

P.L. 2022, CHAPTER 72, *approved July 28, 2022*  
Assembly, No. 3929 (*Second Reprint*)

1 AN ACT concerning voting in New Jersey elections while residing  
2 overseas and amending various parts 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. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as  
8 follows:

9 2. As used in this act:

10 a. "United States" means each of the several states, the District  
11 of Columbia, Commonwealth of Puerto Rico, Guam, American  
12 Samoa and the United States Virgin Islands; the term does not mean  
13 or include the Canal Zone or any other territory or possession of the  
14 United States.

15 b. "Residing abroad" means residing outside the United States.

16 c. "Federal election" means any general, special or primary  
17 held for the purpose of nominating or electing any candidate for the  
18 office of President or Vice President of the United States,  
19 Presidential elector, United States Senator or member of the United  
20 States House of Representatives.

21 d. "Election" shall have the same meaning as defined in  
22 R.S.19:1-1, and include any federal, State, or local election, and any  
23 public question placed before the voters.

24 e. "Overseas voter" means any person in military service, or  
25 that person's spouse, partner in civil union, domestic partner, or  
26 dependent, who, by reason of the person's active duty or service, is,  
27 in the case of the person, absent on the date of an election from the  
28 place of residence in New Jersey where the person is or would be  
29 qualified to vote, or in the case of the person's spouse, partner in  
30 civil union, domestic partner, or dependent, absent on the date of an  
31 election from the place of residence in New Jersey where that  
32 spouse, partner in civil union, domestic partner, or dependent, is or  
33 would be qualified to vote.

34 The term also means any citizen of the United States temporarily  
35 residing abroad who (1) immediately prior to departure from the  
36 United States was domiciled in New Jersey and (a) was last  
37 registered to vote, or last eligible to register and vote, in New  
38 Jersey; or (b) would have been eligible to register and vote in New  
39 Jersey except that the citizen had not attained 18 years of age the  
40 requirement of which has since been met; or (c) would have been  
41 eligible to register and vote in New Jersey except that the citizen  
42 had not met the residency requirement; (2) is not registered 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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ASL committee amendments adopted May 12, 2022

<sup>2</sup>Senate SSG committee amendments adopted June 23, 2022.

1 qualified to vote elsewhere in the United States; **[and]** (3) holds a  
2 valid passport or passport card or other proof of citizenship issued  
3 under authority of the Secretary of State of the United States;

4 <sup>1</sup>**[and]**<sup>1</sup> (4) <sup>1</sup>does not establish permanent residency in any other  
5 state or country; and (5)<sup>1</sup> has the intent to return to New Jersey.

6 f. "Overseas federal election voter" means **[any citizen of the**  
7 **United States residing abroad who does not intend to return or**  
8 **whose intent to return is uncertain and who (1) immediately prior to**  
9 **departure from the United States was domiciled in New Jersey and**  
10 **(a) was last registered to vote, or last eligible to register and vote, in**  
11 **New Jersey; or (b) would have been eligible to register and vote in**  
12 **New Jersey except that the citizen had not attained 18 years of age**  
13 **the requirement of which has since been met; or (c) would have**  
14 **been eligible to register and vote in New Jersey except that the**  
15 **citizen had not met the residency requirement; (2) is not registered**  
16 **or qualified to vote elsewhere in the United States; and (3) holds a**  
17 **valid passport or passport card or other proof of citizenship issued**  
18 **under authority of the Secretary of State of the United States.**

19 The term also means **]** any citizen of the United States who was  
20 born outside of the United States, is not **[described above]** an  
21 “overseas voter” under subsection e. of this section or an “overseas  
22 State and federal voter” under subsection l. of this section, and,  
23 except for the residency requirement of New Jersey, otherwise  
24 satisfies the State's voter eligibility requirements, if the last place  
25 where a parent, legal guardian, spouse, partner in civil union, or  
26 domestic partner of the voter was, or under P.L.1976, c.23  
27 (C.19:59-1 et seq.) would have been, eligible to register and vote  
28 before departure from the United States is within New Jersey and  
29 the voter has not previously registered to vote elsewhere in the  
30 United States.

