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C.19:52-8
§14
C.19:31-11a
§15
Note

P.L. 2022, CHAPTER 67, *approved July 28, 2022*
Assembly, No. 3817 (*Fifth Reprint*)

1 AN ACT concerning certain in-person, early voting, and vote by
2 mail practices and procedures ¹, and the manner of updating the
3 name and address of a registered voter on an existing voter
4 registration record,¹ and amending various parts of the statutory
5 law and supplementing ¹chapter 31 and¹ chapter 52 of Title 19 of
6 the Revised Statutes.

7
8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*
10

11 1. (New section) ²In a manner consistent with the requirement
12 for voting machines to secure the voter's secrecy in the act of
13 voting as required under R.S.19:48-1, and for electronic voting
14 systems to provide for the secrecy of a voter's vote under sections 3
15 and 6 of P.L.1973, c.82 (C.19:53A-3 and C.19:53A-6):²

16 a. In all counties wherein voters use hand-marked paper ballots
17 to cast the voter's vote, a privacy sleeve into which the voted ballot
18 can be inserted and fully shielded from view shall be provided to
19 the voter.

20 b. In all counties wherein ballot scanning machines are used to
21 cast hand-marked paper ballots, the ²**[ballot scanning machine shall**
22 **contain a privacy screen, shield, or curtain so]** the county shall
23 ensure² that privacy is maintained as the voter inserts the voted
24 ballot into the ballot scanning machine.

25 c. In all counties wherein voters use a direct recording electronic
26 voting machine to cast the voter's vote, the direct recording
27 electronic voting machine shall contain a privacy screen, shield, or
28 curtain so that privacy is maintained as the voter casts the voter's
29 vote.

30

31 2. R.S.19:8-7 is amended to read as follows:

32 19:8-7. The booths shall be sufficiently large to enable the voter
33 to conveniently prepare **[his]** the voter's ballot as provided for and
34 shall have swinging doors or privacy screens, shields, or curtains so

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:

¹Assembly ASL committee amendments adopted May 12, 2022.

²Assembly AJU committee amendments adopted June 9, 2022.

³Assembly AAP committee amendments adopted June 13, 2022.

⁴Assembly floor amendments adopted June 16, 2022.

⁵Senate floor amendments adopted June 29, 2022.

1 that privacy is maintained as the voter prepares the voter's ballot in
2 secret and screened from the observation of others.

3 The swinging doors or privacy screens, shields, or curtains shall
4 be so arranged that some part of the person of the voters **【standing】**
5 present in the booths may be seen from the outside thereof when the
6 door or curtains are closed or when the voter is present behind the
7 screens or shields.

8 Each booth shall contain a counter or shelf suitably placed to
9 enable voters to place their ballots thereon while preparing the same
10 for voting. ²Each booth shall also contain privacy sleeves or folders
11 into which the voter may insert the voted ballot to fully shield it
12 from view while walking the ballot outside the booth to be scanned
13 or cast, as the case may be.²

14 (cf: R.S.19:8-7)

15

16 ⁵**3.** Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
17 read as follows:

18 1. a. A county board of elections shall have posted a voter
19 information notice, which shall be referred to as a voter's bill of
20 rights, in a conspicuous location in each polling place and each
21 specially designated polling place used for early voting before
22 voting begins.

23 The notice shall contain:

24 the date of the election and the hours during which polling places
25 will be open;

26 a statement that sample ballots are available at the polling place
27 for review by the voter;

28 instruction for the use of the voting machine in that polling place
29 and an explanation of what instructions for voting are available at
30 the polling place for the voter;

31 instruction for a voter who is voting for the first time;

32 instruction for a voter who is required to provide identification
33 pursuant to the federal "Help America Vote Act of 2002" and
34 R.S.19:15-17 prior to casting a vote;

35 instruction on how to cast a vote if the voter cannot be present at
36 a polling place on the day of the election;

37 an explanation of the right of the voter to vote in private,
38 regardless of the voter's physical abilities;

39 an explanation of the right of the voter to a provisional ballot,
40 including in the event that a mail-in ballot has been applied for and
41 not received or not transmitted to the county board of elections
42 before the day of any election, and the other circumstances under
43 which a voter has a right to a provisional ballot;

44 an explanation of the right of the voter to receive a replacement
45 ballot for a ballot that has been spoiled, destroyed, lost or never
46 received;

47 an explanation of the right of the voter to ask for and receive
48 assistance in voting;

1 an explanation of the right of the voter to take a reasonable
2 amount of time in casting a vote on a voting machine;

3 an explanation of the right of the voter to bring written material
4 into the polling place for the voter's personal use in casting a vote;

5 instruction on how to contact the appropriate officials if a voter's
6 right to vote or right to otherwise participate in the electoral process
7 has been challenged or violated;

8 general information on federal and State laws that prohibit acts
9 of fraud or misrepresentation and the penalties for those acts;

10 an explanation of the right of the voter to confidentially discover
11 the status of their ballot using the "Track My Ballot" user portal;

12 an explanation that "All ballots are counted and your vote
13 remains anonymous";

