

CHAPTER 322

AN ACT concerning the curing of a mail-in ballot and amending P.L.1999, c.232 and P.L.2009, c.79.

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

1. The Legislature finds and declares that:
 - a. Protecting an individual's right to vote is essential to maintaining a fair and functioning democracy where every voice is heard.
 - b. Establishing voting safeguards for mail-in ballots is crucial to ensure that every legitimate vote is counted accurately, while protecting against errors and potential fraud.
 - c. Permitting individuals to vote by mail expands participation, particularly for those who cannot vote in-person due to disability, work, or health concerns.
 - d. Notifying voters that their mail-in ballot will be disqualified unless the voters cure rejected mail-in ballots helps ensure that small errors do not lead to the loss of legitimate votes.
 - e. Transparent and accessible ballot correction processes build trust in elections and uphold the integrity of the democratic system.

2. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read as follows:

C.19:53C-1 Preparation of provisional ballot packet; notices.

7. a. (1) The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of a provisional ballot packet for each election district. It shall include the appropriate number of provisional ballots, the appropriate number of envelopes with an affirmation statement, the appropriate number of written notices to be distributed to voters who vote by provisional ballot, and one provisional ballot inventory form affixed to the provisional ballot bag. The clerk shall arrange for the preparation of and placement in each provisional ballot bag of a provisional ballot packet and an envelope containing a numbered seal. The envelope shall contain, on its face, the instructions for the use of the seal, the number and the election district location of the provisional ballot bag, and the identification numbers of the seal placed in the envelope. Each provisional ballot bag shall be sealed with a numbered security seal before being forwarded to the appropriate election district.

(2) Each provisional ballot bag and the inventory of the contents of each such bag shall be delivered to the designated polling place no later than the opening of the polls on the day of an election.

b. The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of the envelope, affirmation statement, and written notice that is to accompany each provisional ballot. The envelope shall be of sufficient size to accommodate the provisional ballot, and the affirmation statement shall be affixed thereto in a manner that enables it to be detached once completed and verified by the county commissioner of registration. The statement shall require the voter to provide the voter's name and to indicate whether the voter is registered to vote in a county but has moved within that county since registering to vote or is registered to vote in the election district in which that polling place is located, but the voter's registration information is missing or otherwise deficient, or indicate the voter has applied for a mail-in ballot and not received either the ballot or an explanation for not receiving such a ballot pursuant to notification by the county clerk or from the free-access system; has applied for and received a mail-in ballot and has not transmitted it to the county board of elections or given it to a bearer for delivery to the county board before the time for the opening of the polls on the day of an election but wants, nevertheless, to vote in the election; or has applied for and received a mail-in ballot and transmitted it to the county board of elections and has received a cure letter, pursuant to section 17 of P.L.2009, c.79

(C.19:63-17), and wants to vote in-person in the election, either during the early voting period or on election day, using a provisional ballot instead of curing the mail-in ballot. The statement shall further require the voter to provide the voter's most recent prior voter registration address and address on the day of the election and date of birth. The statement shall include the statement: "I swear or affirm that the foregoing statements made by me are true and correct and that I understand that any fraudulent voting may subject me to a fine of up to \$15,000, imprisonment up to five years, or both, pursuant to R.S.19:34-11." It shall be followed immediately by spaces for the voter's signature and printed name and, in the case of a name change, the voter's printed old and new name and a signature for each name, the date the statement was completed, political party affiliation, if used in a primary election, and the name of the person providing assistance to the voter, if applicable. Each statement shall also provide spaces for the voter's telephone number and email address, including language informing the voter that this contact information will be used to contact the voter concerning the acceptance or rejection of the ballot, and how the voter may cure a defect. A voter's telephone number and email address shall not be subject to public disclosure and shall not be considered a government record. Each statement shall also note the number of the election district, or ward, and name of the municipality at which the statement will be used. The Secretary of State shall prepare for inclusion in the affirmation statement language for the voter to submit the information required in the registration form described in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the county commissioner of registration to process the statement as a voter registration application, which shall be valid for future elections if the individual who submitted the provisional ballot is determined not to be a registered voter. The Secretary of State shall also prepare and shall provide language for any written instructions necessary to assure proper completion of the statement.