31 g. "Electronic means" means any transmission made by an  
32 electronic telefacsimile machine or a similar device or by any other  
33 form of electronic transmission including, but not exclusive to  
34 electronic mail, that transports an authentic copy of a document  
35 from one user to another.

36 h. "Dependent" means an individual recognized as a dependent  
37 by a military service.

38 i. "Federal postcard application" means the application  
39 prescribed under section 101 of Pub.L.99-410 (42 U.S.C.  
40 s.1973ff(b)(2)).

41 j. "Federal write-in absentee ballot" means the ballot described  
42 under section 103 of Pub.L.99-410 (42 U.S.C. s.1973ff-2).

43 k. "Military service" means the active and reserve components  
44 of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the  
45 United States; the Merchant Marine; the commissioned corps of the  
46 Public Health Service or the commissioned corps of the National  
47 Oceanic and Atmospheric Administration of the United States; or  
48 the National Guard or State militia.

1       1. “Overseas State and federal voter” means any citizen of the  
2 United States residing abroad who does not intend to return or  
3 whose intent to return is uncertain and who (1) immediately prior to  
4 departure from the United States was domiciled in New Jersey and  
5 (a) was last registered to vote, or last eligible to register and vote, in  
6 New Jersey; or (b) would have been eligible to register and vote in  
7 New Jersey except that the citizen had not attained 18 years of age  
8 the requirement of which has since been met; or (c) would have  
9 been eligible to register and vote in New Jersey except that the  
10 citizen had not met the residency requirement; (2) is not registered  
11 or qualified to vote elsewhere in the United States; and (3) holds a  
12 valid passport or passport card or other proof of citizenship issued  
13 under authority of the Secretary of State of the United States.

14       m. “State election” means any general, special, or primary  
15 election held for the purpose of nominating or electing the office of  
16 the Governor, Lieutenant Governor, New Jersey State Senator, or a  
17 member of the New Jersey General Assembly, or a State public  
18 question placed before all voters of the State. “State election” shall  
19 not include any local election or any local public question placed  
20 before less than all voters of the State.

21 (cf: P.L.2017, c.39, s.1)

22

23       2. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read  
24 as follows:

25       3. Upon compliance with the provisions of this act, P.L.1976,  
26 c.23 (C.19:59-1 et seq.), as amended by P.L.2017, c.39: a. any  
27 person meeting the qualifications of an overseas voter may register  
28 to vote and may apply for and vote by mail-in ballot in any election  
29 held in the election district of this State in which the voter was  
30 formerly domiciled; **and** b. any person meeting the qualifications  
31 of an overseas federal election voter may register to vote and may  
32 apply for and vote by mail-in ballot in any federal election held in  
33 the election district of this State in which the voter, or in the case of  
34 an overseas federal election voter who was born outside of the  
35 United States described in subsection f. of section 2 of P.L.1976,  
36 c.23 (C.19:59-2), in which the voter's parent, legal guardian,  
37 spouse, partner in civil union, or domestic partner was formerly  
38 domiciled; and c. any person meeting the qualifications of an  
39 overseas State and federal voter as described in subsection 1. of  
40 section 2 of P.L.1976, c.23 (C.19:59-2) may register to vote and  
41 may apply for and vote by mail in a State election described in  
42 subsection m. of section 2 of P.L. 1976, c.23 (C.19:59-2) and a  
43 federal election described in subsection c. of section 2 of P.L. 1976,  
44 c.23 (C.19:59-2) held in the election district of this State in which  
45 the voter was formerly domiciled.

46 (cf: P.L.2017, c.39, s.2)

47

48       3. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read  
49 as follows:

1       4. a. Requests for an application to vote in **[an]** any election  
2 as an overseas voter or a federal election as an overseas federal  
3 election voter or a State election or federal election as an overseas  
4 State and federal election voter may be made by or on behalf of an  
5 applicant to the county clerk of the county in which the applicant,  
6 or in the case of an overseas federal election voter who was born  
7 outside of the United States described in subsection f. of section 2  
8 of P.L.1976, c.23 (C.19:59-2), in which the voter's parent, legal  
9 guardian, spouse, partner in civil union, or domestic partner, was  
10 formerly domiciled, or to the Secretary of State of New Jersey if the  
11 applicant does not know the county of former domicile. All such  
12 applications shall be forwarded to such voters by air mail or  
13 electronic means, if so requested by the voter. Any overseas voter  
14 or overseas federal election voter or overseas State and federal voter  
15 requesting that an application for a ballot be sent to that voter by  
16 electronic means shall supply in the request to the Secretary of State  
17 or the county clerk, as appropriate, the telephone number and  
18 location to which the application is to be sent or the electronic  
19 address of the voter, as may be appropriate, and, if known, the  
20 address where the voter, or the voter's parent, legal guardian,  
21 spouse, partner in civil union, or domestic partner, as appropriate,  
22 was domiciled before departure from the United States. To qualify  
23 for a ballot to be sent by air mail, the applicant's completed  
24 application shall be received by the appropriate county clerk or the  
25 Secretary of State on or before the thirtieth day preceding the  
26 election. To qualify for a ballot to be distributed by electronic  
27 means, the applicant's completed application shall be received by  
28 the appropriate county clerk or the Secretary of State on or before  
29 the fourth day preceding the election.

30       b. An overseas voter or overseas federal election voter or  
31 overseas State and federal voter may use the federal postcard  
32 application form to register to vote or to apply for an overseas  
33 ballot for any election in which the voter is eligible to vote. The  
34 voter may send the form by air mail or electronic means to either  
35 the appropriate county clerk or the Secretary of State and, in the  
36 case of the use of a federal postcard application for a ballot, may  
37 request that the ballot be sent by air mail or electronic means. **[Any**  
38 voter sending the form by electronic means shall also mail  
39 simultaneously the federal postcard application form to the  
40 appropriate county clerk or the Secretary of State.] Any federal  
41 postcard application for a ballot sent by an overseas voter or  
42 overseas federal election voter or overseas State and federal voter  
43 and received by a county clerk or the Secretary of State shall also  
44 be considered a request for registration if that voter is not already  
45 registered.

46 (cf: P.L.2017, c.39, s.3)

1 4. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as  
2 follows:

3 5. a. Other than a federal postcard application, an application  
4 for a ballot by an overseas voter or overseas federal election voter  
5 or overseas State and federal election voter shall be in substantially  
6 the following form:

7 I the undersigned, certify the following as a basis for an  
8 application as citizen of the United States residing outside the  
9 United States to receive a ballot to be voted at the election to be  
10 held on ..... (date of election) for ..... (fill in elected office or  
11 public question, or both):

12 1. I am a citizen of the United States;

13 2. I presently reside at ..... (if mail should be  
14 addressed other than to my residence, also provide address for  
15 mail);

16 3. I was born on ..... (month, day, year)

17 4. I hold a:

18 a. valid U.S. Passport # ....., dated ....., or

19 b. valid U.S. Passport Card # ....., dated ....., or

20 c. valid Certificate of Citizenship, dated ....., or

21 d. other valid form of identification recognized as such under  
22 federal or state law: ..... (form of identification), dated .....

23 5. a. Immediately prior to taking up residence abroad I was  
24 domiciled in New Jersey and resided at ..... (street address),  
25 ..... (municipality), ..... (county) (If formerly registered  
26 to vote from that address check here ( ) ), or

27 b. I was born outside of the United States and my parent, legal  
28 guardian, spouse, partner in civil union, or domestic partner, before  
29 leaving the United States, was last domiciled in New Jersey,  
30 residing at ..... (street address), ..... (municipality),  
31 .....(county).

32 6. I am not registered, entitled or applying to vote in any state  
33 other than New Jersey.

34 7. I understand that any false statement knowingly made in this  
35 application subjects me to the penalties provided by law for  
36 fraudulent voting.

37 ..... Applicant  
38 (Signature)

39 Dated:.....Applicant  
40 (Print or type name)

41 b. There shall also be sent to the applicant by air mail or  
42 electronic means such instructions and portions of the law or  
43 regulations as the Secretary of State shall direct.

