

SENATE, No. 1193

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator RAJ MUKHERJI

District 32 (Hudson)

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

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Senators Diegnan and Zwicker

SYNOPSIS

Allows voter registration at polling place on election day or at early voting site during early voting period.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/6/2024)

1 **AN ACT** concerning voter registration and amending various parts
2 of the statutory law.

3

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

6

7 1. R.S.19:31-6 is amended to read as follows:

8 19:31-6. Any person qualified to vote in an election shall be
9 entitled to vote in the election if the person shall have registered to
10 vote on or before the 21st day preceding the election by:

11 a. registering in person at any offices designated by the
12 commissioner of registration for providing and receiving
13 registration forms;

14 b. completing a voter registration form while applying for a
15 motor vehicle driver's license from an agent of the New Jersey
16 Motor Vehicle Commission, as provided for in section 24 of
17 P.L.1994, c.182 (C.39:2-3.2);

18 c. completing and returning to the Secretary of State or having
19 returned thereto a voter registration form received from a voter
20 registration agency, as defined in subsection a. of section 26 of
21 P.L.1994, c.182 (C.19:31-6.11), while applying for services or
22 assistance or seeking a recertification, renewal or change of address
23 at an office of that agency;

24 d. completing and returning to the Secretary of State a voter
25 registration form obtained from a public agency, as defined in
26 subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

27 e. completing and returning to the Secretary of State or having
28 returned thereto a voter registration form received from a door-to-
29 door canvass or mobile registration drive, as provided for in section
30 19 of P.L.1974, c.30 (C.19:31-6.7);

31 f. completing and returning to the Secretary of State a federal
32 mail voter registration form, as prescribed in subsection (b) of
33 section 9 of the "National Voter Registration Act of 1993," (42
34 U.S.C. s. 1973gg et seq.);

35 g. completing and returning to the Secretary of State or the
36 appropriate county clerk an application for a federal postcard
37 application form to register to vote, as permitted pursuant to the
38 federal "Uniform and Overseas Citizens Absentee Voting Act" 52
39 U.S.C. s.120301 et seq.) and section 4 of P.L.1976, c.23 (C.19:59-
40 4);

41 h. completing a provisional ballot affirmation statement and
42 voting the provisional ballot in the previous election, if the person
43 who submitted the provisional ballot in that election is determined
44 not to be a registered voter; or

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 i. completing and submitting an online voter registration form
2 available on the Secretary of State's Internet website, as provided
3 under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

4 Any person qualified to vote in an election who does not register
5 to vote on or before the 21st day preceding the election in
6 accordance with this section shall be entitled to vote in the
7 election by provisional ballot and to have that provisional ballot
8 be counted, if otherwise valid, if the person appears at the person's
9 assigned polling place on the day of the election or at an early
10 voting site in the person's county during the early voting period
11 provided the person:

12 (a) provides the information needed for completing a voter
13 registration form;

14 (b) displays, including on an electronic device, a copy of one of
15 the following items: (i) a current and valid photo identification
16 card; (ii) a current utility bill, bank statement, government check, or
17 pay check; (iii) any other government document that shows the
18 voter's name and current address; or (iv) any other identifying
19 document that the Secretary of State has determined to be
20 acceptable for this purpose; and

21 (c) completes a provisional ballot affirmation statement and
22 affirms that the person has not previously voted in that election, and
23 upon voting will not thereafter vote in that election.

24 In addition to the procedure for registering and casting a
25 provisional ballot pursuant to this section, a person may register and
26 cast a ballot on the day of the election or during the early voting
27 period by any other means as may be approved by the Secretary of
28 State that ensure the security of the ballot and the electoral process.
29 If those other means approved by the Secretary of State require
30 additional funding, the additional funding shall be provided by the
31 State.

32 Notwithstanding the requirement in this section that a person
33 appears at the person's assigned polling place on the day of the
34 election, if on the day of the election a person appears and meets the
35 requirements of this subsection at another polling place within the
36 person's county of residence, the registration shall be effective if
37 otherwise valid and the person's ballot shall count for the offices
38 and public questions for which the person would otherwise have
39 been eligible to cast a ballot based on that person's address.