The written notice shall contain information to be distributed to each voter who votes by provisional ballot. The notice shall state that, if the voter is a mail-in registrant voting for the first time in his or her current county of residence following registration and was given a provisional ballot because he or she did not provide required personal identification information, the voter shall be given until the close of business on the second day after the election to provide identification to the applicable county commissioner of registration, and the notice shall contain a telephone number at which the commissioner may be contacted. The notice shall further state that failure to provide the required personal identification information within that time period shall result in the rejection of the ballot. The notice shall state that, pursuant to section 4 of P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional ballot will be able to ascertain under a system established by the State whether the ballot was accepted for counting and, if the vote was not counted, the reason for the rejection of the ballot. The notice shall include instructions on how to access such information.

c. For the primary for the general election, the provisional ballots shall be printed in ink on paper of a color that matches the color of the voting authority, which shall indicate the party primary of the voter. The provisional ballots shall be uniform in size, quality, and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device, or figure on the front or back other than as provided in P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the primary election.

The clerk of the county or municipality shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots for each political party, a corresponding number of envelopes with affirmation statements, and a corresponding number

of written notices. Additional provisional ballots, envelopes, and notices shall be available for delivery to that election district on the day of the election if necessary.

d. For the general election, the provisional ballots shall be printed in ink. The provisional ballots shall be uniform in size, quality, and type; of a thickness that the printing thereon cannot be distinguished from the back of the paper; and without any mark, device, or figure on the front or back other than as provided in this act. Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the general election.

The clerk of the county or municipality shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots, a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots, envelopes, and notices shall be available for delivery to that election district on the day of the election if necessary.

e. For a school election, the provisional ballots shall be printed in ink. The provisional ballots shall be uniform in size, quality, and type; of a thickness that the printing thereon cannot be distinguished from the back of the paper; and without any mark, device, or figure on the front or back other than as provided in this act. Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the school election.

The clerk of the county shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots, a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots, envelopes, and notices shall be available for delivery to that election district on the day of the election if necessary.

f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et al.), a provisional ballot that requires the voter to punch out a hole in the ballot as a means of recording the voter's vote shall not be used in any election in this State.

g. (Deleted by amendment, P.L.2011, c.134)

3. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to read as follows:

C.19:63-17 Actions of county board of elections relative to mail-in ballot.

17. a. The county board of elections shall, promptly after receiving each mail-in ballot, remove the inner envelope containing the ballot from the outer envelope and shall compare the signature and the information contained on the flap of the inner envelope with the signature and information contained in the respective requests for mail-in ballots and the signature and information contained in the Statewide voter registration system. In addition, as to mail-in ballots issued less than seven days prior to an election, the county board of elections shall also check to establish that the mail-in voter did not vote in person. The county board shall reject such a ballot if it is not satisfied, pursuant to a comparison with the Statewide voter registration system, that the voter is legally entitled to vote and that the ballot conforms with the requirements of this act. The county board of elections shall conduct the determination of qualification of each voter in accordance with the requirements of the Certificate of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-13).

In the case of a mail-in ballot to be voted at a primary election for the general election, the ballot shall be rejected if the mail-in voter has indicated in the certificate the voter's intention to

vote in a primary election of any political party in which the voter is not entitled to vote according to the Statewide voter registration system and if it shall appear from the record that the voter is not entitled to vote in a primary election of the political party which has been so indicated.

Any mail-in ballot which is received by a county board of elections shall be rejected if the inner envelope is unsealed or if either the inner or outer envelope has a seal that has been tampered with, except that when the voter failed to insert the voted mail-in ballot in the inner envelope, or failed to complete the certificate of mail-in voter on the inner envelope, or when the inner or outer envelope is missing or unsealed, or when the seal has been tampered with, the county board of elections shall permit the voter to cure the mail-in ballot as provided under subsection b. of this section. Mail-in ballots shall not be rejected due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed.

Disputes about the qualifications of a mail-in voter to vote or about whether or not or how any mail-in ballot shall be counted in such election shall be referred to the Superior Court for determination, as provided under section 4 of P.L.2020, c.70 (C.19:63-17.1).

After such investigation, the county board of elections shall detach or separate the certificate from the inner envelope containing the mail-in ballot, unless it has been rejected by it or by the Superior Court, marking the envelope so as to identify the election district in which the ballot contained therein is to be voted as indicated by the voter's home address appearing on the certificate attached to or accompanying the inner envelope and, in the case of ballots to be voted at a primary election for a general election, so as to identify the political party in the primary election of which it is to be voted.

