

ASSEMBLY APPROPRIATIONS COMMITTEE

AMENDMENTS

to

[First Reprint]

ASSEMBLY, No. 4276

(Sponsored by Assemblymen ZWICKER, BENSON, and CONAWAY)

REPLACE TITLE TO READ:

AN ACT concerning ²certain voting procedures and² a voter's opportunity to cure their voted mail-in ballot and amending various parts of the statutory law ¹and supplementing P.L.2009, c.79 (C.19:63-1 et seq.)^{1 2}and repealing section 18 of P.L.2009, c.79 (C.19:63-18)².

REPLACE SECTION 1 TO READ:

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

1. a. A county board of elections shall have posted a voter information notice, which shall be referred to as a voter's bill of rights, in a conspicuous location in each polling place before the opening of the polls on the day of any election.

The notice shall contain:

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

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

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

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

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

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

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

an explanation of the right of the voter to a provisional ballot, including in the event that a mail-in ballot has been applied for and

P

R

O

P

O

S

E

D

not received or not transmitted to the county board of elections before the day of any election, and the other circumstances under which a voter has a right to a provisional ballot;

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

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

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

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

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

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

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

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

an explanation of the right of the voter that if their ballot was rejected, ²[they will be notified] a notice will be issued to the voter² within ¹[72 hours of the receipt of the ballot or, if the voter voted using a provisional ballot, within 48 hours of the closing of the polls by email, mail, or phone with the reason for rejection] 24 hours after a decision is made to reject the ballot¹ . The voter will have up to ¹[5] ²[14¹ days after the close of the polls on Election Day] 48 hours prior to the date for the final certification of the results of the election² to provide a cure for their ballot;

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

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

P
R
O
P
O
S
E
D

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

The requirement to post this notice in each polling place shall not replace, supersede or void any other requirement set forth in law for the posting of information in each polling place apart from the voter information notice.

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

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

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

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

f. [The provisions of this section shall not give rise to a legal cause of action.] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill)

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

(cf: P.L.2009, c.79, s.30)

REPLACE SECTION 2 TO READ:

2. Section 4 of P.L.2004, c.88 (C.19:61-4) is amended to read as follows:

4. a. The [Attorney General] Secretary of State shall establish a free-access system, such as a toll-free telephone number, an

P
R
O
P
O
S
E
D

Internet website or any combination thereof, that any individual who casts a provisional ballot, mail-in ballot, or overseas ballot in all elections where they are qualified to vote, may access to ascertain whether the ballot of that individual was accepted for counting and, if the vote was not counted, the reason for the rejection of the ballot. The system shall at all times preserve the confidentiality of each voter, and shall ensure that no person, other than the individual who cast the ballot, may discover whether or not that individual's ballot was accepted or rejected, unless so informed by the voter.

b. The free-access system shall be prominently displayed on the New Jersey Division of Elections website under a “Track My Ballot” user portal.

c. To applicable situations, the free-access system shall record the date that the mail-in ballot was mailed; the date that the overseas ballot was mailed or transmitted via electronic mail; the date the ballot was received; the notation that the ballot was “Accepted” or “Rejected;”²and² the code for rejection²; the date and method that the board of elections notified the voter (mail, email, or phone) and, in cases where the ballot was initially “Rejected” and the voter provided a cure as provided under section 17 of P.L.2009, c.79 (C.19:63-17), the date when the ballot was “Accepted.” If no cure was provided successfully or at all, no other input shall be required]²

d. ²[The free-access system shall provide a legend containing all the codes used for rejection and their explanation for rejection. The system shall provide voters with the methods to cure the ballot, and the deadline of ¹[5] 14¹ days after the closing of the polls on Election Day to provide the cure.

e. The] Beginning on February 1, 2021, the² free-access system shall provide a publicly viewable macro-report of the total number of rejected ballots by county and by code along with the totals for votes cast by mail-in ballot, overseas ballots, and total ballots cast. This report shall be kept and made available on the Secretary of State’s website for a period of 10 years.