40 When the commissioner has designated a place or places other
41 than his office for receiving registrations, the commissioner shall
42 cause to be published a notice in a newspaper circulated in the
43 municipality wherein such place or places of registration shall be
44 located. Such notice shall be published pursuant to R.S.19:12-7.

45 Any office designated by the commissioner of registration for
46 receiving registration forms shall have displayed, in a conspicuous

1 location, registration and voting instructions. These instructions
2 shall be the same as those provided for polling places under
3 R.S.19:9-2 and shall be provided by the commissioner
4 (cf: P.L.2022, c.72, s.16)

5
6 2. Section 1 of P.L.1966, c.177 (C.19:31-6.1) is amended to
7 read as follows:

8 1. Notwithstanding any other provisions of the Title to which
9 this act is a supplement, any person authorized by law to accept
10 applications for voter registration shall accept, during the 20-day
11 period prior to any election, the application for registration of all
12 eligible voters who shall personally appear for registration before
13 such person, or the registration card mailed or delivered to such
14 person, but no eligible voter so registered shall be entitled to vote in
15 the election immediately following said 20-day period, except as
16 provided under R.S.19:31-6. Any person registered under the
17 provisions of this act after the 21st day preceding an election shall
18 be advised that **【he】** the person will **【not】** be eligible to vote in the
19 election immediately forthcoming **【but】** only as provided pursuant
20 to R.S.19:31-6 for voting on the day of the election or during the
21 early voting period and will be eligible to vote in elections held
22 thereafter.

23 Applications for registration pursuant to the provisions of this act
24 shall be received at such place or places as may be designated by
25 any duly authorized election official.
26 (cf: P.L.2005, c.139, s.9)

27
28 3. Section 15 of P.L.1974, c.30 (C.19:31-6.3) is amended to
29 read as follows:

30 15. a. As used in this section, "public agency" shall mean:

31 The Division of Worker's Compensation, the Division of
32 Employment Services and the Division of Unemployment and
33 Temporary Disability Insurance, established initially by section 5 of
34 P.L.1948, c.446 (C.34:1A-5), in the Department of Labor and
35 Workforce Development;

36 The Division of Taxation in the Department of the Treasury,
37 continued under section 24 of P.L.1948, c.92 (C.52:18A-24);

38 The New Jersey Transit Corporation, established pursuant to
39 section 4 of P.L.1979, c.150 (C.27:25-4);

40 Any free county library established under the provisions of
41 article 1 of chapter 33 of Title 40 of the Revised Statutes;

42 Any regional library established under the provisions of
43 P.L.1962, c.134 (C.40:33-13.3 et seq.);

44 Any free public library established under the provisions of article
45 1 of chapter 54 of Title 40 of the Revised Statutes;

46 Any joint free public library established under the provisions of
47 P.L.1959, c.155 (C.40:54-29.3 et seq.);

1 Any public institution of higher education as included under the
2 provisions of N.J.S.18A:62-1;

3 Any eligible institution, as defined by subsection a. of section 3
4 of P.L.1979, c.132 (C.18A:72B-17), that receives financial
5 assistance, aid, or grants from State funds;

6 Any office or commercial establishment where State licenses or
7 permits, other than licenses or permits issued by a professional or
8 occupational board established under the laws of this State, are
9 available to individual members of the public; and

10 Any recruitment office of the New Jersey National Guard.

11 b. Any person entitled to register to vote may register as a
12 voter in the election district in which that person resides at any time
13 prior to the 21st day preceding any election by completing a
14 registration form described in section 16 of P.L.1974, c.30
15 (C.19:31-6.4) and submitting the form to the commissioner of
16 registration of the county wherein the person resides or
17 alternatively, in the case of a registration form provided by the
18 employees or agents of a public agency or a voter registration
19 agency, as defined in subsection a. of section 26 of P.L.1994, c.182
20 (C.19:31-6.11), to those employees or agents or to the **Attorney**
21 **General** Secretary of State. Any registration form addressed to a
22 commissioner of registration may be mailed to or delivered to the
23 office of that commissioner, and in the case of a registration form
24 available at a public agency, the form shall be mailed to the
25 **Attorney General** Secretary of State or delivered to the
26 commissioner of registration in the county of the registrant. A
27 registration form postmarked, stamped or otherwise marked as
28 having been received from the registration applicant, on or before
29 the 21st day preceding any election shall be deemed timely.
30 (cf: P.L.2005, c.139, s.10)

