

[Second Reprint]

ASSEMBLY, No. 4276

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

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SYNOPSIS

Establishes "The Ballot Cure Act" to modify and establish various voting procedures.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on August 24, 2020, with amendments.

(Sponsorship Updated As Of: 8/27/2020)

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

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

9
10 1. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
11 read as follows:

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

16 The notice shall contain:

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

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

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

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

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

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

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

32 an explanation of the right of the voter to a provisional ballot,
33 including in the event that a mail-in ballot has been applied for and
34 not received or not transmitted to the county board of elections
35 before the day of any election, and the other circumstances under
36 which a voter has a right to a provisional ballot;

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

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

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

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

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 August 13, 2020.

²Assembly AAP committee amendments adopted August 24, 2020.

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

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

6 an explanation of the right of the voter to confidentially discover
7 the status of their ballot using the “Track My Ballot” user portal;

8 an explanation that “All ballots are counted and your vote
9 remains anonymous;”

10 an explanation of the right of the voter that if their ballot was
11 rejected, ²**[they will be notified]** a notice will be issued to the voter²
12 within ¹**[72** hours of the receipt of the ballot or, if the voter voted
13 using a provisional ballot, within 48 hours of the closing of the
14 polls by email, mail, or phone with the reason for rejection] ²⁴
15 hours after a decision is made to reject the ballot¹ . The voter will
16 have up to ¹**[5]** ²**[14** days after the close of the polls on Election
17 Day] 48 hours prior to the date for the final certification of the results
18 of the election² to provide a cure for their ballot;

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

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

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

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

44 b. The Secretary of State shall prescribe the form and specific
45 content of the voter information notice, which may be comprised of
46 more than one page. If the notice is comprised of more than one
47 page, each page shall be posted separately. For an election district

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

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

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

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

25 f. **【The provisions of this section shall not give rise to a legal**
26 **cause of action.】 Deleted by amendment, P.L. , c. (pending**
27 **before the Legislature as this bill)**

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

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

33

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

36 4. a. The **【Attorney General】** Secretary of State shall establish
37 a free-access system, such as a toll-free telephone number, an
38 Internet website or any combination thereof, that any individual
39 who casts a provisional ballot, mail-in ballot, or overseas ballot in
40 all elections where they are qualified to vote, may access to
41 ascertain whether the ballot of that individual was accepted for
42 counting and, if the vote was not counted, the reason for the
43 rejection of the ballot. The system shall at all times preserve the
44 confidentiality of each voter, and shall ensure that no person, other
45 than the individual who cast the ballot, may discover whether or not
46 that individual's ballot was accepted or rejected, unless so informed
47 by the voter.

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

4 **c.** To applicable situations, the free-access system shall record
5 the date that the mail-in ballot was mailed; the date that the
6 overseas ballot was mailed or transmitted via electronic mail; the
7 date the ballot was received; the notation that the ballot was
8 “Accepted” or “Rejected;” ²and² the code for rejection ²; the date
9 and method that the board of elections notified the voter (mail,
10 email, or phone) and, in cases where the ballot was initially
11 “Rejected” and the voter provided a cure as provided under section
12 17 of P.L.2009, c.79 (C.19:63-17), the date when the ballot was
13 “Accepted.” If no cure was provided successfully or at all, no other
14 input shall be required² .

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

20 **e.** The² Beginning on February 1, 2021, the² free-access system
21 shall provide a publicly viewable macro-report of the total number
22 of rejected ballots by county and by code along with the totals for
23 votes cast by mail-in ballot, overseas ballots, and total ballots cast.
24 This report shall be kept and made available on the Secretary of
25 State’s website for a period of 10 years.

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

27
28 3. Section 17 of P.L.2009, c.79 ¹[, s.17]¹ (C.19:63-17) is
29 amended to read as follows:

30 17. **a.** The county board of elections shall, promptly after
31 receiving each mail-in ballot, remove the inner envelope containing
32 the ballot from the outer envelope and shall compare the signature
33 and the information contained on the flap of the inner envelope with
34 the ²[digitized signature image] signature and information contained
35 in the respective requests for mail-in ballots, and the signature² and
36 information contained in the [respective requests for mail-in
37 ballots] Statewide voter registration system ²[¹and the New Jersey
38 Motor Vehicle Commission’s database¹]². In addition, as to mail-in
39 ballots issued less than seven days prior to an election, the county
40 board of elections shall also check to establish that the mail-in voter
41 did not vote in person. The county board shall reject such a ballot if
42 it is not satisfied, pursuant to a comparison with the Statewide voter
43 registration system, that the voter is legally entitled to vote and that
44 the ballot conforms with the requirements of this act. The county
45 board of elections shall conduct the determination of qualification
46 of each voter in accordance with the requirements of the Certificate

1 of Mail-in Voter pursuant to section 13 of P.L.2009, c.79 (C.19:63-
2 13).

