

ASSEMBLY, No. 4948

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 8, 2022

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Co-Sponsored by:

**Assemblyman Danielsen, Assemblywomen Jaffer, Swain and
Assemblyman Moen**

SYNOPSIS

Requires mail-in ballot applications to include prepaid postage.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/26/2023)

1 AN ACT concerning mail-in ballot application forms returned by
2 mail and amending P.L.2009, c.79.

3

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

6

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

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

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

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

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

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

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

36 b. (1) Not less than seven days before an election in which a
37 voter wants to vote by mail, the voter may apply to the person
38 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
39 ballot. The application shall be in writing, shall be signed by the
40 applicant and shall state the applicant's place of voting residence
41 and the address to which the ballot shall be sent. In the case of a
42 voter choosing to have their mail-in ballot sent to a secondary
43 address, if the ballot is returned or marked undeliverable for two
44 consecutive general elections, then future mail-in ballots shall be
45 mailed to the voter's address where they are registered to vote and

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 the voter shall be notified in writing of the change. The Secretary
2 of State shall prepare a mail-in application form and shall have the
3 authority to promulgate any rules and regulations the secretary
4 deems necessary to effectuate the purposes of this subsection.

5 (2) Beginning on January 1, 2026 and thereafter, not less than
6 seven days before an election in which a voter wants to vote by
7 mail, instead of submitting an application under paragraph (1) of
8 this subsection, the voter may apply for a mail-in ballot
9 electronically through the voter registration website established by
10 the Secretary of State pursuant to section 1 of P.L.2019, c.382
11 (C.19:31-6.4c), which application shall be electronically submitted
12 to the person designated by the Secretary of State. The application
13 shall be in electronic form, shall be signed by the applicant using
14 the applicant's electronic signature in the Statewide Voter
15 Registration System, and shall state the applicant's place of voting
16 residence and the address to which the ballot shall be sent. The
17 Secretary of State shall prepare a mail-in ballot electronic
18 application form and shall have the authority to promulgate any
19 guidance, guidelines, rules and regulations the secretary deems
20 necessary to effectuate the purposes of this subsection. The mail-in
21 ballot application to be completed by the voter and returned by mail
22 shall include prepaid postage, the costs of which shall be paid by
23 the State. The rules and regulations shall ensure the security of the
24 online mail-in ballot application form and the use of verifiable
25 signatures, including a process for the resolution of signature
26 discrepancies and the validation of the information provided by the
27 applicant.

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

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

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

45 f. The county clerk shall not transmit a mail-in ballot for any
46 election to any person who: is deemed by a county commissioner of
47 registration to be an inactive voter; or notifies the clerk in writing
48 that the person no longer wishes to receive such a ballot for any

1 election; or is no longer eligible to vote and whose registration file
2 has been transferred to the deleted file pursuant to R.S.19:31-19.

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

7 (cf: P.L.2022, c.68, s.1)

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9 2. This act shall take effect immediately.

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STATEMENT

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14 Under current law, a voter may complete and return to the county
15 clerk by regular mail an application requesting to receive a mail-in
16 ballot. This bill requires the mail-in ballot application form to
17 include prepaid postage, to be paid by the State.