14 an explanation of the right of the voter that if their ballot was
15 rejected, a notice will be issued to the voter within 24 hours after a
16 decision is made to reject the ballot. The voter will have up to **[48**
17 hours prior to the date for the final certification of the results of the
18 election] **²[midnight] 5:00 PM²** on the 9th day following the day
19 of the election to provide a cure for their ballot;

20 an explanation giving the options for the voter to provide the
21 cure to their rejected ballot;

22 an explanation that no voters shall be intimidated or otherwise
23 unduly influenced by political insignia while voting. No person
24 shall wear, display, sell, give or provide any political or campaign
25 slogan, badge, button or other insignia associated with any political
26 party or candidate to be worn at or within one hundred feet of the
27 polls or within the polling place or room, on any primary, general or
28 special election day or on any commission government election day,
29 except the badge furnished by the county board as provided by law.
30 This includes any political gear representing the campaign slogans,
31 logos, or depictions or representations of any political party or
32 candidate such as merchandise sold directly from a political party,
33 campaign, candidate, or by third parties and vendors representing
34 any political party or campaign or candidate. A person violating
35 any of these provisions is guilty of a disorderly persons offense and
36 will not be permitted on the premises and can only return to vote
37 after the removal of prohibited political insignia; and

38 such other statement, instruction or explanation the Secretary of
39 State may deem appropriate to ensure the full and knowledgeable
40 participation of the voter in the process.

41 The requirement to post this notice in each polling place shall
42 not replace, supersede or void any other requirement set forth in law
43 for the posting of information in each polling place apart from the
44 voter information notice. The poster promoting the use of voting by
45 mail prepared and distributed by the Secretary of State pursuant to
46 R.S.19:8-6 shall be displayed next to or as close as may be possible
47 to the voter information notice.

1 b. The Secretary of State shall prescribe the form and specific
2 content of the voter information notice, which may be comprised of
3 more than one page. If the notice is comprised of more than one
4 page, each page shall be posted separately. For an election district
5 in which the primary language of 10 percent or more of the
6 registered voters is a language other than English, the Secretary of
7 State shall prescribe an official version of the voter information
8 notice in that other language or languages for use in that election
9 district. The notice shall be posted in English and in the other
10 language or languages in the polling places in each such district.
11 The alternate language shall be determined based on information
12 from the latest federal decennial census.

13 c. A county board of elections may modify or supplement the
14 voter information notice used in a county or municipality to provide
15 additional information specific to that county or a municipality in
16 that county, provided, however, that any such modification or
17 supplementation shall be submitted to the Secretary of State for
18 prior approval.

19 d. The voter information notice shall be printed on each sample
20 ballot, to the extent practicable, or if not practicable, information on
21 how to view or obtain a copy of the voter information notice shall
22 be printed on each sample ballot.

23 e. The voter information notice, including one modified or
24 supplemented pursuant to subsection c. of this section, shall be
25 made accessible on the official Internet site of the State by the
26 Secretary of State and each county board of elections shall ensure
27 that the official Internet site of the county contains a link to that
28 notice.

29 f. (Deleted by amendment, P.L.2020, c.70)

30 g. The State shall be liable for the costs incurred by local
31 government entities for compliance with this section, and they shall
32 be reimbursed for those costs, upon application, by the State
33 Treasurer.

34 (cf: P.L.2021, c.40, s.9)]⁵

35

36 ⁵[4.] 3.⁵ R.S.19:15-26 is amended to read as follows:

37 19:15-26. Every voter to whom a ballot is given shall thereupon
38 retire into the polling booth. Each booth in a polling place shall be
39 arranged in accordance with the provisions of R.S.19:8-7. Not
40 more than one voter, except as hereinafter provided, shall be
41 permitted to enter or be in the same booth, at one time. The voter
42 shall prepare **[his]** the voter's ballot in the booth secretly and
43 screened from the observation of others.

44 Any person or voter who shall violate the provisions of this
45 section shall be deemed guilty of a disorderly persons offense.

46 (cf: P.L.2005, c.154, s.3)

1 ⁵**[5.] 4.**⁵ Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended
2 to read as follows:

3 4. a. An early vote cast in an election, as provided for in this
4 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior
5 to the closing of the polls on the day of an election.

6 Every provisional ballot voted in each such election and
7 determined by a county board to be valid shall be counted and shall
8 be part of the official tally of the results of the election.

9 b. Each early vote cast, canvassed, and tallied in an election
10 under subsection a. of this section shall be reported in the results for
11 the election district in which the voter resides. The provisions of
12 this subsection shall not be interpreted to change the manner in
13 which each provisional ballot cast, canvassed, and tallied in each
14 election is reported as part of the official tally of the results of the
15 election in a manner that preserves the privacy of the voter's vote.

16 ²[¹Notwithstanding any provision of this subsection to the contrary,
17 if the reporting of the early voting results in the election district in
18 which the voter resides would violate the privacy of the voter's
19 vote, those results shall instead be reported as part of the general
20 tally.¹] Whenever the reporting requirement of this subsection
21 would cause a voter's privacy to be violated, the election results
22 shall be reported in a manner that maintains the privacy of the vote,
23 provided that the election results posted on the respective websites
24 shall contain a disclosure stating that the results reported for some
25 individual districts reflect measures to protect the privacy of the
26 vote while the general tally accurately reflects the results ⁴, and
27 provided further that the reports for those individual districts shall
28 not be subject to disclosure under the provisions of P.L.1963, c.73
29 (C.47:1A-1 et seq.), commonly known as the open public records
30 act⁴ .²

31 (cf: P.L.2021, c.40, s.4)

32
33 ⁵**[6.] 5.**⁵ R.S.19:23-45 is amended to read as follows:

34 19:23-45. No voter shall be allowed to vote at the primary
35 election unless his name appears in the signature copy register.