44 c. Any overseas voter or overseas federal election voter or  
45 overseas State and federal election voter requesting that a ballot be  
46 sent to that voter by electronic means shall indicate on the  
47 application for the ballot the telephone number and location to  
48 which the ballot is to be sent or the electronic address of the voter,

1 as may be appropriate.  
2 (cf: P.L.2017, c.39, s.4)

3  
4 5. Section 6 of P.L.1976, c.23 (C.19:59-6) is amended to read as  
5 follows:

6 6. Each county clerk, upon receipt of an application for a ballot  
7 by an overseas voter or overseas federal election voter or overseas  
8 State and federal election voter, including a federal postcard  
9 application, shall determine whether or not the applicant is qualified  
10 to vote such a ballot, make a list of those applications approved and  
11 disapproved, which list shall be open to inspection by election  
12 officials and the public, and shall forward an overseas ballot to each  
13 person whose application is approved. For each voter whose  
14 application is approved, the county clerk shall deliver to the county  
15 board of elections the completed application form for retention by  
16 the board for signature comparison with that on the certificate on  
17 the inner envelope containing the ballot upon its receipt.

18 (cf: P.L.2017, c.39, s.5)

19

20 6. Section 7 of P.L.1976, c.23 (C.19:59-7) is amended to read as  
21 follows:

22 7. The county clerk shall prescribe the form of the ballot for  
23 overseas voters and overseas federal election voters and overseas  
24 State and federal election voters.

25 (cf: P.L.2017, c.39, s.6)

26

27 7. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read as  
28 follows:

29 8. a. Each county clerk shall send by air mail, with each ballot  
30 for an overseas voter or overseas federal election voter or overseas  
31 State and federal election voter transmitted by such means,  
32 appropriate printed instructions for its completion and return,  
33 together with an inner and outer envelope similar to that required as  
34 to civilian vote by mail ballots with a legend on the inner envelope  
35 stating "Ballot for Overseas Voter," **【or】** "Ballot for Overseas  
36 Federal Election Voter," or "Ballot for Overseas State and Federal  
37 Election Voter," as appropriate.

38 b. Each county clerk shall send to each overseas voter or  
39 overseas federal election voter or overseas State and federal  
40 election voter requesting that a ballot be sent to that voter by  
41 electronic means all appropriate printed instructions for its  
42 completion and return. The printed instructions sent to each such  
43 voter shall include a certificate substantially the same as provided  
44 for in section 9 of P.L.1976, c.23 (C.19:59-9).

45 c. The printed instructions sent with each ballot to an overseas  
46 voter or overseas federal election voter or overseas State and federal  
47 election voter, including instructions sent by electronic means, shall  
48 include a copy of the following notice:

49 PENALTY FOR FRAUDULENT VOTING

1 Any person who knowingly violates any of the provisions of the  
2 Overseas Residents Absentee Voting Law, or who, not being  
3 entitled to vote thereunder, fraudulently votes or attempts to vote  
4 thereunder or enables or attempts to enable another person, not  
5 entitled to vote thereunder, to vote fraudulently thereunder or who  
6 prevents or attempts to prevent by fraud the voting of any person  
7 legally entitled to vote under this act, shall be guilty of an indictable  
8 offense, and upon conviction thereof shall be subject, in addition to  
9 such other penalties as are authorized by law, to disenfranchisement  
10 while serving a sentence of incarceration unless and until pardoned  
11 or restored by law to the right of suffrage.

12 (cf: P.L.2019, c.270, s.9)

13

14 8. Section 12 of P.L.1993, c.73 (C.19:59-8.1) is amended to read  
15 as follows:

16 12. Whenever a county clerk receives a request by electronic  
17 means from an overseas voter or overseas federal election voter or  
18 overseas State and federal election voter that a ballot be sent to that  
19 person by electronic means, the county clerk shall verify the voter's  
20 eligibility to vote as an overseas voter or overseas federal election  
21 voter or overseas State and federal election voter in the State and  
22 the county desired. If the overseas voter or overseas federal election  
23 voter or overseas State and federal election voter is eligible to vote  
24 therein, the county clerk shall send the appropriate ballot to the  
25 voter at least 45 days before the day of the election and thereafter  
26 by electronic means using the telephone number or electronic  
27 address supplied by the voter for that purpose. If the overseas voter  
28 or overseas federal election voter or overseas State and federal  
29 election voter is not eligible to vote in the State or the county  
30 desired, notice of noneligibility shall be provided to the voter by  
31 electronic means as soon as practicable after the receipt of the  
32 request.