(cf: P.L.2004, c.88, s.4)

REPLACE SECTION 3 TO READ:

3. Section 17 of P.L.2009, c.79 ¹[, s.17]¹ (C.19:63-17) is amended to read as follows:

17. a. The county board of elections shall, promptly after receiving each mail-in ballot, remove the inner envelope containing the ballot from the outer envelope and shall compare the signature and the information contained on the flap of the inner envelope with the ²[digitized signature image] signature and information contained in the respective requests for mail-in ballots, and the signature² and information contained in the [respective requests for mail-in ballots] Statewide voter registration system ²[¹and the New Jersey Motor Vehicle Commission’s database¹]². In addition, as to mail-in ballots

P
R
O
P
O
S
E
D

issued less than seven days prior to an election, the county board of elections shall also check to establish that the mail-in voter did not vote in person. The county board shall reject such a ballot if it is not satisfied, pursuant to a comparison with the Statewide voter registration system, that the voter is legally entitled to vote and that the ballot conforms with the requirements of this act. The county board of elections shall conduct the determination of qualification of each voter in accordance with the requirements of the Certificate of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-13).

In the case of a mail-in ballot to be voted at a primary election for the general election, the ballot shall be rejected if the mail-in voter has indicated in the certificate the voter's intention to vote in a primary election of any political party in which the voter is not entitled to vote according to the Statewide voter registration system, and if it shall appear from the record that the voter is not entitled to vote in a primary election of the political party which has been so indicated.

Any mail-in ballot which is received by a county board of elections shall be rejected if ¹[both]¹ the inner ¹[and outer envelopes are] envelope is¹ unsealed or if either ¹the inner or outer¹ envelope has a seal that has been tampered with. Mail-in ballots shall not be rejected ¹[due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed] ²[when the defect is attributable to a physical defect in the inner envelope, outer envelope, certificate, or ballot outside the control of the voter.¹] due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed.²

Disputes about the qualifications of a mail-in voter to vote or about whether or not or how any mail-in ballot shall be counted in such election shall be referred to the Superior Court for determination ¹, as provided under section ²[5] ⁴² of P.L. , c. (C.) (pending before the Legislature as this bill)¹.

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

The location at which a county board of elections determines whether a mail-in ballot shall be accepted or rejected shall be

P
R
O
P
O
S
E
D

considered an election district for the purposes of appointment of challengers.

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

²[(1) record in the Statewide voter registration system and the free-access system the acceptance or rejection of the voter's ballot. Where the voter's ballot is rejected, a code shall be input and displayed showing the reason ¹for rejection¹];²

¹[(2) in rejecting a voter's ballot, shall notify the voter within 72 hours of the receipt of the ballot or, if the voter voted by provisional ballot, within 48 hours of the closing of the polls, by email, mail, or phone with the reason for rejection. The voter shall have up to 5 days after the close of the polls on Election Day to provide a cure for their ballot. The county board of elections shall provide an explanation giving the options for the voter to provide the cure to their rejected ballot. To the extent the county board of elections cannot provide such explanation and give the voter sufficient and reasonable time to provide a cure for their ballot within the deadlines for the counting of ballots as established by law, the county board of elections shall seek an order from a Judge of the Superior Court to reasonably extend the deadlines consistent with this State's liberal interpretation of election law statutes so as to prevent voter disenfranchisement;

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

(4) where the rejection is due to signature mismatch, missing signature, or otherwise related to the questionable or inability to verify the voter's ballot by way of signature, the county board of elections shall allow and accept other methods from the voter to confirm their vote. These methods may include the voter providing a new signature, signing an affidavit attesting that they were the voter who sent in the mail-in ballot, and providing any form of identification that would satisfy the requirement of voter verification. Identification shall include a valid New Jersey driver's license number, a valid New Jersey non driver identification card number, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person.

c. The Secretary of State shall prepare educational materials regarding the provisions of this section that all county boards of elections persons handling ballots shall be required to read or view prior to the election. The materials shall provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe holding of all materials in the case of rejection.]