31

32 4. Section 17 of P.L.1974, c.30 (C.19:31-6.5) is amended to
33 read as follows:

34 17. a. Upon receipt of any completed registration form, the
35 commissioner of registration shall review it, and if it is found to be
36 in order, shall:

37 (1) Send to the registrant written notification that such registrant
38 is duly registered to vote. No registrant shall be considered a
39 registered voter until the commissioner of registration reviews the
40 application submitted by the registrant and deems it acceptable.
41 This paragraph shall not be construed to prohibit a person who
42 registers to vote on the day of an election, or during the early voting
43 period as provided pursuant to R.S.19:31-6, from being able to vote
44 a ballot as provided thereunder notwithstanding that the person's
45 registration is deemed acceptable by the commissioner of
46 registration after the day of election. On the face of such
47 notification in the upper left-hand corner shall be printed the words:

1 "Do Not Forward. Return Postage Guaranteed. If not delivered in 2
2 days, return to the Commissioner of Registration."

3 (2) In as timely a manner as possible, enter the information
4 provided for the registrant on the completed registration form, or
5 electronically transfer the information from an online voter
6 registration form completed pursuant to section 1 of P.L.2019,
7 c.382 (C.19:31-6.4c), into the Statewide voter registration system
8 established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31).

9 (3) Paste, tape, or photocopy the completed registration form
10 onto an original registration form, and shall paste or tape a copy of
11 such completed registration form onto a duplicate registration form,
12 both of which shall be filed as provided in R.S.19:31-10. Nothing
13 in this paragraph shall preclude any commissioner of registration
14 from keeping the original mail registration form on file.

15 (4) In the case of a registrant currently registered in another
16 county of this State, notify the commissioner of registration of such
17 other county to remove the individual's name from the registry list
18 of voters of the county and place into an appropriate retention file
19 all registration documents or material relating to that voter. The
20 commissioner of registration of the current county of the registrant
21 shall secure and maintain the entire voting history of that registrant.

22 b. The commissioner shall notify a registrant of the reasons for
23 any refusal to approve his registration within two business days of
24 such determination.

25 c. (Deleted by amendment, P.L.1994, c.182.)
26 (cf: P.L.2019, c.382, s.3)

27
28 5. R.S.19:31-11 is amended to read as follows:

29 19:31-11. a. In all counties within the State, change of residence
30 notices shall be made: (1) by a written request, signed by the
31 registrant, forwarded to the commissioner by mail, and actually
32 received by the commissioner; (2) by calling in person at the office
33 of the commissioner or the municipal clerk; or (3) by completing
34 and submitting a change of residence notice online as provided by
35 the Secretary of State. The commissioner shall provide change of
36 residence notices in card form for the use of any registered voter
37 moving to another address within the same election district; to
38 another election district within the same county; or to another
39 election district in another county for processing as provided under
40 subsection c. of this section. Copies of these notices shall also be
41 available at the office of the municipal clerk in each municipality.
42 Each municipal clerk shall transmit daily to the commissioner all
43 the filled out change of residence notices that may be in the
44 municipal clerk's office at the time. These notices shall be printed
45 upon cards, shall contain a blank form showing where the applicant
46 last resided and the address and exact location to which the
47 applicant has moved and shall have a line for the applicant's
48 signature, printed name and date of birth. Upon receipt of such

1 change of residence notice the commissioner shall cause the
2 signature to be compared with the registration forms of the
3 applicant and, if such signature appears to be of and by one and the
4 same legal voter, the commissioner shall cause the entry of the
5 change of residence to be made on those registration forms and the
6 registrant shall thereupon be qualified to vote in the election district
7 to which the registrant shall have so moved. If the commissioner is
8 not satisfied as to the signature on the request for a change of
9 residence, a confirmation notice as prescribed by subsection d. of
10 R.S.19:31-15 shall be sent by mail with postage prepaid to the
11 registrant at the new address.