36 A voter who votes in a primary election of a political party or
37 who signs and files with the municipal clerk or the county
38 commissioner of registration a declaration that he desires to vote in
39 the primary election of a political party, or who indicates on a voter
40 registration form the voter's choice of political party affiliation and
41 submits the form to the commissioner of registration of the county
42 wherein the voter resides, to the employees or agents of a public
43 agency, as defined in subsection a. of section 15 of P.L.1974, c.30
44 (C.19:31-6.3), or a voter registration agency, as defined in
45 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to
46 the Secretary of State, either on a paper form or an electronic form
47 using the online voter registration system established under section
48 1 of P.L.2019, c.382 (C.19:31-6.4c), shall be deemed to be a

1 member of that party until the voter signs and files with the
2 municipal clerk or the commissioner of registration a declaration
3 that he desires to vote in the primary election of another political
4 party at which time he shall be deemed to be a member of such
5 other political party. The Secretary of State shall cause to be
6 prepared political party affiliation declaration forms and shall
7 provide such forms to the commissioners of registration of the
8 several counties and to the clerks of the municipalities within such
9 counties.

10 No voter, except a newly registered voter at the first primary at
11 which he is eligible to vote, or a voter who has not previously voted
12 in a primary election, may vote in a primary election of a political
13 party unless he was deemed to be a member of that party on the
14 55th day next preceding such primary election.

15 A member of the county committee of a political party and a
16 public official or public employee holding any office or public
17 employment to which he has been elected or appointed as a member
18 of a political party shall be deemed a member of such political
19 party.

20 A voter may declare the voter's party affiliation or change the
21 voter's party affiliation, or declare that the voter is unaffiliated with
22 any party regardless of any previously declared party affiliation, by
23 so indicating on a political party declaration form filed with the
24 municipal clerk or the county commissioner of registration. A voter
25 may also indicate that the voter wishes to declare a political party
26 affiliation or that the voter does not want to declare a political party
27 affiliation on a voter registration form filed at the time of initial
28 registration. A voter may declare the voter's party affiliation, or
29 make changes to that affiliation, either on a paper form or an
30 electronic form using the online voter registration system
31 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

32 Any person voting in the primary ballot box of any political
33 party in any primary election in contravention of the election law
34 shall be guilty of a disorderly persons offense, and any person who
35 aids or assists any such person in such violation by means of public
36 proclamation or order, or by means of any public or private
37 direction or suggestions, or by means of any help or assistance or
38 cooperation, shall likewise be guilty of a disorderly persons offense.
39 (cf: P.L.2011, c.134, s.27)

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41 ⁵[7.] ⁵6. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is
42 amended to read as follows:

43 2. a. The county commissioner of registration in each of the
44 several counties shall cause a notice to be published in each
45 municipality of their respective counties in a newspaper or
46 newspapers circulating therein. The notice to be so published shall
47 be published once during each of the two calendar weeks next

1 preceding the week in which the 55th day next preceding the
2 primary election of a political party occurs.

3 b. The notice required to be published by the preceding
4 paragraph shall inform the reader thereof that no voter, except a
5 newly registered voter at the first primary at which he is eligible to
6 vote, or a voter who has not previously voted in a primary election
7 may vote in a primary election of a political party unless he was
8 deemed to be a member of that party on the 55th day next preceding
9 such primary election. It shall further inform the reader thereof that
10 a voter who votes in the primary election of a political party, or who
11 signs and files with the municipal clerk or the county commissioner
12 of registration a declaration that he desires to vote in the primary
13 election of a political party, or who indicates on a voter registration
14 form the voter's choice of political party affiliation and submits the
15 form to the commissioner of registration of the county wherein the
16 voter resides, to the employees or agents of a public agency, as
17 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
18 6.3), or a voter registration agency, as defined in subsection a. of
19 section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of
20 State, either on a paper form or an electronic form using the online
21 voter registration system established under section 1 of P.L.2019,
22 c.382 (C.19:31-6.4c), shall be deemed to be a member of that party
23 until the voter signs and files with the municipal clerk or the
24 commissioner of registration a declaration that he desires to vote in
25 the primary election of another political party, at which time he
26 shall be deemed to be a member of such other political party, or that
27 the voter chooses not to be affiliated with any political party. The
28 notice shall also state the time and location where a person may
29 obtain political party affiliation declaration forms or voter
30 registration forms.