P

R

O

P

O

S

E

D

²[(2)] (1)² within 24 hours after the decision has been made to ²[tentatively reject or to]² reject a voter's mail-in or provisional ballot ²on the basis of a missing signature or discrepant signature² , issue a "Cure Letter" ²by mail or email² to the voter whose ballot was ²[tentatively rejected or]² rejected, which shall inform the voter of that fact and provide the reasoning for rejection ², and attempt to contact the voter by telephone, if a telephone number is available² . The cure letter shall include a ²[pre-printed]² "Cure Form" and the form shall include the voter's name and instruct the voter on how to cure the alleged or actual deficiency. Cure forms shall not be referred to as affidavits or certifications and shall not be required to be sworn;

²[(3)] (2)² when the alleged or actual deficiency involves the signature of the voter, instruct the voter that they may cure the deficiency by completing the cure form and returning it to the county board of elections in person, by fax, or by email, not later than ²[14 days after the date] 48 hours prior to the final certification of the results² of the election, or by returning it to the county board of elections by mail, and that the completed cure form must be received by the county board of elections not later than ²[14 days after the date] 48 hours prior to the final certification of the results² of the election;

²[(4)] (3)² include, with the cure letter ²[and cure form,] , when sent by mail, a pre-printed cure form and² a postage-paid return envelope addressed to the county board of elections which the voter may use to return the cure form; and

²[(5)] (4)² inform voters that they shall not be required to submit any form of hard-copy identification document or copy thereof in order to cure a signature deficiency, but may do so by declaring that they submitted their provisional ballot or mail-in ballot, and verifying their identity by either: (a) providing a valid New Jersey driver's license number or Motor Vehicle Commission non-driver identification number; ²or² (b) ²if the voter does not have a valid New Jersey driver's license number or Motor Vehicle Commission non-driver identification number, then by² providing the last four digits of their Social Security Number; or (c) ²if the voter does not have the identification in (a) or (b), then² attaching a legible copy of a New Jersey State-accepted form of identification, including either a sample ballot which lists the voter's name and address, an official federal, State, county, or municipal document which lists the voter's name and address, or a utility bill, telephone bill, or tax or rent receipt which lists the voter's name and address; and (d) signing and dating the cure form prior to returning it.

c. If a voter ²[whose mail-in or provisional ballot was tentatively rejected or rejected based solely on a signature deficiency]² returns a completed cure form in a timely manner and the information provided verifies the voter's identity, pursuant to this section, their otherwise valid mail-in or provisional ballot shall be counted in the final election results irrespective of any signature deficiency

P
R
O
P
O
S
E
D

previously identified and, under those circumstances, the cure form may not be verified or authenticated using signature matching.

d. ²[If a voter whose mail-in or provisional ballot was tentatively rejected or rejected based solely on a signature deficiency returns a completed cure form in a timely manner and provides a copy of an identification document as set forth in paragraph (5) of subsection b. of this section, the address listed on the identification document shall not be required to match the voter registration address, provided that the identification document otherwise verifies the voter's identity.

e.]² In accordance with this section, variations in voter signatures caused by the substitution of initials for the first name, middle name, or both, shall not be grounds for the county board of elections to determine that the signatures are non-conforming or do not match.