12 The application for change of residence shall be filed with the
13 commissioner or municipal clerk, as the case may be, on or before
14 the 21st day preceding any election.

15 b. In any county any voter who, prior to an election, shall move
16 within the same county after the time above prescribed for filing an
17 application for change of residence without having made
18 application for change of residence, or who has not returned a
19 confirmation notice sent to the voter by the commissioner of
20 registration of the county, if such a notice has been sent to the voter,
21 or who has not moved since the previous election but whose
22 registration information is missing or otherwise deficient, or has
23 otherwise failed to notify the commissioner of registration of the
24 voter's change of address within the county, shall be permitted to
25 vote in that election in the district to which the voter has moved,
26 upon making a written affirmation regarding the change of address
27 at the polling place of the district in which the voter resides on the
28 day of the election or at an early voting site in the person's county
29 during the early voting period. No identifying document shall be
30 required from the voter for this affirmation. A district board
31 member shall provide the voter with a provisional ballot, and an
32 envelope with an affirmation statement that conforms with the
33 requirements for such documents contained in subsection b. of
34 section 7 of P.L.1999, c.232 (C.19:53C-1). The voter shall
35 complete the provisional ballot and affirmation statement, place the
36 ballot in the envelope, seal and return it to the district board
37 member. The board member shall review the information in the
38 affirmation statement for completeness before forwarding it for
39 inspection, tabulation and notation by the county board of elections,
40 as provided for by sections 7 through 26 of P.L.1999, c.232
41 (C.19:53C-1 through C.19:53C-20). The affirmation statement
42 shall constitute a transfer to the registrant's new residence for any
43 subsequent election. However, if the voter has moved from one
44 residence to another within the same election district at any time,
45 the voter shall be permitted to vote in such election district at any
46 election in the same manner as other voters at the polling place
47 upon written affirmation by the registrant to the district board
48 member of the registrant's change of address.

1 In place of a provisional ballot, the voter may use any other
2 manner of voting approved by the Secretary of State that ensures
3 the security of the ballot and the electoral process, as provided
4 pursuant to R.S.19:31-6 for voting on the day of the election or
5 during the early voting period.

6 c. A voter who moves from an election district in one county to
7 an election district in another county prior to the close of
8 registration preceding an election shall register in the new county of
9 residence, in accordance with the provisions of R.S.19:31-6, or
10 shall file a change of residence notice with the commissioner of
11 either county or complete and submit that notice online as provided
12 by the Secretary of State, in order to be permitted to vote. A change
13 of residence notice filed by a voter pursuant to this subsection shall
14 cause the commissioners of the county of previous residence and
15 the county of new residence to update the voter registration record
16 of that voter. The commissioner of the county of new residence
17 shall notify the voter by mail that the voter is now registered to vote
18 in that county or, if the notice submitted by the voter is incomplete,
19 to request any additional information or documentation necessary to
20 finalize the change of residence notice. Nothing in this subsection
21 shall be interpreted to waive the requirement specified under
22 R.S.19:31-5 that the voter shall have been a resident of the county
23 of new residence for at least 30 days prior to being eligible to vote
24 in any election in that county.

25 (cf: P.L.2022, c.67, s.12)

26
27 6. R.S.19:31-13 is amended to read as follows:

28 19:31-13. Whenever the registrant after his or her original
29 registration shall change his or her name due to marriage, divorce,
30 or by judgment of court, the registrant shall in person or by mail
31 submit to the commissioner of registration a written statement
32 notifying the commissioner of the change, which statement shall
33 take such form, and be printed on a postal card suitable for mailing
34 of such design, as the **【Attorney General】** Secretary of State shall
35 prescribe and shall be signed by the registrant. A registrant may
36 complete the form online as provided by the Secretary of State. The
37 commissioner, upon receipt of such a notice of change of name,
38 shall revise accordingly the name of the registrant as it appears
39 among the items of information concerning the registrant included
40 on the registrant's registration forms, shall make a photographic
41 copy of the notice of name change submitted by the registrant, and
42 shall affix the original notice so submitted to the registrant's
43 original registration form and the photographic copy of that notice
44 to the registrant's duplicate registration record.

