

SENATE, No. 3302

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 3, 2022

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

Requires availability of accessible mail-in ballot for voters with disabilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/9/2023)

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1 AN ACT concerning an accessible mail-in ballot for voters with
2 disabilities and supplementing P.L.2009, c.79 (C.19:63-1 et
3 seq.).

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

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8 1. a. Whenever a county clerk receives a request from a voter
9 with a disability for an accessible mail-in ballot, that ballot shall be
10 sent to that voter by electronic means and shall be completed and
11 submitted by the voter as provided in this section. Upon receipt of a
12 request for an accessible mail-in ballot from a voter with a
13 disability, the county clerk shall verify that the voter is registered to
14 vote and is eligible to vote in the State and the county. If the voter
15 is eligible to vote therein, the county clerk shall send the accessible
16 mail-in ballot to the voter by electronic means using the telephone
17 number or electronic address supplied by the voter for that purpose.

18 b. The accessible mail-ballot shall contain features to enable a
19 voter with a disability to understand the contents of the ballot, mark
20 up the voter's selections on the ballot, make any desired changes,
21 verify that the marked-up ballot accurately reflects the voter's
22 selections, complete the ballot, and print a copy of the completed
23 ballot and any other necessary materials to submit the ballot to the
24 county board of elections by regular mail, hand delivery, using a
25 ballot drop box, or by electronic means if the voter is "electronic
26 return eligible" as provided under subsection d. of this section. Key
27 features of the accessible mail-in ballot shall include, but may not
28 be limited to:

29 (1) electronic delivery of and access to the ballot and related
30 materials;

31 (2) readability of the ballot using an electronic interface that
32 provides guided prompts that enunciate the contents of the ballot to
33 the voter;

34 (3) ability to electronically mark the ballot reflecting the voter's
35 selections, and to reflect any changes made by the voter to those
36 selections;

37 (4) confirmation of the voter's selections prior to final
38 completion of the marked-up ballot;

39 (5) ability to print the ballot and related materials as provided
40 under subsection c. of this section immediately upon completion, or
41 to generate an electronic file containing those materials for printing
42 and submitting to the county board of elections at a later date;

43 (6) ability to return the ballot by electronic means if the voter is
44 "electronic return eligible" as provided under subsection d. of this
45 section;

46 (7) clear and comprehensive instructions for the voter to follow
47 in completing and submitting the ballot; and

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1 (8) any additional features deemed necessary by the Secretary of
2 State, in consultation with county clerks and county boards of
3 elections.

4 c. After the accessible mail-ballot is received and completed by
5 the voter by indicating the voter's choice of candidates for the
6 offices named or the voter's choice regarding a public question, or
7 both, the ballot and related materials shall be printed, unless the
8 voter is eligible to return the ballot by electronic means as provided
9 under subsection d. of this section. Along with the completed ballot,
10 the printed materials shall include any materials necessary for
11 submitting the voted ballot, including an inner envelope for
12 inserting the ballot, the certificate of mail-in voter attached to the
13 inner envelope, any disability certificate that may be required, and a
14 pre-addressed postage pre-paid outer envelope for mailing the
15 completed ballot and materials to the county board of elections. The
16 voter shall be instructed to place the completed ballot in the secure
17 inner envelope and seal that envelope, sign the certificate of mail-in
18 voter and any disability certificate that may be required, and place
19 all of those materials in the outer envelope and seal that envelope.
20 The voter shall submit the sealed envelope to the appropriate county
21 board of elections in any manner authorized under P.L.2009, c.79
22 (C.19:63-1 et seq.) by regular mail, hand delivery, or by ballot drop
23 box.

24 d. Notwithstanding any provision of subsection c. of this
25 section to the contrary, a voter who is "electronic return eligible"
26 shall be permitted to return the mail-in ballot by electronic means.
27 As used in this subsection, "electronic return eligible" means a
28 voter who, regardless of any other disability:

29 (1) is blind;

30 (2) has a visual impairment or perceptual or reading disability
31 that cannot be improved to give visual function substantially
32 equivalent to that of a person who has no such impairment or
33 disability and therefore is unable to read or mark a ballot to
34 substantially the same degree as a person without an impairment or
35 disability; or

36 (3) is otherwise unable, through physical disability, to hold,
37 mark, or manipulate a ballot or to focus or move the eyes to the
38 extent that would be normally acceptable for reading or marking a
39 ballot.

40 e. The Secretary of State, in consultation with county clerks
41 and county boards of elections, shall issue uniform guidelines for
42 all election officials to follow in the implementation of the
43 provisions of this section.

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45 2. This act shall take effect immediately.

STATEMENT

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This bill requires the availability of an accessible mail-in ballot for voters with disabilities.

Under current law, registered voters may apply to vote by mail and may receive a mail-in ballot to be completed by hand. Although the law prohibits any person other than the voter to complete the ballot, the law allows persons who need assistance in completing the mail-in ballot to have a family member provide them that assistance.

Under this bill, the county clerk would be required to provide an accessible mail-in ballot for any voter with a disability that requests one, provided the voter is registered to vote and is entitled to vote in that county in this State. The bill requires the accessible mail-ballot to contain features to enable a voter with a disability to understand the contents of the ballot, mark-up voting choices, make changes, verify the final voting choices made on the ballot, complete the ballot, and print the completed ballot and related materials such as certificates and envelopes. The bill specifies key features of the accessible mail-in ballot. These would include, but would not be limited to, electronic delivery and access; readability with guided audible prompts; ability to mark the ballot reflecting the voter’s selections; confirmation of the voter’s selections prior to final completion; ability to print the ballot and related materials or to generate an electronic file for printing and submitting to the county board of elections at a later date; ability to return the ballot by electronic means if the voter is eligible to do so; clear and comprehensive instructions; and any additional features deemed necessary.

Upon completion, the voter would then submit their ballot and necessary materials by mail, in person, or using a ballot drop box in the manner provided under current law. If the voter is “electronic return eligible,” the voter would be permitted to return the mail-in ballot by electronic means. Under the bill, “electronic return eligible” means a voter who, regardless of any other disability: is blind; has a visual impairment or perceptual or reading disability that cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and therefore is unable to read or mark a ballot to substantially the same degree as a person without an impairment or disability; or is otherwise unable, through physical disability, to hold, mark, or manipulate a ballot or to focus or move the eyes to the extent that would be normally acceptable for reading or marking a ballot.

Finally, the Secretary of State, in consultation with county clerks and county boards of elections, is directed to issue uniform guidelines for election officials to follow for implementing the accessible ballot provisions.