²f. In circumstances when it would be appropriate to do so, and not later than the day of the election, the county board of elections may provide the voter with a replacement mail-in ballot and return envelope.

g. To prevent voter disenfranchisement, and as needed to comply with this section, the county board of elections may seek an order from a Judge of the Superior Court to reasonably extend any deadlines established herein.

h.] e.² In cases of rejected ballots, the county board of elections shall retain the voter's outer envelope, inner envelope, self-certification certificate, and mail-in ballot in a bundle unique to each voter for a period of two years in accordance with section 24 of P.L.2009, c.79 (C.19:63-24).¹

²f. County boards of elections shall be required to meet at least once each week during the three-week period preceding each election to conduct the ballot processing and curing provisions specified in this section, and shall meet more frequently as may be required by the Secretary of State to ensure the timely processing of ballots.²

(cf: P.L.2011, c.134, s.55)

REPLACE SECTION 4 TO READ:

¹4. (New section) a. Following the attempt to cure any alleged deficiencies in a mail-in ballot pursuant to section 17 of P.L.2009, c.79 (C.19:63-17), the county board of elections shall make a final determination about ²[the qualifications of a mail-in voter and]² whether or not the mail-in ballot alleged to be deficient shall be counted. The failure or alleged failure of any voter to cure alleged deficiencies in the voter's mail-in ballot shall not create a presumption that the vote is improper or invalid, nor shall it be considered evidence that the vote is improper or invalid.

b. Following final determination under subsection a. of this section, disputes about the qualifications of a voter to vote, or about whether or not or how any mail-in ballot shall be counted in that election, shall be referred to the Superior Court for determination.

P
R
O
P
O
S
E
D

²[c. Upon referral to the Superior Court for determination, the Superior Court shall set a date and time for a hearing during which each of the county parties may designate an attorney to be present and provide limited argument to the Superior Court as to the qualifications of a mail-in voter to vote, or about whether or not or how any mail-in ballot shall be counted in that election. Prior to any hearing, the proofs presented to the Superior Court from the county board of elections shall be provided to the designated representative for each of the county parties. Any hearing shall be conducted in a summary manner to which there shall be no right to additional discovery or presentation of witnesses.]²

REPLACE SECTION 5 TO READ:

^{15.} (New section) a. The Secretary of State shall prepare educational materials regarding the provisions of section 17 of P.L.2009, c.79 (C.19:63-17) that all county boards of elections persons handling ballots shall be required to read or view prior to the election. The materials shall provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe holding of all materials in the case of rejection.

b. Prior to each election, the Secretary of State shall direct all county boards of elections and their members, agents, employees, and representatives, who shall be collectively known as the “evaluators,” and who are responsible for authenticating or verifying mail-in ballots pursuant to section 17 of P.L.2009, c.79 (C.19:63-17), or authenticating or verifying provisional ballots pursuant to section 19 of P.L.1999, c.232 (C.19:53C-13), to comply with the provisions of subsection c. of this section.

c. The Secretary of State and each county board of elections shall ensure that all evaluators receive, and are directed to comply with, written guidance stating as follows:

(1) when verifying signatures, evaluators shall keep in mind that everyone writes differently, and no one signs their name exactly the same way twice;

(2) some variation in signatures is to be expected;

(3) many factors can lead to signature variance, including, but not limited to, age, disability, underlying health conditions, writing implement or surface, level of concentration, and educational background;

(4) according to studies, evaluators are more likely to declare genuine signatures to be non-genuine than they are to accept a non-genuine signature as genuine, and the goal is to prevent these errors in signature verification; and

(5) evaluators shall presume that the documents were signed by the same person and shall accept a signature as valid unless there is a clear discrepancy that cannot be reasonably explained.

d. The Secretary of State shall, not later than 14 days prior to the election, publish the signature matching guidelines required under

P
R
O
P
O
S
E
D

subsection c. of this section which each evaluator shall be required to follow in determining if mail-in voter signatures match.¹

²e. The Secretary of State shall, at least 30 days prior to the election, conduct a voter education campaign to inform voters about the signature matching and ballot curing provisions established by this act, P.L. , c. (pending before the Legislature as this bill), which campaign shall also exhort voters to update their contact information with their respective county board of elections, including their email address and telephone number, to enable the county board to contact the voter in case the need arises for the voter to cure their ballot.²