45 When notice of such change in name has not been received by or
46 filed with the commissioner prior to the 21st day preceding any
47 election, such person may be permitted to vote under the name
48 under which the person was registered prior to that change at the

1 first election following such change in name at which the person
2 shall appear to vote, after signing the signature copy register with
3 both the registered name and his or her new name. The
4 commissioner shall then revise accordingly the name of the
5 registrant as it appears on the registrant's registration forms, make a
6 photographic copy of the notice, and affix the original and copy of
7 the notice to the registrant's permanent registration forms as
8 hereinabove prescribed.

9 (cf: P.L.2022, c.67, s.13)

10
11 7. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to
12 read as follows:

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

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

32 b. The county clerk or the municipal clerk, in the case of a
33 municipal election, shall arrange for the preparation of the
34 envelope, affirmation statement, and written notice that is to
35 accompany each provisional ballot. The envelope shall be of
36 sufficient size to accommodate the provisional ballot, and the
37 affirmation statement shall be affixed thereto in a manner that
38 enables it to be detached once completed and verified by the county
39 commissioner of registration. The statement shall require the voter
40 to provide the voter's name, and to indicate whether the voter is
41 registered to vote in a county but has moved within that county
42 since registering to vote; or is registered to vote in the election
43 district in which that polling place is located but the voter's
44 registration information is missing or otherwise deficient; or is
45 registering to vote pursuant to R.S.19:31-6; or indicate the voter has
46 applied for a mail-in ballot and not received either the ballot or an
47 explanation for not receiving such a ballot pursuant to notification
48 by the county clerk or from the free-access system, or has applied

1 for and received a mail-in ballot and has not transmitted it to the
2 county board of elections or given it to a bearer for delivery to the
3 county board before the time for the opening of the polls on the day
4 of an election but wants, nevertheless, to vote in the election. The
5 statement shall further require the voter to provide the voter's most
6 recent prior voter registration address, if applicable, and address on
7 the day of the election and date of birth. The statement shall
8 include the statement: "I swear or affirm, that the foregoing
9 statements made by me are true and correct and that I understand
10 that any fraudulent voting may subject me to a fine of up to
11 \$15,000, imprisonment up to five years or both, pursuant to
12 R.S.19:34-11." The statement shall also include the additional
13 affidavit statements required for individuals registering to vote at a
14 polling place or at an early voting site pursuant to R.S.19:31-6 for
15 voting on the day of the election or during the early voting period.
16 It shall be followed immediately by spaces for the voter's signature
17 and printed name, and in the case of a name change, the voter's
18 printed old and new name and a signature for each name, the date
19 the statement was completed, political party affiliation, if used in a
20 primary election, and the name of the person providing assistance to
21 the voter, if applicable. Each statement shall also provide spaces
22 for the voter's telephone number and email address, including
23 language informing the voter that this contact information will be
24 used to contact the voter concerning the acceptance or rejection of
25 the ballot, and how the voter may cure a defect. A voter's telephone
26 number and email address shall not be subject to public disclosure
27 and shall not be considered a government record. Each statement
28 shall also note the number of the election district, or ward, and
29 name of the municipality at which the statement will be used. Each
30 statement shall also include space for the appropriate official to
31 indicate if a person registering to vote at a polling place on the day
32 of the election or at an early voting site pursuant to R.S.19:31-6
33 displayed identification as provided in that section. The Secretary
34 of State shall prepare for inclusion in the affirmation statement
35 language for the voter to submit the information required in the
36 registration form described in section 16 of P.L.1974, c.30
37 (C.19:31-6.4) in order to enable the county commissioner of
38 registration to process the statement as a voter registration
39 application, which shall be valid for future elections, or consistent
40 with R.S.19:31-6, for the current election, if the individual who
41 submitted the provisional ballot is determined not to be a registered
42 voter. The Secretary of State shall also prepare and shall provide
43 language for any written instructions necessary to assure proper
44 completion of the statement.