31 (cf: P.L.2011, c.134, s.28)

32

33 ⁵**[8.] 7.**⁵ Section 1 of P.L.2019, c.382 (C.19:31-6.4c) is
34 amended to read as follows:

35 1. Notwithstanding any other provision of law to the contrary,
36 a person who is qualified to register to vote may submit a voter
37 registration form electronically on a secure Internet website
38 maintained by the Secretary of State, if the applicant has an email
39 address and provides a valid New Jersey driver's license number, a
40 valid New Jersey nondriver identification card number, or the last
41 four digits of the applicant's Social Security number. The voter
42 registration form shall contain substantively the same information
43 required to be contained on a paper voter registration form pursuant
44 to section 16 of P.L.1974, c.30 (C.19:31-6.4). ²**[The voter**
45 registration form available electronically shall enable a person who
46 is qualified to register to vote, and a person who is registered to
47 vote, to apply for and receive a mail-in ballot as provided under
48 section 3 of P.L.2009, c.79 (C.19:63-3), until the voter requests

1 otherwise.】² The voter registration form available electronically
2 shall also enable a person who is qualified to register to vote, and a
3 person who is registered to vote, to declare a political party
4 affiliation and to make changes to that affiliation, with an option to
5 indicate no affiliation with any political party, by updating the
6 online voter registration form. ²Beginning on January 1, 2026 and
7 thereafter, the voter registration form available electronically shall
8 enable a person who is qualified to register to vote, and a person
9 who is registered to vote, to apply for and receive a mail-in ballot as
10 provided under section 3 of P.L.2009, c.79 (C.19:63-3), until the
11 voter requests otherwise.²

12 a. The Secretary of State shall apply the same voter registration
13 deadline applicable under current law for paper voter registration
14 forms to an online voter registration form submitted by an applicant
15 pursuant to this section.

16 b. The applicant completing the form shall affirmatively attest
17 to the truth of the information provided in the form.

18 c. For voter registration purposes, the applicant shall
19 affirmatively assent to the use of his or her signature from his or her
20 driver's license or non-driver identification card or the applicant's
21 digitized or electronic signature.

22 d. For each online voter registration form, the Secretary of
23 State shall obtain either an electronic copy of the applicant's
24 signature from his or her driver's license or non-driver identification
25 card directly from the New Jersey Motor Vehicle Commission, or
26 the applicant's digitized or electronic signature.

27 e. Upon submission of an online voter registration form
28 pursuant to this section, the electronic voter registration system
29 shall automatically acknowledge that the online voter registration
30 form has been submitted successfully, and provide instructions on
31 how the person completing the voter registration form may follow-
32 up on the status of the submission either online or by contacting the
33 appropriate county commissioner of registration. ²【Once a person
34 has submitted the online voter registration form, the online voter
35 registration system shall not accept a new voter registration form
36 submission from the same person until the previous submission has
37 been processed.】 If a person submits more than one online voter
38 registration form with identical information, the county ³【board of
39 elections】 commissioner of registration³ of the county in which the
40 voter resides may process and adjudicate only the first online voter
41 registration form submitted by the person through the system.²

42 f. The Secretary of State shall employ security measures to
43 ensure the accuracy and integrity of voter registration forms
44 submitted electronically pursuant to this section.

45 g. The New Jersey Motor Vehicle Commission and the
46 Secretary of State shall jointly develop a process and the
47 infrastructure to allow the electronic copy of the applicant's

1 signature and other information required under this section that is in
2 the possession of the commission to be transferred to the Secretary
3 of State and to the appropriate county election officials to allow a
4 person who is qualified to register to vote in New Jersey to register
5 to vote under this section.

6 h. If an applicant cannot electronically submit the information
7 required pursuant to this section, the applicant shall nevertheless be
8 able to complete the online voter registration form electronically on
9 the Secretary of State's Internet website, print a paper copy of the
10 completed form, and mail or deliver the paper copy of the
11 completed form to the Secretary of State or the appropriate county
12 election official. For the purposes of this subsection, the applicant
13 shall be required to provide the same documents required to be
14 provided with a paper voter registration form pursuant to R.S.19:31-
15 5.

16 (cf: P.L.2019, c.382, s.1)

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18 ⁵**[9.] 8.**⁵ Section 6 of P.L.1973, c.82 (C.19:53A-6) is amended
19 to read as follows:

20 6. a. Prior to any election at which electronic voting devices
21 are used the county board of elections shall have the voting devices
22 prepared for the election and shall provide the district election
23 officers with voting devices, voting booths, ballot boxes, ballot
24 cards, "write-in" ballots and other records and supplies as
25 required.

26 b. Ballot cards shall be of the size, design and stock suitable for
27 processing by automatic data processing machines. Each ballot
28 card shall have an attached numbered perforated stub, which shall
29 be removed by an election officer before it is deposited in the ballot
30 box. In primary elections the ballot cards of each political party
31 shall be distinctly marked or shall be of a different color or tint so
32 that the ballot cards of each political party are readily
33 distinguishable.

34 c. Unless the voting device enables the voter to mark **[his]** the
35 voter's choices in secret, the board of elections shall provide a
36 sufficient number of voting booths for each **[voting]** election
37 district in a polling place, which shall be of a size and design in
38 accordance with the provisions of R.S.19:8-7 so as to enable the
39 voter to mark **[his]** the voter's ballot in secret.