REPLACE SECTION 6 TO READ:

¹[4.] 6.¹ Section 23 of P.L.2009, c.79 (C.19:63-23) is amended to read as follows:

23. [As soon as practicable after each election] On an ongoing basis as each action is completed, the county clerk ²[and the board of elections]² shall mark in the Statewide voter registration system ²[and all duplicate voting records] , which will be shared with the free-access system,² to show that mail-in ballots were delivered or forwarded to the respective registered voters. ²[Pursuant to section 9 of P.L.2009, c.79 (C.19:63-9), whenever the clerk mails or hand-delivers a mail-in ballot, the county clerk shall input the information as such in the free-access system, including the date of mailing or delivery.]² For each mail-in ballot that has been voted, received and counted, the board of elections shall also, by reference to the certificates removed from the inner envelopes of such ballots, place the word "Voted" in the space provided in the Statewide voter registration system and duplicate voting record for recording the ballot number of the voter's ballot in the election. For each mail-in ballot that has been voted, received and rejected pursuant to section 17 of P.L.2009, c.79 (C.19:63-17), the board of elections shall mark as "Rejected" in the Statewide voter registration system, ²[the free-access system, and all duplicate voting records] which will be shared with the free-access system² . For each of the rejected mail-in ballots where the voter provided a cure and therefore were accepted, the board of elections shall provide an additional input as "Accepted" in the ²[same systems] Statewide voter registration system, which will be shared with the free access system² . In the case of the primary election for the general election, the board shall also cause to be noted in the proper space of the Statewide voter registration system or other record of voting form the first three letters of the name of the political party primary in which such ballot was voted. The record contained in the Statewide voter registration system and of voting forms in the original permanent registration binders shall be conformed to the foregoing entries in the duplicate forms.

(cf: P.L.2011, c.134, s.57)

OMIT SECTION 7 IN ITS ENTIRETY

P
R
O
P
O
S
E
D

INSERT NEW SECTIONS 7, 8, AND 9 TO READ:

²⁷. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read as follows:

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

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

b. The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of the envelope, affirmation statement, and written notice that is to accompany each provisional ballot. The envelope shall be of sufficient size to accommodate the provisional ballot, and the affirmation statement shall be affixed thereto in a manner that enables it to be detached once completed and verified by the county commissioner of registration. The statement shall require the voter to provide the voter's name, and to indicate whether the voter is registered to vote in a county but has moved within that county since registering to vote; or is registered to vote in the election district in which that polling place is located but the voter's registration information is missing or otherwise deficient; or indicate the voter has applied for a mail-in ballot and not received either the ballot or an explanation for not receiving such a ballot pursuant to notification by the county clerk or from the free-access system, or has applied for and received a mail-in ballot and has not transmitted it to the county board of elections or given it to a bearer for delivery to the county board before the time for the opening of the polls on the day of an election but wants, nevertheless, to vote in the election. The statement shall further require the voter to provide the voter's most recent prior voter registration address and address on the day of the election and date of birth. The statement shall include the statement: "I swear or affirm, that the foregoing statements made by me are true and correct and that I understand that any fraudulent voting may subject me to a fine of up to \$15,000, imprisonment up to five years or both, pursuant to R.S.19:34-11." It shall be followed immediately by spaces for the voter's signature

P
R
O
P
O
S
E
D

and printed name, and in the case of a name change, the voter's printed old and new name and a signature for each name, the date the statement was completed, political party affiliation, if used in a primary election, and the name of the person providing assistance to the voter, if applicable. Each statement shall also provide spaces for the voter's telephone number and email address, including language informing the voter that this contact information will be used to contact the voter concerning the acceptance or rejection of the ballot, and how the voter may cure a defect. A voter's telephone number and email address shall not be subject to public disclosure and shall not be considered a government record. Each statement shall also note the number of the election district, or ward, and name of the municipality at which the statement will be used. The Secretary of State shall prepare for inclusion in the affirmation statement language for the voter to submit the information required in the registration form described in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the county commissioner of registration to process the statement as a voter registration application, which shall be valid for future elections if the individual who submitted the provisional ballot is determined not to be a registered voter. The Secretary of State shall also prepare and shall provide language for any written instructions necessary to assure proper completion of the statement.