45 The written notice shall contain information to be distributed to
46 each voter who votes by provisional ballot. The notice shall state
47 that, if the voter is a mail-in registrant voting for the first time in his
48 or her current county of residence following registration and was

1 given a provisional ballot because he or she did not provide
2 required personal identification information or if the voter is a
3 person registering to vote at a polling place on the day of the
4 election or at an early voting site pursuant to R.S.19:31-6 who fails
5 to display identification, the voter shall be given until **【the close of**
6 **business on the second day after the election】** 48 hours prior to the
7 final certification of the results of the election to provide
8 identification to the applicable county commissioner of registration,
9 and the notice shall contain a telephone number at which the
10 commissioner may be contacted. The notice shall further state that
11 failure to provide the required personal identification information
12 within that time period shall result in the rejection of the ballot,
13 unless the person is registering to vote at a polling place on the day
14 of the election or early voting site pursuant to R.S.19:31-6 and the
15 county commissioner of registration is able to verify the accuracy of
16 the person's New Jersey driver's license number or non-driver
17 identification number from the Motor Vehicle Commission
18 database, or the last four digits of the person's Social Security
19 Number, as provided as part of the provisional ballot affirmation
20 statement. The notice shall state that pursuant to section 4 of
21 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional
22 ballot will be able to ascertain under a system established by the
23 State whether the ballot was accepted for counting, and if the vote
24 was not counted, the reason for the rejection of the ballot. The
25 notice shall include instructions on how to access such information.

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

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

46 d. For the general election the provisional ballots shall be
47 printed in ink. The provisional ballots shall be uniform in size,
48 quality and type and of a thickness that the printing thereon cannot

1 be distinguished from the back of the paper, and without any mark,
2 device or figure on the front or back other than as provided in this
3 act. Each such ballot shall include near the top thereof and in large
4 type the designation PROVISIONAL BALLOT. In all other
5 respects, the provisional ballots shall conform generally to the other
6 ballots to be used in the election district for the general election.

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

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

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

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

34 g. (Deleted by amendment, P.L.2011, c.134).
35 (cf: 2020, P.L, c.70, s.7)
36

37 8. Section 9 of P.L.1999, c.232 (C.19:53C-3) is amended to
38 read as follows:

39 9. Whenever a voter enters a polling place to vote on the day of
40 an election and the circumstance of that voter matches the
41 circumstance of a voter described in subsection b. of R.S.19:31-11,
42 the district board shall query the voter and follow the appropriate
43 procedure herein described. This section shall apply to the greatest
44 extent possible to early voting sites. The Secretary of State may
45 issue guidelines or regulations governing the application of this
46 section to early voting.

47 a. If, at any time, the voter has moved from one residence to
48 another in the same election district, the board shall permit the voter

1 to vote at that polling place in the same manner as other voters at
2 the polling place upon written affirmation by the voter to the district
3 board.

4 b. If the voter has moved within a municipality but currently
5 resides in an election district different from that listed for the voter
6 by the commissioner of registration, the district board shall direct
7 the voter to the appropriate election district and polling place for the
8 voter and inform that person that: (1) the person must go to that
9 polling place to vote; and (2) the person will be permitted to vote
10 thereat by provisional ballot after completing an affirmation
11 statement or by using any other manner of voting approved by the
12 Secretary of State that ensures the security of the ballot and the
13 electoral process as provided pursuant to R.S.19:31-6 for the voting
14 on the day of the election or during the early voting period.

15 c. If the voter has moved within the county but currently
16 resides in a municipality different from that listed for the voter by
17 the commissioner of registration, the district board shall determine
18 the appropriate election district and polling place for the voter and
19 inform that person that: (1) the person must go to that polling place
20 to vote; and (2) the person will be permitted to vote thereat by
21 provisional ballot after completing an affirmation statement or by
22 using any other manner of voting approved by the Secretary of State
23 that ensures the security of the ballot and the electoral process as
24 provided pursuant to R.S.19:31-6 for the voting on the day of the
25 election or during the early voting period.

26 d. **【If, on or before the 21st day prior to the day of the**
27 **election, the voter has moved into the county from another county**
28 **or state and has not registered to vote in that county, the board shall**
29 **inform the voter that he is not eligible to vote in that county at that**
30 **election.】** (Deleted by amendment P.L. , c.) (pending before the
31 Legislature as this bill).