40 (cf: P.L.1973, c.82, s.6)

41
42 ⁵**[10.] 9.**⁵ Section 10 of P.L.1999, c.232 (C.19:53C-4) is
43 amended to read as follows:

44 10. The district board shall designate an area within the polling
45 place, which may be a voting booth, for the voter to mark the
46 provisional ballot and affirmation statement. If the district board
47 designates a voting booth for the voter to mark the provisional
48 ballot and affirmation statement, the voting booth shall be arranged

1 in accordance with the provisions of R.S.19:8-7. If a voting booth
2 is not used, the area designated for voters to mark the provisional
3 ballot and affirmation statement shall have swinging doors or
4 privacy screens, shields, or curtains so that privacy is maintained as
5 the voter prepares the provisional ballot and affirmation statement
6 in secret and screened from the observation of others. No
7 provisional ballot and envelope with an affirmation statement shall
8 be handed to a voter until the area designated for voters to mark the
9 provisional ballot and affirmation statement is ready. **【If a voting**
10 **booth is not used, the voter shall be provided with a security screen**
11 **at the same time that the provisional ballot and envelope with**
12 **affirmation statement is provided.】**

13 A district board member shall instruct the voter how to complete
14 the affirmation statement and place the voted provisional ballot into
15 the envelope.

16 If for any reason provisional ballots and envelopes with
17 affirmation statements are not ready or available for distribution at
18 any polling place, the district board member in charge shall notify
19 the appropriate authority that additional ballots and affirmation
20 statements are required.

21 (cf: P.L.1999, c.232, s.10)

22

23 ⁵**【11.】** 10.⁵ Section 3 of P.L.2009, c.79 (C.19:63-3) is amended
24 to read as follows:

25 3. a. A qualified voter shall be entitled to vote using a mail-in
26 ballot:

27 (1) in all future elections, including general elections, held in
28 this State, in which the voter is eligible to vote; or

29 (2) in any single election held in this State.

30 The qualified voter who chooses the option to vote using a mail-
31 in ballot in all future elections shall be furnished with such a ballot
32 by the county clerk without further request on the part of the voter
33 and until the voter requests in writing that the voter no longer be
34 sent a mail-in ballot.

35 The mail-in ballot application form prepared by the Secretary of
36 State shall present the two options in the order provided above. The
37 mail-in ballot application shall also provide spaces for the voter's
38 telephone number and email address, including language informing
39 the voter that this contact information will be used to contact the
40 voter concerning the acceptance or rejection of the ballot, and how
41 the voter may cure a defect. A voter's telephone number and email
42 address shall not be subject to public disclosure and shall not be
43 considered a government record.

44 The additional direct expenditures required for the
45 implementation of the provisions of this subsection as amended by
46 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
47 P.L.2019, c.459 (C.19:63-29).

1 b. (1) Not less than seven days before an election in which a
2 voter wants to vote by mail, the voter may apply to the person
3 designated in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in
4 ballot. The application shall be in writing, shall be signed by the
5 applicant and shall state the applicant's place of voting residence
6 and the address to which the ballot shall be sent. The Secretary of
7 State shall prepare a mail-in application form and shall have the
8 authority to promulgate any rules and regulations the secretary
9 deems necessary to effectuate the purposes of this subsection.

10 (2) ²【Not】 Beginning on January 1, 2026 and thereafter, not²
11 less than seven days before an election in which a voter wants to
12 vote by mail, instead of submitting an application under paragraph
13 (1) of this subsection, the voter may apply for a mail-in ballot
14 electronically through the voter registration website established by
15 the Secretary of State pursuant to section 1 of P.L.2019, c.382
16 (C.19:31-6.4c), which application shall be electronically submitted
17 to the person designated ²【in section 5 of P.L.2009, c.79 (C.19:63-
18 5)】 by the Secretary of State² . The application shall be in
19 electronic form, shall be signed by the applicant using the
20 applicant's electronic signature in the Statewide Voter Registration
21 System, and shall state the applicant's place of voting residence and
22 the address to which the ballot shall be sent. The Secretary of State
23 shall prepare a mail-in ballot electronic application form and shall
24 have the authority to promulgate any ²guidance, guidelines,² rules
25 and regulations the secretary deems necessary to effectuate the
26 purposes of this subsection. ⁴The rules and regulations shall ensure
27 the security of the online mail-in ballot application form and the use
28 of verifiable signatures, including a process for the resolution of
29 signature discrepancies and the validation of the information
30 provided by the applicant.⁴

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.2020, c.70, s.8)

12

13 ⁵**[12.] 11.**⁵ Section 6 of P.L.2009, c.79 (C.19:63-6) is amended
14 to read as follows:

15 6. a. The county clerk, in the case of any Statewide election,
16 countywide election, or school election in a regional or other school
17 district comprising more than one municipality; the municipal clerk,
18 in the case of any municipal election or school election in a school
19 district comprising a single municipality; and the commissioners or
20 other governing or administrative body of the district, in the case of
21 any election to be held in any fire district or other special district,
22 other than a municipality, created for specified public purposes
23 within one or more municipalities, shall publish the following
24 notice in substantially the following form:

25 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

26 If you are a qualified and registered voter of the State who wants
27 to vote by mail in the..... (school, municipal, primary,
28 general, or other) election to be held on..... (date of
29 election), the following applies:

30 You must complete the application form below and send it to the
31 county clerk where you reside or write or apply in person to the
32 county clerk where you reside to request a mail-in ballot. Instead,
33 you may complete the application form electronically on the
34 Secretary of State's website ²[at (insert website
35 address here)]².