33 (cf: P.L.2017, c.39, s.12)

34

35 9. Section 9 of P.L.1976, c.23 (C.19:59-9) is amended to read  
36 as follows:

37 9. Upon the margin of the flap of the inner envelope to be sent  
38 to an overseas voter or overseas federal election voter or overseas  
39 State and federal election voter shall be printed a certificate  
40 substantially as follows:

41 I, the undersigned, residing at ..... am the  
42 person who applied for, received and voted the enclosed Ballot.

43 Dated:.....

44 .....Voter (SIGNATURE)

45 .....Voter (PRINT or type name)

46 (cf: P.L.2017, c.39, s.13)

47

48 10. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to  
49 read as follows:

1       10. a. For ballots sent to overseas voters or overseas federal  
2 election voters or overseas State and federal election voters, other  
3 than such ballots sent to the voter by electronic means, the  
4 procedure for completing the ballot shall be as follows:

5       Upon completion of the ballot by indicating the voter's choice of  
6 candidates for the offices named or the voter's choice regarding a  
7 public question, or both, the ballot shall be placed in the inner  
8 envelope and sealed. Upon completion and signing in the voter's  
9 handwriting the certificate attached to the inner envelope, the inner  
10 envelope shall be placed in the outer envelope, which when sealed  
11 shall be mailed postage prepaid to the county board of elections  
12 whose address is printed thereon.

13       b. For ballots sent to overseas voters or overseas federal  
14 election voters or overseas State and federal election voters by  
15 electronic means, the procedure for completing the ballot shall be as  
16 follows:

17       After the ballot is received and completed by the voter by  
18 indicating that person's choice of candidates for the offices named  
19 or that person's choice regarding a public question, or both, the  
20 ballot shall be placed in a secure envelope. Upon completion and  
21 signing in the voter's handwriting of the certificate sent to the voter  
22 pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be  
23 placed in the same envelope as the voted ballot. The envelope shall  
24 then be sealed securely and sent immediately by air mail to the  
25 appropriate county board of elections in this State.

26       c. Notwithstanding the provisions of subsections a. and b. of  
27 this section, a copy of an overseas voter's or overseas federal  
28 election voter's or overseas State and federal election voter's ballot  
29 may be transmitted by electronic means to the appropriate county  
30 board of elections in this State. Such a ballot shall be subject to the  
31 provisions of sections 3 and 4 of P.L.1995, c.195 (C.19:59-14 and  
32 C.19:59-15).

33 (cf: P.L.2017, c.39, s.6)

34

35       11. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to  
36 read as follows:

37       11. Upon receipt of each ballot from an overseas voter or  
38 overseas federal election voter or overseas State and federal  
39 election voter, other than a ballot which had been sent by electronic  
40 means to an overseas voter or overseas federal election voter or  
41 overseas State and federal election voter, the signature on the  
42 certificate on the inner envelope shall be compared to that on the  
43 person's application. All ballots, whether originally sent to an  
44 overseas voter or overseas federal election voter or overseas State  
45 and federal election voter by air mail or electronic means, shall be  
46 approved, disapproved, processed, counted and disputes in  
47 connection therewith shall be handled in the same manner as is  
48 applicable to other vote by mail ballots. No ballot received after the



1 time designated for the closing of the polls shall be counted.  
2 (cf: P.L.2017, c.39, s.14)

3

4 12. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to  
5 read as follows:

6 12. An overseas voter or overseas federal election voter or  
7 overseas State and federal election voter may request, on any  
8 application form used, a ballot for all elections held during the  
9 calendar year in which the request is made and in which the voter is  
10 eligible to vote. Any instructions sent to an applicant pursuant to  
11 section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant  
12 that such a request may be made. If such a request is made, a ballot  
13 shall be sent in a timely manner to the voter for all such elections in  
14 which the voter is eligible to vote and by the transmission method  
15 first requested by the voter unless the voter instructs otherwise.  
16 (cf: P.L.2017, c.39, s.8)