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

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

25 Disputes about the qualifications of a mail-in voter to vote or
26 about whether or not or how any mail-in ballot shall be counted in
27 such election shall be referred to the Superior Court for
28 determination ¹, as provided under section ²~~["5"]~~ ⁴~~4~~² of P.L. , c.
29 (C.) (pending before the Legislature as this bill)¹.

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

40 The location at which a county board of elections determines
41 whether a mail-in ballot shall be accepted or rejected shall be
42 considered an election district for the purposes of appointment of
43 challengers.

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

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

5 ¹[(2) in rejecting a voter's ballot, shall notify the voter within
6 72 hours of the receipt of the ballot or, if the voter voted by
7 provisional ballot, within 48 hours of the closing of the polls, by
8 email, mail, or phone with the reason for rejection. The voter shall
9 have up to 5 days after the close of the polls on Election Day to
10 provide a cure for their ballot. The county board of elections shall
11 provide an explanation giving the options for the voter to provide
12 the cure to their rejected ballot. To the extent the county board of
13 elections cannot provide such explanation and give the voter
14 sufficient and reasonable time to provide a cure for their ballot
15 within the deadlines for the counting of ballots as established by
16 law, the county board of elections shall seek an order from a Judge
17 of the Superior Court to reasonably extend the deadlines consistent
18 with this State's liberal interpretation of election law statutes so as
19 to prevent voter disenfranchisement;

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

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

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

44 ²[(2)] (1)² within 24 hours after the decision has been made to
45 ²[tentatively reject or to]² reject a voter's mail-in or provisional
46 ballot ²on the basis of a missing signature or discrepant signature² ,
47 issue a "Cure Letter" ²by mail or email² to the voter whose ballot

1 was ²[tentatively rejected or]² rejected, which shall inform the
2 voter of that fact and provide the reasoning for rejection ², and
3 attempt to contact the voter by telephone, if a telephone number is
4 available² . The cure letter shall include a ²[pre-printed]² “Cure
5 Form” and the form shall include the voter’s name and instruct the
6 voter on how to cure the alleged or actual deficiency. Cure forms
7 shall not be referred to as affidavits or certifications and shall not be
8 required to be sworn;

9 ²[(3)] (2)² when the alleged or actual deficiency involves the
10 signature of the voter, instruct the voter that they may cure the
11 deficiency by completing the cure form and returning it to the
12 county board of elections in person, by fax, or by email, not later
13 than ²[14 days after the date] 48 hours prior to the final certification
14 of the results² of the election, or by returning it to the county board
15 of elections by mail, and that the completed cure form must be
16 received by the county board of elections not later than ²[14 days
17 after the date] 48 hours prior to the final certification of the results²
18 of the election;

19 ²[(4)] (3)² include, with the cure letter ²[and cure form,] ,
20 when sent by mail, a pre-printed cure form and² a postage-paid
21 return envelope addressed to the county board of elections which
22 the voter may use to return the cure form; and

23 ²[(5)] (4)² inform voters that they shall not be required to submit
24 any form of hard-copy identification document or copy thereof in
25 order to cure a signature deficiency, but may do so by declaring that
26 they submitted their provisional ballot or mail-in ballot, and
27 verifying their identity by either: (a) providing a valid New Jersey
28 driver’s license number or Motor Vehicle Commission non-driver
29 identification number; ²or² (b) ²if the voter does not have a valid
30 New Jersey driver’s license number or Motor Vehicle Commission
31 non-driver identification number, then by² providing the last four
32 digits of their Social Security Number; or (c) ²if the voter does not
33 have the identification in (a) or (b), then² attaching a legible copy of
34 a New Jersey State-accepted form of identification, including either
35 a sample ballot which lists the voter’s name and address, an official
36 federal, State, county, or municipal document which lists the voter’s
37 name and address, or a utility bill, telephone bill, or tax or rent
38 receipt which lists the voter’s name and address; and (d) signing
39 and dating the cure form prior to returning it.

40 c. If a voter ²[whose mail-in or provisional ballot was
41 tentatively rejected or rejected based solely on a signature
42 deficiency]² returns a completed cure form in a timely manner and
43 the information provided verifies the voter’s identity, pursuant to
44 this section, their otherwise valid mail-in or provisional ballot shall
45 be counted in the final election results irrespective of any signature
46 deficiency previously identified and, under those circumstances, the

1 cure form may not be verified or authenticated using signature
2 matching.

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

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

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

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

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

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

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

35
36 ¹4. (New section) a. Following the attempt to cure any alleged
37 deficiencies in a mail-in ballot pursuant to section 17 of P.L.2009,
38 c.79 (C.19:63-17), the county board of elections shall make a final
39 determination about ² [the qualifications of a mail-in voter and]
40 whether or not the mail-in ballot alleged to be deficient shall be
41 counted. The failure or alleged failure of any voter to cure alleged
42 deficiencies in the voter's mail-in ballot shall not create a
43 presumption that the vote is improper or invalid, nor shall it be
44 considered evidence that the vote is improper or invalid.