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

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

P
R
O
P
O
S
E
D

provisional ballots shall conform generally to the other ballots to be used in the election district for the primary election.

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

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

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

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

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

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

g. (Deleted by amendment, P.L.2011, c.134).²
(cf: P.L.2011, c.134, s.47)

P

R

O

P

O

S

E

D

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

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

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

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

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

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

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

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

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

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

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

P

R

O

P

O

S

E

D

identification information with the mail-in ballot. Failure to include such information with the mail-in ballot shall result in its rejection.

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

g. Any mail-in ballot that is sent to a qualified voter and that is returned to the county clerk for any reason shall be forwarded to the commissioner of registration, who shall so note the return in the voter record of that voter.²

(cf: P.L.2019, c.459, s.3)

²⁹. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to read as follows:

13. a. On the margin of the flap on the inner envelopes to be sent to mail-in voters there shall be printed a certificate in the following form:

CERTIFICATE OF MAIL-IN VOTER

I,, whose home address is

(print your name clearly) (street

....., DO HEREBY CERTIFY,

address or R.D. number) (municipality) subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot. I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET. However, a family member may assist me in doing so.

.....

(signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot.

.....

(signature of person providing assistance)

.....

(printed name of person providing assistance)

.....

.....

(address of person providing assistance)

b. On the margin of the flap on the inner envelope forwarded with any mail-in ballot intended to be voted in any primary election for the general election, as the case may be, there shall be printed a certificate in the following form:

CERTIFICATE OF MAIL-IN VOTER

I,, whose home address is.....

P
R
O
P
O
S
E
D

(print your name clearly) (street address or R.D. number)
(municipality)

....., DO HEREBY CERTIFY,
subject to the penalties for fraudulent voting, that I am the person who
applied for the enclosed ballot for the primary election of the
political party. I MARKED AND SEALED THIS BALLOT AND
CERTIFICATE IN SECRET. However, a family member may assist me
in doing so.

.....
(signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to
this voter and declare that I will maintain the secrecy of this ballot.

.....
(signature of person providing
assistance)

.....
(printed name of person
providing assistance)

.....
.....
(address of person providing
assistance)

c. The clerk of each county shall be permitted to print on or affix
to the margin of the flap on the inner envelope of the mail-in ballot
transmitted thereby to a mail-in ballot voter an alternative certificate,
substantially similar to the certificate provided for by subsection a. or b.
of this section, that permits the voter to certify the correctness of the
voter's name, street, mailing address or R.D. number, and municipality
as it appears on the label of the mail-in ballot received by the voter.

d. The certificates specified under subsections a., b., and c. of this
section shall also provide spaces for the voter's telephone number and
email address, including language informing the voter that this contact
information will be used to contact the voter concerning the acceptance
or rejection of the ballot, and how the voter may cure a defect. A voter's
telephone number and email address shall not be subject to public
disclosure and shall not be considered a public record.²

(cf: P.L.2018, c.72, s.6)

INSERT NEW SECTION 10 TO READ:

²10. Section 18 of P.L.2009, c.79 (C.19:63-18) is repealed.²

REPLACE SECTION 8 TO READ:

¹[6.] ²[8.¹ This] 11. Sections 1 through 6 and section 10 of this² act
shall take effect immediately ¹and shall apply to all future elections
occurring after the ²[bill's]² effective date^{1 2}of this act, and sections
7 through 9 shall take effect on February 1, 2021².

P
R
O
P
O
S
E
D