36 The name, address, and signature of any person who has assisted
37 you to complete the mail-in ballot application must be provided on
38 the application, and you must sign and date the application.

39 No person may serve as an authorized messenger or bearer for
40 more than three qualified voters in an election, but a person may
41 serve as such for up to five qualified voters in an election if those
42 voters are immediate family members residing in the same
43 household as the messenger or bearer.

44 No person who is a candidate in the election for which the voter
45 requests a mail-in ballot may provide any assistance in the
46 completion of the ballot or serve as an authorized messenger or
47 bearer.

1 A person who applies for a mail-in ballot must submit his or her
2 application at least seven days before the election, but such person
3 may request an application in person from the county clerk up to 3
4 p.m. of the day before the election.

5 Voters who want to vote by mail in all future elections will, after
6 their initial request and without further action on their part, be
7 provided with a mail-in ballot until the voter requests otherwise in
8 writing.

9 Application forms may be obtained by applying to the
10 undersigned either in writing or by telephone, or the application
11 form provided below may be completed and forwarded to the
12 undersigned.

13 Dated.....
14
15 (signature and title of county clerk)
16
17 (address of county clerk)
18
19 (telephone no. of county clerk)

20 ²Instead, application forms may be completed electronically on
21 the Secretary of State’s website at (insert website
22 address here).]²

23 b. (1) The Secretary of State shall be responsible for providing
24 all information regarding overseas ballots to each overseas voter
25 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
26 seq.). The secretary shall also make available valid overseas voter
27 registration and ballot applications to any voter who is a member of
28 the armed forces of the United States and who is a permanent
29 resident of this State, or who is an overseas voter who wishes to
30 register to vote or to vote in any jurisdiction in this State. The
31 secretary shall provide such public notice as may be deemed
32 necessary to inform members of the armed forces of the United
33 States and overseas voters how to obtain valid overseas voter
34 registration and ballot applications.

35 (2) The Secretary of State shall undertake a program to inform
36 voters in this State about their eligibility to vote by mail pursuant to
37 this act. Dissemination of this information shall be included in the
38 standard notices required by this section and other provisions of
39 current law, including but not limited to the notice requirements of
40 R.S.19:12-7, and shall be effectuated by such means as the secretary
41 deems appropriate and to the extent that funds for such
42 dissemination are appropriated including, but not limited to, by
43 means of Statewide or local electronic media, public service
44 announcements broadcast by such media, notices on the Internet site
45 of the Department of State or any other department or agency of the
46 Executive Branch of State government or its political subdivisions
47 deemed appropriate by the secretary, and special mailings or notices

1 in newspapers or other publications circulating in the counties or
2 municipalities of this State.

3 c. The mail-in ballot materials shall contain a notice that any
4 person voting by mail-in ballot who has registered by mail after
5 January 1, 2003, who did not provide personal identification
6 information when registering and is voting for the first time in his
7 or her current county of residence following registration shall
8 include copies of the required identification information with the
9 mail-in ballot, and that failure to include such information shall
10 result in the rejection of the ballot.

11 d. The notice provided for in subsection a. of this section shall
12 be published before the 55th day immediately preceding the holding
13 of any election.

14 Notices relating to any Statewide or countywide election shall be
15 published in at least two newspapers published in each county. All
16 officials charged with the duty of publishing such notices shall
17 publish the same in at least one newspaper published in each
18 municipality or district in which the election is to be held, or if no
19 newspaper is published in the municipality or district, then in a
20 newspaper published in the county and circulating in the
21 municipality or district. All such notices shall be display
22 advertisements.

23 (cf: P.L.2020, c.71, s.7)

24

25 ⁵¶13. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
26 read as follows:

27 17. a. The county board of elections shall, promptly after
28 receiving each mail-in ballot, remove the inner envelope containing
29 the ballot from the outer envelope and shall compare the signature
30 and the information contained on the flap of the inner envelope with
31 the signature and information contained in the respective requests
32 for mail-in ballots and the signature and information contained in
33 the Statewide voter registration system. In addition, as to mail-in
34 ballots issued less than seven days prior to an election, the county
35 board of elections shall also check to establish that the mail-in voter
36 did not vote in person. The county board shall reject such a ballot if
37 it is not satisfied, pursuant to a comparison with the Statewide voter
38 registration system, that the voter is legally entitled to vote and that
39 the ballot conforms with the requirements of this act. The county
40 board of elections shall conduct the determination of qualification
41 of each voter in accordance with the requirements of the Certificate
42 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
43 13).

44 In the case of a mail-in ballot to be voted at a primary election
45 for the general election, the ballot shall be rejected if the mail-in
46 voter has indicated in the certificate the voter's intention to vote in a
47 primary election of any political party in which the voter is not
48 entitled to vote according to the Statewide voter registration system,

1 and if it shall appear from the record that the voter is not entitled to
2 vote in a primary election of the political party which has been so
3 indicated.