The location at which a county board of elections determines whether a mail-in ballot shall be accepted or rejected shall be considered an election district for the purposes of appointment of challengers. The determination of ballot acceptance, rejection, and curing pursuant to this section shall be subject to observation by duly appointed challengers, provided, however, that challengers shall not participate in, interfere with, object during, or otherwise delay the cure, review, or supervisory determination process for the acceptance, rejection, and curing of a mail-in ballot.

b. The county board of elections shall, promptly after receiving each mail-in ballot, undertake the procedures and requirements concerning the acceptance or rejection of each mail-in ballot enumerated in this subsection, which shall not require a vote of the board of elections to be undertaken, provided, however, that any preliminary determination to reject a mail-in ballot pursuant to this subsection shall be made by trained elections employees designated by the county board of elections and shall be subject to supervisory review designated by the county board of elections before the issuance of a cure letter or a final rejection. The supervisory review shall be conducted by two supervisory officials of different political party affiliations where practicable. No mail-in ballot shall be finally rejected without such supervisory review. The procedures and requirements concerning the acceptance or rejection of each mail-in ballot shall be as follows:

(1) within 24 hours after the decision has been made to reject a voter's mail-in or provisional ballot on the basis of a missing signature or discrepant signature, issue a "Cure Letter" by mail or email to the voter whose ballot was rejected, which shall inform the voter of that fact and provide the reasoning for rejection, and attempt to contact the voter by telephone, if a telephone number is available. The cure letter shall include a "Cure Form" and the form shall include the voter's name and instruct the voter on how to cure the alleged or actual deficiency. Cure forms shall not be referred to as affidavits or certifications and shall not be required to be sworn;

(2) when the alleged or actual deficiency involves the signature of the voter, instruct the voter that they may cure the deficiency by completing the cure form and returning it to the county board of elections in person, by fax, or by email not later than 48 hours prior to the final certification of the results of the election other than the general election, or in the case of a general election within 11 days after the general election, or by returning it to the county board of elections by mail and that the completed cure form must be received by the county board of elections not later than 48 hours prior to the final certification of the results of the election other than the general election, or in the case of a general election within 11 days after the general election;

(3) include, with the cure letter, when sent by mail, a pre-printed cure form and a postage-paid return envelope addressed to the county board of elections which the voter may use to return the cure form;

(4) inform voters that they shall not be required to submit any form of hard-copy identification document or copy thereof in order to cure a signature deficiency, but may do so by declaring that they submitted their provisional ballot or mail-in ballot and verifying their identity by either: (a) providing a valid New Jersey driver's license number or Motor Vehicle Commission non-driver identification number; (b) if the voter does not have a valid New Jersey driver's license number or Motor Vehicle Commission non-driver identification number, then by providing the last four digits of their Social Security Number; or (c) if the voter does not have the identification in (a) or (b), then attaching a legible copy of a New Jersey State-accepted form of identification, including either a sample ballot which lists the voter's name and address, an official federal, State, county, or municipal document which lists the voter's name and address, or a utility bill, telephone bill, or tax or rent receipt which lists the voter's name and address; and (d) signing and dating the cure form prior to returning it;

(5) when the deficiency is because the voter failed to insert the voted mail-in ballot in the inner envelope, or failed to complete the certificate of mail-in voter on the inner envelope, when the inner or outer envelope is missing or unsealed, or when the seal appears to have been tampered with, or due to any deficiency other than a missing or discrepant signature subject to the curing procedures otherwise specified in this section, provide the voter with a new mail-in ballot, inform the voter of the defect through the cure letter required pursuant to this subsection, and permit the voter to cure the defect by submitting the new completed ballot by mail, returning it to the county board of elections in person, or placing it into a ballot drop box, in accordance with the timeframes applicable to the return of completed mail-in ballots provided under current law; except that the requirement to provide a new mail-in ballot to a voter under this paragraph shall be implemented only if the county board of elections can identify the name and address of the voter using official pre-printed information on the voter's ballot or envelope materials and if the new mail-in ballot can be provided to the voter in accordance with the timeframes specified under section 3 of P.L.2009, c.79 (C.19:63-3); and

(6) when a voter has applied for and received a mail-in ballot, transmitted it to the county board of elections, and has received a cure letter and, if applicable, a cure form, for any reason as provided in this subsection, prior to the day of the election, the voter shall be permitted to vote in-person, either during the early voting period or on election day, using a provisional ballot pursuant to section 7 of P.L.1999, c.232 (C.19:53C-1).

