

P.L. 2022, CHAPTER 68, *approved July 28, 2022*
Assembly, No. 3819 (*Third Reprint*)

1 AN ACT concerning mail-in ballots and amending various parts of
2 the statutory law, supplementing Title 19 of the New Jersey
3 Statutes, and making an appropriation.

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

7
8 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read as
9 follows:

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

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

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

15 The qualified voter who chooses the option to vote using a mail-
16 in ballot in all future elections shall be furnished with such a ballot
17 by the county clerk without further request on the part of the voter
18 and until the voter requests in writing that the voter no longer be
19 sent a mail-in ballot, or beginning with the 2020 general election
20 cycle, if the voter does not vote ²by mail² in four consecutive
21 ²[general election cycles] years², then the voter shall no longer be
22 furnished with a mail-in ballot for future elections and the voter
23 shall be notified in writing of the change.

24 The mail-in ballot application form prepared by the Secretary of
25 State shall present the two options in the order provided above. The
26 mail-in ballot application shall also provide spaces for the voter's
27 telephone number and email address, including language informing
28 the voter that this contact information will be used to contact the
29 voter concerning the acceptance or rejection of the ballot, and how
30 the voter may cure a defect. A voter's telephone number and email
31 address shall not be subject to public disclosure and shall not be
32 considered a government record.

33 The additional direct expenditures required for the
34 implementation of the provisions of this subsection as amended by

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.

³Senate SBA committee amendments adopted June 27, 2022.

1 section 1 of P.L.2018, c.72 shall be offset pursuant to section 1 of
2 P.L.2019, c.459 (C.19:63-29).

3 b. Not less than seven days before an election in which a voter
4 wants to vote by mail, the voter may apply to the person designated
5 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
6 application shall be in writing, shall be signed by the applicant and
7 shall state the applicant's place of voting residence and the address
8 to which the ballot shall be sent. In the case of a voter choosing to
9 have their mail-in ballot sent to a secondary address, if the ballot is
10 returned or marked undeliverable for two consecutive ²general²
11 elections, ²[including a primary election,]² then future mail-in
12 ballots shall be mailed to the voter's address where they are
13 registered to vote and the voter shall be notified in writing of the
14 change. The Secretary of State shall prepare a mail-in application
15 form and shall have the authority to promulgate any rules and
16 regulations the secretary deems necessary to effectuate the purposes
17 of this subsection.

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

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

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

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

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

45 (cf: P.L.2020, c.70, s.8)

46

47 2. Section 14 of P.L.2018, c.72 (C.19:63-3.1) is amended to
48 read as follows:

1 14. a. The clerk of each county shall add to the list of
2 registered voters receiving a mail-in ballot for all future elections
3 without further request each voter in the county who requested and
4 received a mail-in ballot for the 2016 general election, and each
5 voter who requested and received a mail-in ballot for any election
6 in 2017 and 2018 by filing a mail-in ballot application following the
7 deadline for applying for a 2016 general election mail-in ballot.
8 Each voter so added to the list shall have the option to inform the
9 clerk in writing that the voter does not wish to receive a mail-in
10 ballot automatically for all future elections.

11 b. The county clerks shall transmit to each voter who will
12 automatically receive such a ballot for all future elections pursuant
13 to subsection a. of this section a notice informing the voter that he
14 or she will automatically receive a mail-in ballot for all future
15 elections unless the voter informs the clerk in writing that he or she
16 does not wish to receive a mail-in ballot for all future elections, or
17 beginning with the 2020 general election cycle, if the voter does not
18 vote ²by mail² in four consecutive ²[general election cycles]
19 years², then the voter shall no longer be furnished with a mail-in
20 ballot for future elections and the voter shall be notified in writing
21 of the change.

22 c. The additional direct expenditures required for the
23 implementation of this section shall be offset pursuant to section 1
24 of P.L.2019, c.459 (C.19:63-29).
25 (cf: P.L.2019, c.459, s.2)

26
27 3. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read
28 as follows:

29 5. In the case of any election, the application for a mail-in
30 ballot shall be made to the county clerk. The county clerk shall
31 stamp thereon the date on which the application was received in the
32 clerk's office.