17

18 13. Section 3 of P.L.1995, c.195 (C.19:59-14) is amended to  
19 read as follows:

20 3. Notwithstanding any law, rule or regulation to the contrary, a  
21 copy of an overseas voter's or overseas federal election voter's or  
22 overseas State and federal election voter's voted ballot, or a voted  
23 federal write-in absentee ballot, which is transmitted by electronic  
24 means to the appropriate county board of elections in this State  
25 shall be considered valid and counted if it:

- 26 a. is from a qualified voter;
- 27 b. has been transmitted to the appropriate county board of  
28 elections no later than the time designated by law for the closing of  
29 the polls on that day; and
- 30 c. is accompanied by the following statement, which shall be  
31 certified by the voter's signature: "I understand that by transmitting  
32 by electronic means a copy of my voted ballot I am voluntarily  
33 waiving my right to a secret ballot. At the same time, I pledge to  
34 place the original voted ballot in a secure envelope, together with  
35 any other required certification, and send the documents  
36 immediately by air mail to the appropriate county board of  
37 elections."

38 (cf: P.L.2017, c.39, s.15)

39

40 14. Section 4 of P.L.1995, c.195 (C.19:59-15) is amended to  
41 read as follows:

42 4. a. Immediately after a copy of an overseas voter's or  
43 overseas federal election voter's or overseas State and federal  
44 election voter's voted ballot, or a voted federal write-in absentee  
45 ballot, has been transmitted by electronic means to the appropriate  
46 county board of elections, as permitted pursuant to section 3 of  
47 P.L.1995, c.195 (C.19:59-14), the overseas voter or overseas federal  
48 election voter or overseas State and federal election voter shall  
49 place the original voted ballot in a secure envelope, together with a

1 certificate substantially the same as provided for in section 9 of  
2 P.L.1976, c.23 (C.19:59-9), and send the documents by air mail to  
3 the appropriate county board of elections.

4 b. All copies of voted ballots received by electronic means  
5 shall be approved, disapproved, processed and counted, and  
6 disputes in connection therewith shall be handled, in the same  
7 manner as is applicable to other vote by mail ballots. No ballot  
8 received after the time designated for the closing of the polls shall  
9 be counted.

10 c. The county board of elections shall take all necessary  
11 precautions to preserve the security of the ballot materials and  
12 specifically shall ensure that the vote cast by a voter using a ballot  
13 transmitted by electronic means is not revealed, except to the extent  
14 necessary by law or judicial determination. Upon the completion of  
15 all inspections of a ballot transmitted by electronic means required  
16 by law, the board or any employee thereof acting under its direction  
17 shall promptly separate the waiver certification from the ballot  
18 transmitted by electronic means. Any person handling such a ballot  
19 shall not identify the votes cast by any voter, except upon judicial  
20 determination.

21 d. Prior to certification of the results of the election, the county  
22 board shall:

23 (1) compare the information on the copy transmitted by  
24 electronic means of each voted ballot with the same on the original  
25 voted ballot sent by air mail by the voter who transmitted to the  
26 county board a copy of the voted ballot by electronic means, and the  
27 signature on the statement received by electronic means with the  
28 signature on the certificate received by air mail; and

29 (2) ascertain whether an original voted ballot has been received  
30 for each copy of a voted ballot received by electronic means and  
31 counted.

32 Whenever the particulars of the copy of a voted ballot  
33 transmitted by electronic means do not conform exactly with the  
34 particulars of the original voted ballot sent by air mail to the county  
35 board afterwards by that voter and whenever an original voted  
36 ballot has not been received which corresponds to a copy of a voted  
37 ballot transmitted by electronic means which has been received and  
38 counted by the county board, those ballots and all other pertinent  
39 documents and information relative to those ballots shall be turned  
40 over to the superintendent of elections in counties having a  
41 superintendent and the prosecutor in all other counties for further  
42 investigation and action.