All cure letters shall include instructions informing the voter of the option to vote in-person, either during the early voting period or on election day, using a provisional ballot instead of having to return the cure form or replacement mail-in ballot, as applicable.

c. If a voter returns a completed cure form in a timely manner and the information provided verifies the voter's identity, pursuant to this section, their otherwise valid mail-in or

provisional ballot shall be counted in the final election results irrespective of any signature deficiency previously identified and, under those circumstances, the cure form may not be verified or authenticated using signature matching.

d. In accordance with this section, variations in voter signatures caused by the substitution of initials for the first name or middle name, or both, shall not be grounds for the county board of elections to determine that the signatures are non-conforming or do not match.

e. In cases of rejected ballots, the county board of elections shall retain the voter's outer envelope, inner envelope, self-certification certificate, and mail-in ballot in a bundle unique to each voter for a period of two years in accordance with section 24 of P.L.2009, c.79 (C.19:63-24).

f. County boards of elections shall be required to meet at least once each week during the three-week period preceding each election to conduct the ballot processing and curing provisions specified in this section and shall meet more frequently as may be required by the Secretary of State to ensure the timely processing of ballots.

g. The Secretary of State shall prepare educational materials regarding this section that all employed county boards of elections employees handling ballots shall read and have available for review. The materials shall provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe-keeping of all materials in the case of rejection. The materials shall serve an educational purpose for the county board of elections and shall not replace, supersede, or void the authority of the county board or a judge of the Superior Court to accept or reject a mail-in ballot.

h. Any issuance and receipt of a cure letter, cure form, and new mail-in ballot pursuant to the provisions of this section shall be recorded in the voter's record in the Statewide Voter Registration System. Prior to July 1, 2026, the Secretary of State shall cause such changes to be made to that system as may be necessary to facilitate the recording requirements of this subsection and shall certify to the Legislature and county boards of elections that the Statewide Voter Registration System has been updated, tested, and deployed to support the requirements of P.L.2025, c.322, which certification shall include, but may not be limited to:

- (1) the recording of the issuance and receipt of cure letters, cure forms, and new mail-in ballots;
- (2) the tracking of supervisory review determinations; and
- (3) the ability of county boards of elections to uniformly comply with the provisions of this section.

i. Notwithstanding any provision of this section, or any other law, rule, or regulation to the contrary, a county board of elections shall not be required to issue a cure letter, cure form, or a new mail-in ballot to any voter, or otherwise contact the voter, when the voter cannot be identified by the county board of elections using official pre-printed information on the voter's ballot or envelope materials.

4. Section 20 of P.L.2009, c.79 (C.19:63-20) is amended to read as follows:

C.19:63-20 Mail-in voters, certain, not permitted to vote in person.

20. a. Any person who has applied for a mail-in ballot and has had the mail-in ballot either delivered in person or forwarded by mail, and voted and returned the voted ballot to the county board, shall not be permitted to vote in person at the polling place in the voter's election district on the day of the election.

b. Any person who: (1) has applied for a mail-in ballot and not received either the ballot or an explanation for not receiving such a ballot pursuant to notification by the county clerk or from the free-access system established pursuant to section 5 of P.L.2004, c.88 (C.19:61-5) to provide such information; (2) has applied for and received a mail-in ballot and has not

transmitted it to the county board of elections or given it to a bearer for delivery to the county board before the time for the opening of the polls on the day of an election; or (3) has applied for and received a mail-in ballot and has not transmitted it to the county board of elections or given it to the bearer for delivery to the county board, but appears at the polling place without the ballot and wishes to vote, shall be permitted to vote in person by provisional ballot at the polling place in the voter's election district on the day of the election.

c. Any person who has received a notification that the voter's mail-in ballot was not submitted properly due to a defect under section 17 of P.L.2009, c.79 (C.19:63-17) shall be permitted to vote in person by provisional ballot at the polling place in the voter's election district on the day of the election.

5. This act shall take effect on July 1, 2026 if the Secretary of State has certified prior to that date that the Statewide Voter Registration System and all county boards of elections are ready to comply with the provisions of this act, or shall take effect after July 1, 2026 on the first day of the first month immediately following such certification, but the Secretary of State, county clerks, county boards of election, and any other public officials may take any anticipatory actions prior to that effective date deemed necessary for the implementation of this act.

Approved January 20, 2026.