33 In the case of applications for overseas federal election voter
34 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
35 application shall be refused on the grounds that it was submitted too
36 early.

37 In the case of voter registration forms that include a selected vote
38 by mail option, a copy of each such form shall be transmitted to and
39 received by the appropriate county clerk, who shall be responsible
40 for providing mail-in ballots to each qualified voter requesting such
41 ballots for future elections, until the voter requests otherwise in
42 writing, or beginning with the 2020 general election cycle, if the
43 voter does not vote ²by mail² in four consecutive ²[general election
44 cycles] years², then the voter shall no longer be furnished with a
45 mail-in ballot for future elections and the voter shall be notified in
46 writing of the change.

47 (cf: P.L.2018, c.72, s.5)

1 4. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
2 as follows:

3 6. a. The county clerk, in the case of any Statewide election,
4 countywide election, or school election in a regional or other school
5 district comprising more than one municipality; the municipal clerk,
6 in the case of any municipal election or school election in a school
7 district comprising a single municipality; and the commissioners or
8 other governing or administrative body of the district, in the case of
9 any election to be held in any fire district or other special district,
10 other than a municipality, created for specified public purposes
11 within one or more municipalities, shall publish the following
12 notice in substantially the following form:

13 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

18 You must complete the application form below and send it to the
19 county clerk where you reside or write or apply in person to the
20 county clerk where you reside to request a mail-in ballot.

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

24 No person may serve as an authorized messenger or bearer for
25 more than three qualified voters in an election, but a person may
26 serve as such for up to five qualified voters in an election if those
27 voters are immediate family members residing in the same
28 household as the messenger or bearer.

29 No person who is a candidate in the election for which the voter
30 requests a mail-in ballot may provide any assistance in the
31 completion of the ballot or serve as an authorized messenger or
32 bearer.

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

37 Voters who want to vote by mail in all future elections will, after
38 their initial request and without further action on their part, be
39 provided with a mail-in ballot until the voter requests otherwise in
40 writing, or beginning with the 2020 general election cycle, if the
41 voter does not vote ²by mail² in four consecutive ²[general election
42 cycles] years², then the voter shall no longer be furnished with a
43 mail-in ballot for future elections and the voter shall be notified in
44 writing of the change.

45 Application forms may be obtained by applying to the
46 undersigned either in writing or by telephone, or the application
47 form provided below may be completed and forwarded to the
48 undersigned.

1 Dated.....
2
3 (signature and title of county clerk)
4
5 (address of county clerk)
6
7 (telephone no. of county clerk)

8 b. (1) The Secretary of State shall be responsible for providing
9 all information regarding overseas ballots to each overseas voter
10 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-
11 1 et seq.). The secretary shall also make available valid overseas
12 voter registration and ballot applications to any voter who is a
13 member of the armed forces of the United States and who is a
14 permanent resident of this State, or who is an overseas voter who
15 wishes to register to vote or to vote in any jurisdiction in this State.
16 The secretary shall provide such public notice as may be deemed
17 necessary to inform members of the armed forces of the United
18 States and overseas voters how to obtain valid overseas voter
19 registration and ballot applications.

20 (2) The Secretary of State shall undertake a program to inform
21 voters in this State about their eligibility to vote by mail pursuant to
22 this act. Dissemination of this information shall be included in the
23 standard notices required by this section and other provisions of
24 current law, including but not limited to the notice requirements of
25 R.S.19:12-7, and shall be effectuated by such means as the secretary
26 deems appropriate and to the extent that funds for such
27 dissemination are appropriated including, but not limited to, by
28 means of Statewide or local electronic media, public service
29 announcements broadcast by such media, notices on the Internet site
30 of the Department of State or any other department or agency of the
31 Executive Branch of State government or its political subdivisions
32 deemed appropriate by the secretary, and special mailings or notices
33 in newspapers or other publications circulating in the counties or
34 municipalities of this State.