32 e. If, after the **【21st】** 30th day prior to the day of an election,
33 the voter has moved into the county from another county in this
34 State, the board shall inform the voter that: (1) the voter is not
35 eligible to vote in the county where he resides currently at that
36 election; and (2) the voter may be eligible to vote in the election
37 district where the voter resided prior to moving to the voter's
38 current residence.

39 f. If the voter's registration information has been marked by
40 the county commissioner of registration to indicate a problem
41 therewith, or if the voter's sample ballot has been returned as
42 undeliverable to the county or municipal clerk, as the case may be,
43 but the voter states that the voter has not moved prior to the day of
44 an election, but instead continues to reside at the same address the
45 voter resided at when voting previously, the voter shall be permitted
46 to vote in such election district in the same manner as other voters
47 at the polling place upon written affirmation to the district board of
48 that election district.

1 g. If the voter's registration information is missing, the voter
2 shall be permitted to vote by provisional ballot after completing the
3 affirmation statement attached to the envelope provided with the
4 provisional ballot or by any other means approved by the Secretary
5 of State pursuant to R.S.19:31-6. A voter who does not display
6 identification pursuant to R.S.19:31-6 for voting on the day of the
7 election during the early voting period shall still be permitted to
8 vote by provisional ballot after completing the affirmation
9 statement attached to the envelope provided with the provisional
10 ballot.

11 h. In accordance with the requirements of subsection (c) of
12 section 302 of Pub.L.107-252 (42 U.S.C.s.15482), whenever a voter
13 is voting as a result of a federal or State court order or any other
14 order extending the time established for closing the polls in effect
15 10 days before the date of an election, the voter may vote only by
16 provisional ballot. Any such ballot shall be separated by the county
17 board from other provisional ballots cast at the election and the
18 results shall be canvassed and recorded separately in the official
19 canvas for the election.

20 i. Any person who, pursuant to subsection b. of R.S.19:15-17,
21 votes by provisional ballot at the polling place because of his or her
22 failure to provide required personal identification information shall
23 be given until **the close of business on the second day after the**
24 **election** 48 hours prior to the final certification of the results of the
25 election to provide the applicable county commissioner of
26 registration with the identification information. Failure to provide
27 the required personal identification information within that time
28 period shall result in the rejection of the ballot.

29 j. If the voter (1) has applied for a mail-in ballot and not
30 received either the ballot or an explanation for not receiving such a
31 ballot pursuant to notification by the county clerk or from the free-
32 access system established pursuant to section 5 of P.L.2004, c.88
33 (C.19:61-5) to provide such information; or (2) has applied for and
34 received a mail-in ballot and has not transmitted it to the county
35 board of elections or given it to a bearer for delivery to the county
36 board before the time for the opening of the polls on the day of an
37 election, the voter shall be permitted to vote at that election by
38 provisional ballot after completing the affirmation statement
39 attached to the envelope provided with the provisional ballot.

40 k. If a person casts on the day of the election a provisional
41 ballot at a polling place within the person's county of residence that
42 is other than the person's assigned polling place, the person's
43 ballot, if otherwise valid, shall count for the offices and public
44 questions for which the person would otherwise have been eligible
45 to cast a ballot based on that person's address.

46 (cf: P.L.2009, c.79, s.34)

1 9. Section 19 of P.L.1999, c.232 (C.19:53C-13) is amended to
2 read as follows:

3 19. When the office of the commissioner of registration receives
4 a provisional ballot bag that has been found to be in good order, the
5 commissioner thereof shall first break the seal and open the bag. In
6 any county where the superintendent of elections is the
7 commissioner of registration, the county board of elections may sort
8 the provisional ballots if so agreed to in advance by both the
9 superintendent and the board. Envelopes marked "SPOILED" shall
10 be set aside and remain unopened. The name, signature and other
11 information contained on the form as supplied by a voter shall be
12 compared with the name, signature and other information that the
13 commissioner of registration has in the Statewide voter registration
14 system for that voter, except for voters registering to vote at a
15 polling place on the day of the election or at an early voting site
16 pursuant to R.S.19:31-6 for whom no information exists in the
17 Statewide voter registration system. No provisional ballot cast by a
18 voter registering to vote at a polling place on the day of the election
19 or at an early voting site pursuant to R.S.19:31-6 shall be rejected
20 due solely to the absence of a pre-existing entry in the Statewide
21 voter registration system. No affirmation statement shall be
22 separated from a provisional ballot envelope until all affirmation
23 statements have been reviewed by the commissioner of registration.
24 Voters registering to vote at a polling place on the day of the
25 election or at an early voting site consistent with R.S.19:31-6 shall
26 have their information added to the Statewide voter registration
27 system after review of the affirmation statement by the
28 commissioner of registration. After a comparison of the voter's
29 address is completed by the commissioner of registration and prior
30 to separating the affirmation statement from the envelope and
31 counting the ballot, the letter "p" shall be placed adjacent to the
32 voter's name in the Statewide voter registration system and on the
33 signature copy register together with the name of the municipality
34 in which the voter voted the provisional ballot. If two provisional
35 ballots from the same voter are received, both such ballots shall not
36 be counted, the affirmation statements shall not be separated from
37 the envelopes, and the ballots shall be put aside for further
38 investigation.

39 Whenever the address supplied by the voter on the affirmation
40 statement does not match the address for such a person contained in
41 the Statewide voter registration system, but it is clear that the
42 circumstance of a voter matches the circumstance of a voter
43 described in subsection b. of R.S.19:31-11, the updated information
44 on the affirmation statement shall be recorded and shall constitute a
45 transfer by the voter to a new address for any subsequent election.

46 If a voter registering to vote at a polling place on the day of the
47 election or at an early voting site pursuant to R.S.19:31-6 casts a
48 provisional ballot and fails to display identification when casting

1 the provisional ballot, the provisional ballot shall nevertheless still
2 be processed and counted, if otherwise valid, if either of the
3 following occurs by 48 hours prior to the final certification of the
4 results of the election: (i) the county commissioner of registration is
5 able to verify the accuracy of the person's New Jersey driver's
6 license number or non-driver identification number from the Motor
7 Vehicle Commission database, or the last four digits of the person's
8 Social Security Number, as provided as part of the provisional
9 ballot affirmation statement; or (ii) the voter provides identification
10 acceptable under R.S.19:31-6 to the applicable county
11 commissioner of registration.

12 When a person registering to vote at a polling place on the day of
13 the election or at an early voting site pursuant to R.S.19:31-6 casts a
14 provisional ballot and fails to display identification when casting
15 the provisional ballot, the county commissioner of registration shall
16 promptly attempt to verify the accuracy of the person's New Jersey
17 driver's license number or non-driver identification number from
18 the Motor Vehicle Commission database, or the last four digits of
19 the person's Social Security Number, provided as part of the
20 provisional ballot affirmation statement. If the county
21 commissioner of registration is unable to verify this information,
22 the county commissioner of registration shall within 24 hours notify
23 the person by mail or e-mail and telephone (if available) that the
24 person is required to provide identification acceptable under
25 R.S.19:31-6 by 48 hours prior to the final certification of the results
26 of the election in order for their ballot to be counted.

27 After the examination of the affirmation statement by the
28 commissioner of registration, the county board of elections shall
29 determine if a provisional ballot voter is legally entitled to have
30 voted and if a provisional ballot conforms to the requirements
31 established by law.

32 The members of the county board shall then proceed to count and
33 canvass the votes cast on each provisional ballot only after all of the
34 provisional ballots cast in the county have been subjected to the
35 verification process by the county commissioner of registration.
36 Immediately after the canvass is complete, the county board of
37 elections shall certify the results of the canvass to the county clerk
38 or municipal clerk or other appropriate officials, as the case may be,
39 showing the results of the canvass by municipality.

40 The outside front of each envelope that contains a voided
41 provisional ballot shall have the word "VOID" written next to the
42 circled number.

43 Unless provided otherwise by this section, all provisional ballot
44 materials shall be processed by the county board of elections in
45 accordance with the procedures established for absentee ballots
46 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).

47 (cf: P.L.2005, c.145, s.20)