4 Any mail-in ballot which is received by a county board of
5 elections shall be rejected if the inner envelope is unsealed or if
6 either the inner or outer envelope has a seal that has been tampered
7 with. Mail-in ballots shall not be rejected due to any defect arising
8 out of or relating to the preparation or mailing of the ballot or
9 envelope that was not reasonably caused by the voters, such as a
10 torn envelope and missing or insufficient glue to allow the ballot to
11 be sealed.

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

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

27 The location at which a county board of elections determines
28 whether a mail-in ballot shall be accepted or rejected shall be
29 considered an election district for the purposes of appointment of
30 challengers.

31 b. The county board of elections shall, promptly after receiving
32 each mail-in ballot, undertake the following procedures and
33 requirements concerning the acceptance or rejection of each mail-in
34 ballot:

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

45 (2) when the alleged or actual deficiency involves the signature
46 of the voter, instruct the voter that they may cure the deficiency by
47 completing the cure form and returning it to the county board of
48 elections in person, by fax, or by email, [not later than 48 hours

1 prior to the final certification of the results of the election,] or by
2 returning it to the county board of elections by mail, and that the
3 completed cure form must be received by the county board of
4 elections not later than [48 hours prior to the final certification of
5 the results of the election] ²[midnight] 5:00 PM² on the 9th day
6 following the day of the election;

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

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

28 c. If a voter returns a completed cure form in a timely manner
29 and the information provided verifies the voter's identity, pursuant
30 to this section, their otherwise valid mail-in or provisional ballot
31 shall be counted in the final election results irrespective of any
32 signature deficiency previously identified and, under those
33 circumstances, the cure form may not be verified or authenticated
34 using signature matching.

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

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

45 f. County boards of elections shall be required to meet at least
46 once each week during the three-week period preceding each
47 election to conduct the ballot processing and curing provisions
48 specified in this section, and shall meet more frequently as may be

1 required by the Secretary of State to ensure the timely processing of
2 ballots.

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

13 (cf: P.L.2020, c.71, s.12)]⁵

14

15 ¹[14. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
16 read as follows:

17 22. a. On the day of each election, or as provided under
18 subsection b. of this section, each county board of elections shall
19 open in the presence of the commissioner of registration, or the
20 designee thereof, the inner envelopes that contain the mail-in ballots
21 with the votes cast for the election. The inner envelopes containing
22 the ballots that the board or the Superior Court has rejected shall
23 not be so opened, but shall be retained as provided for by this act.
24 The board shall then proceed to canvass the votes cast on the mail-
25 in ballots, but no such ballot shall be counted in any primary
26 election for the general election if the ballot of the political party
27 marked for voting thereon differs from the designation of the
28 political party in the primary election of which such ballot is
29 intended to be voted as marked on the envelope by the county board
30 of elections.

31 Every mail-in ballot that bears a postmark date before or of the
32 day of the election and that is received by the county board within
33 ~~[144 hours]~~ 72 hours after the time of the closing of the polls for
34 the election that the ballot was prepared shall be considered valid
35 and shall be canvassed. Every mail-in ballot that does not bear a
36 postmark date but that is received by the county board by delivery
37 of the United States Postal Service before, or within 48 hours after,
38 the time of the closing of the polls for the election for which the
39 ballot was prepared shall be considered valid and shall be
40 canvassed.

41 b. A county board of elections may begin opening the inner
42 envelopes for each mail-in ballot no earlier than five days prior to
43 the day of the election, and canvassing each mail-in ballot from the
44 inner envelopes no earlier than three days prior to the day of the
45 election. The Secretary of State shall establish guidelines
46 concerning the early canvassing process. If a county board of
47 elections begins opening the inner envelopes and canvassing the
48 mail-in ballots from the inner envelopes prior to the day of the

1 election, the county board shall implement the measures necessary
 2 to ensure the security and secrecy of the mail-in ballots. The
 3 contents of the mail-in ballots and the results of the ballot
 4 canvassing shall remain confidential and shall be disclosed only in
 5 accordance with the provisions of Title 19 of the Revised Statutes,
 6 regulations and guidelines concerning the disclosure of election
 7 results, and in no circumstances disclosed prior to the close of polls
 8 on the day of the election. As provided under R.S.19:34-13, any
 9 person who is authorized to receive and canvass completed mail-in-
 10 ballots who knowingly discloses to the public the contents of a
 11 mail-in ballot prior to the time designated by law for the closing of
 12 the polls for each election shall be guilty of a crime of the third
 13 degree.

14 c. Immediately after the canvass is completed, the respective
 15 county boards of election shall certify the result of the canvass to
 16 the county clerk or the municipal or district clerk or other
 17 appropriate officer, as the case may be, showing the result of the
 18 canvass by municipality and ward. The votes thus canvassed shall
 19 be counted in determining the result of the election.

20 The county board of elections shall, immediately after the
 21 canvass is completed for any primary election, certify the results of
 22 the votes cast for members of the county committees to the
 23 respective municipal clerks, and those votes shall be counted in
 24 determining the result of the election.

25 Each mail-in ballot cast, canvassed, and tallied in an election
 26 under this section shall be reported in the results for the election
 27 district in which the voter resides.