43 e. Within 30 days after the election, the county board shall  
44 gather and keep together the copy of the voted ballot transmitted by  
45 electronic means, the certified statement and the original voted  
46 ballot sent by air mail of each voter who transmitted a copy of a  
47 voted ballot by electronic means. Those ballots needed for an  
48 investigation conducted by the superintendent of elections or the  
49 county prosecutor, as the case may be, or by any other law

1 enforcement official shall be returned to the county board as soon  
2 as practicable after the conclusion of the investigation. All ballots  
3 and documents relative to a copy of a voted ballot transmitted by  
4 electronic means and received by the county board shall be retained  
5 by it for a period of one year following the day of the election. The  
6 superintendent of elections in counties having a superintendent and  
7 the prosecutor in all other counties shall have the authority to  
8 impound all such documents whenever the superintendent or  
9 prosecutor shall deem such action necessary.  
10 (cf: P.L.2017, c.39, c.16)

11

12 15. Section 26 of P.L.2011, c.37 (C.19:59-16) is amended to  
13 read as follows:

14 26. For the purpose of complying with the federal "Uniformed  
15 and Overseas Citizens Absentee Voting Act," [42 U.S.C. s.1973ff-1  
16 et seq.] 52 U.S.C. s.20301 et seq., the office of the Secretary of  
17 State shall:

18 a. be designated as the single State office responsible for  
19 providing information to all overseas voters and overseas federal  
20 election voters and overseas State and federal election voters who  
21 wish to register to vote or vote in any jurisdiction in the State with  
22 respect to voter registration procedures and vote by mail procedures  
23 to be used by overseas voters and overseas federal election voters or  
24 overseas State and federal election voters for all elections in which  
25 the voter is eligible to vote;

26 b. work with the federal Election Assistance Commission and  
27 the federal Department of Defense to develop standards to report  
28 data on the number of ballots transmitted and received by mail or  
29 electronic means by overseas voters or overseas federal election  
30 voters or overseas State and federal election voters pursuant to the  
31 "Overseas Residents Absentee Voting Law," P.L.1976, c.23  
32 (C.19:59-1 et seq.) and section 7 of P.L.2004, c.88 (C.19:61-7); and

33 c. provide such additional information relating to voting by  
34 overseas voters and overseas federal election voters and overseas  
35 State and federal election voters from this State as the Department  
36 of Defense determines is necessary.

37 (cf: P.L.2017, c.39, s.9)

38

39 16. R.S.19:31-6 is amended to read as follows:

40 19:31-6. Any person qualified to vote in an election shall be  
41 entitled to vote in the election if the person shall have registered to  
42 vote on or before the 21st day preceding the election by:

43 a. registering in person at any offices designated by the  
44 commissioner of registration for providing and receiving  
45 registration forms;

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

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

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

10 e. completing and returning to the Secretary of State or having  
11 returned thereto a voter registration form received from a door-to-  
12 door canvass or mobile registration drive, as provided for in section  
13 19 of P.L.1974, c.30 (C.19:31-6.7);

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

18 g. completing and returning to the Secretary of State or the  
19 appropriate county clerk an application for a federal postcard  
20 application form to register to vote, as permitted pursuant to the  
21 federal "Uniform and Overseas Citizens Absentee Voting Act" [(42  
22 U.S.C. s. 1973ff-1 et seq.)] 52 U.S.C. s.120301 et seq.) and section  
23 4 of P.L.1976, c.23 (C.19:59-4);

24 h. completing a provisional ballot affirmation statement and  
25 voting the provisional ballot in the previous election, if the person  
26 who submitted the provisional ballot in that election is determined  
27 not to be a registered voter; or

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

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

36 Any office designated by the commissioner of registration for  
37 receiving registration forms shall have displayed, in a conspicuous  
38 location, registration and voting instructions. These instructions  
39 shall be the same as those provided for polling places under  
40 R.S.19:9-2 and shall be provided by the commissioner  
41 (cf: P.L.2019, c.382, s.2)

42  
43 17. This act shall take effect immediately <sup>2</sup>but shall apply only  
44 to applicable elections occurring on or after November 8, 2022<sup>2</sup>.  
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46  
47

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**A3929 [2R]**

13

- 1       Allows certain voters residing overseas to vote in certain
- 2 elections in this State depending on overseas residency or intent to
- 3 return.