiving
40 registration forms;

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

45 c. completing and returning to the Secretary of State or having
46 returned thereto a voter registration form received from a voter
47 registration agency, as defined in subsection a. of section 26 of
48 P.L.1994, c.182 (C.19:31-6.11), while applying for services or

1 assistance or seeking a recertification, renewal or change of address
2 at an office of that agency;

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

6 e. completing and returning to the Secretary of State or having
7 returned thereto a voter registration form received from a door-to-
8 door canvass or mobile registration drive, as provided for in section
9 19 of P.L.1974, c.30 (C.19:31-6.7);

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

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

20 h. completing a provisional ballot affirmation statement and
21 voting the provisional ballot in the previous election, if the person
22 who submitted the provisional ballot in that election is determined
23 not to be a registered voter; or

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

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

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

38

39 17. This act shall take effect immediately ²but shall apply only
40 to applicable elections occurring on or after November 8, 2022².