

[First Reprint]

SENATE, No. 3365

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 5, 2022

Sponsored by:

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District 33 (Hudson)

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SYNOPSIS

Requires mail-in ballot applications to include prepaid postage.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on February 2, 2023, with amendments.



(Sponsorship Updated As Of: 2/2/2023)

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
8 as 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. ¹The mail-in ballot
42 application to be completed by the voter and returned by mail shall
43 include prepaid postage, the costs of which shall be paid by the
44 State.¹ In the case of a voter choosing to have their mail-in ballot
45 sent to a secondary address, if the ballot is returned or marked

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:

¹Senate SSG committee amendments adopted February 2, 2023.

1 undeliverable for two consecutive general elections, then future
2 mail-in ballots shall be mailed to the voter's address where they are
3 registered to vote and the voter shall be notified in writing of the
4 change. The Secretary of State shall prepare a mail-in application
5 form and shall have the authority to promulgate any rules and
6 regulations the secretary deems necessary to effectuate the purposes
7 of this subsection.

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

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

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

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

1 f. The county clerk shall not transmit a mail-in ballot for any
2 election to any person who: is deemed by a county commissioner of
3 registration to be an inactive voter; or notifies the clerk in writing
4 that the person no longer wishes to receive such a ballot for any
5 election; or is no longer eligible to vote and whose registration file
6 has been transferred to the deleted file pursuant to R.S.19:31-19.

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

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

12

13 2. This act shall take effect immediately ¹and shall be
14 implemented following the 2023 primary election¹.