35 c. The mail-in ballot materials shall contain a notice that any
36 person voting by mail-in ballot who has registered by mail after
37 January 1, 2003, who did not provide personal identification
38 information when registering and is voting for the first time in his
39 or her current county of residence following registration shall
40 include copies of the required identification information with the
41 mail-in ballot, and that failure to include such information shall
42 result in the rejection of the ballot.

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

46 Notices relating to any Statewide or countywide election shall be
47 published in at least two newspapers published in each county. All
48 officials charged with the duty of publishing such notices shall

1 publish the same in at least one newspaper published in each
2 municipality or district in which the election is to be held, or if no
3 newspaper is published in the municipality or district, then in a
4 newspaper published in the county and circulating in the
5 municipality or district. All such notices shall be display
6 advertisements.

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

8

9 5. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read
10 as follows:

11 9. a. Starting on or before the 45th day before the day an
12 election is held, each county clerk shall forward mail-in ballots by
13 first-class postage or hand delivery to each mail-in voter whose
14 request therefor has been approved. Mail-in ballots that have been
15 approved before the 45th day before an election shall be forwarded
16 or delivered at least 45 days before the day of the election. Hand
17 delivery of a mail-in ballot shall be made by the county clerk or the
18 clerk's designee only to the voter, or the voter's authorized
19 messenger, who must appear in person. No person shall serve as an
20 authorized messenger for more than three qualified voters in an
21 election, but a person may serve as such for up to five qualified
22 voters in an election if those voters are immediate family members
23 residing in the same household as the messenger. Ballots that have
24 not been hand delivered shall be addressed to the voter at the
25 forwarding address given in the application. In the case of a voter
26 choosing to have their mail-in ballot sent to a secondary address, if
27 the ballot is returned or marked undeliverable for two consecutive
28 ²general² elections, ²[including a primary election,]² then future
29 mail-in ballots shall be mailed to the voter's address where they are
30 registered to vote and the voter shall be notified in writing of the
31 change.

32 b. (1) Whenever the clerk forwards a mail-in ballot by mail to a
33 mail-in voter between the 45th day and the 13th day before the day
34 of an election, the ballot shall be transmitted within three business
35 days of the receipt of the application.

36 (2) Whenever the clerk forwards a mail-in ballot by mail to a
37 mail-in voter between the 12th day and the seventh day before the
38 day of an election, the ballot shall be transmitted within two
39 business days of the receipt of the application.

40 The provisions of this subsection shall not apply to: (a) annual
41 school elections and special school elections in those school
42 districts holding such elections, pursuant to P.L.1995, c.278
43 (C.19:60-1 et seq.); (b) any municipality in which elections are
44 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
45 (c) annual elections for members of the boards of fire district
46 commissions, pursuant to N.J.S.40A:14-72, when such elections are
47 held at a time other than the time of the general election; and (d) the
48 vote on any public question submitted to the voters of a local unit to

1 increase the amount to be raised by taxation by more than the
2 allowable adjusted tax levy, pursuant to section 11 of P.L.2007,
3 c.62 (C.40A:4-45.46).
4 (cf: P.L.2020, c.71, s.9)

5
6 6. (New section) ¹**【The Division of Elections within the**
7 **Department of State】** Each county¹ shall undertake a voter
8 education campaign ¹, through existing media such as television or
9 newspapers, through online platforms, or by mail addressed to
10 registered voters with vote by mail status,¹ to inform voters about
11 the potential of removal from permanent vote by mail status and the
12 potential change in where a mail-in ballot is sent as provided by
13 P.L. , c. (pending before the Legislature as this bill). ³The
14 Division of Elections within the Department of State shall establish
15 guidelines to be distributed to the counties for the counties to follow
16 for the purpose of carrying out the voter education campaign.³

17
18 7. There is appropriated from the State General Fund to the
19 Department of State ¹**【\$10 million】** \$5 million for the purpose of
20 providing grants to counties¹ to implement the requirements of
21 section 6 of P.L. , c. (pending before the Legislature as this
22 bill).

23
24 8. This act shall take effect immediately.

25
26
27
28
29 Specifies circumstances when voter will be removed from
30 permanent vote by mail status and when ballot will be sent to
31 primary address; requires educational campaign; makes
32 appropriation of \$5 million.