28 (cf: P.L.2020, c.71, s.13)]¹

29
 30 ⁵[¹⁴.] ¹².⁵ R.S.19:31-11 is amended to read as follows:

31 19:31-11. a. In all counties within the State, change of
 32 residence notices shall be made: (1) by a written request, signed by
 33 the registrant, forwarded to the commissioner by mail, and actually
 34 received by the commissioner [, or]; (2) by calling in person at the
 35 office of the commissioner or the municipal clerk; or (3) by
 36 completing and submitting a change of residence notice online as
 37 provided ²[under section 16 of P.L. , c. (C.) (pending before
 38 the Legislature as this bill)] by the Secretary of State². The
 39 commissioner shall provide change of residence notices in card
 40 form for the use of any registered voter moving to another address
 41 within the same election district [or]; to another election district
 42 within the same county; or to another election district in another
 43 county for processing as provided under subsection c. of this
 44 section. Copies of these notices shall also be available at the office
 45 of the municipal clerk in each municipality. Each municipal clerk
 46 shall transmit daily to the commissioner all the filled out change of
 47 residence notices that may be in the municipal clerk's office at the
 48 time. These notices shall be printed upon cards, shall contain a

1 blank form showing where the applicant last resided and the address
2 and exact location to which the applicant has moved and shall have
3 a line for the applicant's signature, printed name and date of birth.
4 Upon receipt of such change of residence notice the commissioner
5 shall cause the signature to be compared with the registration forms
6 of the applicant and, if such signature appears to be of and by one
7 and the same legal voter, the commissioner shall cause the entry of
8 the change of residence to be made on those registration forms and
9 the registrant shall thereupon be qualified to vote in the election
10 district to which the registrant shall have so moved. If the
11 commissioner is not satisfied as to the signature on the request for a
12 change of residence, a confirmation notice as prescribed by
13 subsection d. of R.S.19:31-15 shall be sent by mail with postage
14 prepaid to the registrant at the new address.

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

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

1 by the registrant to the district board member of the registrant's
2 change of address.

3 c. A voter who moves from an election district in one county to
4 an election district in another county prior to the close of
5 registration preceding an election shall register in the new county of
6 residence, in accordance with the provisions of R.S.19:31-6, or
7 shall file a change of residence notice with the commissioner of
8 either county or complete and submit that notice online as provided
9 ²[under section 16 of P.L. , c. (C.) (pending before the
10 Legislature as this bill)] by the Secretary of State² , in order to be
11 permitted to vote. A change of residence notice filed by a voter
12 pursuant to this subsection shall cause the commissioners of the
13 county of previous residence and the county of new residence to
14 update the voter registration record of that voter ²[and to transfer
15 that record to the county of new residence]² . The commissioner of
16 the county of new residence shall notify the voter by mail that the
17 voter is now registered to vote in that county or, if the notice
18 submitted by the voter is incomplete, to request any additional
19 information or documentation necessary to finalize the change of
20 residence notice. Nothing in this subsection shall be interpreted to
21 waive the requirement specified under R.S.19:31-5 that the voter
22 shall have been a resident of the county of new residence for at least
23 30 days prior to being eligible to vote in any election in that
24 county.¹

25 (cf: P.L.2005, c.139, s.13)

26

27 ⁵[^{15.}] ⁵13.⁵ 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 shall prescribe and shall be
35 signed by the registrant. A registrant may complete the form online
36 ²[pursuant to section 16 of P.L. , c. (C.) (pending before the
37 Legislature as this bill)] as provided by the Secretary of State² .
38 The commissioner, upon receipt of such a notice of change of name,
39 shall revise accordingly the name of the registrant as it appears
40 among the items of information concerning the registrant included
41 on the registrant's registration forms, shall make a photographic
42 copy of the notice of name change submitted by the registrant, and
43 shall affix the original notice so submitted to the registrant's
44 original registration form and the photographic copy of that notice
45 to the registrant's duplicate registration record.

46 When notice of such change in name has not been received by or
47 filed with the commissioner prior to the 21st day preceding any

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

11 (cf: P.L.2005, c.139, s.14)

12

13 ⁵~~16~~ ¹⁴⁵ (New section) The Secretary of State shall develop
14 and make available on its website a form to allow a registered voter
15 to electronically complete a change of residence notice, change of
16 name notice, or both, and to electronically submit that form to the
17 appropriate county commissioner of registration. If the voter is
18 reporting a change of residence from one county to another, the
19 form shall be submitted to both the commissioner of the previous
20 county of residence and the new county of residence. The form shall
21 contain substantively the same information required to be submitted
22 by a registered voter on a paper version of a change of residence
23 and change of name form pursuant to R.S.19:31-11 and R.S.19:31-
24 13. The form shall contain any additional information deemed
25 necessary by the secretary.¹

26

27 ¹~~15~~ ⁵~~17~~ ¹ ¹⁵⁵ This act shall take effect on January 1 next
28 following the date of enactment ², except that sections ⁵~~14~~ and
29 ~~15~~ 12 and 13⁵ shall take effect on January 1 next following the
30 date of enactment or on the first day of the 12th month next
31 following the date of enactment, whichever is later².

32

33

34

35

36 Requires ballot privacy sleeves at polling place; makes various
37 changes to early and mail-in voting procedures; creates online form
38 to update name and residence on existing voter registration record.