

ASSEMBLY, No. 2806

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Co-Sponsored by:

**Assemblyman Conaway, Assemblywoman Murphy, Assemblymen
Freiman, Verrelli, Stanley and Assemblywoman Lampitt**

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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 disability,
13 the county clerk shall verify that the voter is registered to vote and is
14 eligible to vote in the State and the county. If the voter is eligible to
15 vote therein, the county clerk shall send the accessible mail-in ballot to
16 the voter by electronic means using the telephone number or electronic
17 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 up
20 the voter's selections on the ballot, make any desired changes, verify
21 that the marked-up ballot accurately reflects the voter's selections,
22 complete the ballot, and print a copy of the completed ballot and any
23 other necessary materials to submit the ballot to the county board of
24 elections by regular mail, hand delivery, using a ballot drop box, or by
25 electronic means if the voter is "electronic return eligible" as provided
26 under subsection d. of this section. Key features of the accessible mail-
27 in ballot shall include, but may not be limited to:

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

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

33 (3) readability of the ballot using a voter's own braille display
34 device;

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

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

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

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

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

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

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

28 (1) is blind;

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

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

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

41
42 2. This act shall take effect immediately.
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45 STATEMENT
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47 This bill requires the availability of an accessible mail-in ballot
48 for voters with disabilities.

A2806 GREENWALD, PARK

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

7 Under this bill, the county clerk would be required to provide an
8 accessible mail-in ballot for any voter with a disability that requests
9 one, provided the voter is registered to vote and is entitled to vote in
10 that county in this State. The bill requires the accessible mail-ballot
11 to contain features to enable a voter with a disability to understand
12 the contents of the ballot, mark-up voting choices, make changes,
13 verify the final voting choices made on the ballot, complete the
14 ballot, and print the completed ballot and related materials such as
15 certificates and envelopes. The bill specifies key features of the
16 accessible mail-in ballot. These would include, but would not be
17 limited to, electronic delivery and access; readability with guided
18 audible prompts; readability of the ballot using a voter's own braille
19 display device; ability to mark the ballot reflecting the voter's
20 selections; confirmation of the voter's selections prior to final
21 completion; ability to print the ballot and related materials or to
22 generate an electronic file for printing and submitting to the county
23 board of elections at a later date; ability to return the ballot by
24 electronic means if the voter is eligible to do so; clear and
25 comprehensive instructions; and any additional features deemed
26 necessary.

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

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