45 b. Following final determination under subsection a. of this
46 section, disputes about the qualifications of a voter to vote, or about

1 whether or not or how any mail-in ballot shall be counted in that
2 election, shall be referred to the Superior Court for determination.

3 ²[c. Upon referral to the Superior Court for determination, the
4 Superior Court shall set a date and time for a hearing during which
5 each of the county parties may designate an attorney to be present
6 and provide limited argument to the Superior Court as to the
7 qualifications of a mail-in voter to vote, or about whether or not or
8 how any mail-in ballot shall be counted in that election. Prior to any
9 hearing, the proofs presented to the Superior Court from the county
10 board of elections shall be provided to the designated representative
11 for each of the county parties. Any hearing shall be conducted in a
12 summary manner to which there shall be no right to additional
13 discovery or presentation of witnesses.¹²

14
15 ^{15.} (New section) a. The Secretary of State shall prepare
16 educational materials regarding the provisions of section 17 of
17 P.L.2009, c.79 (C.19:63-17) that all county boards of elections
18 persons handling ballots shall be required to read or view prior to
19 the election. The materials shall provide clear information regarding
20 the standards for acceptance and rejection of mail-in ballots and the
21 safe holding of all materials in the case of rejection.

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

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

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

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

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

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

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

1 d. The Secretary of State shall, not later than 14 days prior to
2 the election, publish the signature matching guidelines required
3 under subsection c. of this section which each evaluator shall be
4 required to follow in determining if mail-in voter signatures match.¹

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

13
14 ¹**[4.] 6.**¹ Section 23 of P.L.2009, c.79 (C.19:63-23) is
15 amended to read as follows:

16 23. **[As soon as practicable after each election]** On an ongoing
17 basis as each action is completed, the county clerk ²**[and the board**
18 **of elections]**² shall mark in the Statewide voter registration system
19 ²**[and all duplicate voting records]** , which will be shared with the
20 free-access system,² to show that mail-in ballots were delivered or
21 forwarded to the respective registered voters. ²**[Pursuant to section**
22 **9 of P.L.2009, c.79 (C.19:63-9), whenever the clerk mails or hand-**
23 **delivers a mail-in ballot, the county clerk shall input the**
24 **information as such in the free-access system, including the date of**
25 **mailing or delivery.]**² For each mail-in ballot that has been voted,
26 received and counted, the board of elections shall also, by reference
27 to the certificates removed from the inner envelopes of such ballots,
28 place the word "Voted" in the space provided in the Statewide voter
29 registration system and duplicate voting record for recording the
30 ballot number of the voter's ballot in the election. For each mail-in
31 ballot that has been voted, received and rejected pursuant to section
32 17 of P.L.2009, c.79 (C.19:63-17), the board of elections shall mark
33 as "Rejected" in the Statewide voter registration system, ²**[the free-**
34 **access system, and all duplicate voting records]** which will be
35 shared with the free-access system² . For each of the rejected mail-in
36 ballots where the voter provided a cure and therefore were accepted,
37 the board of elections shall provide an additional input as
38 "Accepted" in the ²**[same systems]** Statewide voter registration
39 system, which will be shared with the free access system² . In the case
40 of the primary election for the general election, the board shall also
41 cause to be noted in the proper space of the Statewide voter
42 registration system or other record of voting form the first three
43 letters of the name of the political party primary in which such
44 ballot was voted. The record contained in the Statewide voter
45 registration system and of voting forms in the original permanent

1 registration binders shall be conformed to the foregoing entries in
2 the duplicate forms.

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

4

5 ¹~~[5.]~~ ²~~[7.]~~¹ Section 24 of P.L.2009, c.79 (C.19:63-24) is
6 amended to read as follows:

7 24. The county board of elections shall keep, for two years, all
8 of the requests and applications for mail-in ballots, all voted mail-in
9 ballots, and all of the certificates that have been detached or
10 separated by them from the inner envelopes. The county board of
11 elections shall also keep, for two years, all of the rejected mail-in
12 ballots, accompanying outer and inner envelopes, and the self-
13 certification certificates that have been detached or separated by
14 them from the inner envelopes. These contents shall be kept in
15 bundles unique and belonging to individual voters, and shall be
16 made available for inspection by the voter for challenges. All inner
17 envelopes together with their certificates, and the contents of those
18 envelopes not opened by order of the county board or Superior
19 Court, shall also be retained for the same period by the board. The
20 superintendent of elections in counties having a superintendent of
21 elections and the prosecutor in all other counties shall have the
22 authority to impound all mail-in ballots whenever the
23 superintendent or prosecutor, as may be appropriate, shall deem
24 such action to be necessary.

25 (cf: P.L.2009, c.79, s.24)]²

26

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

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

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

1 b. The county clerk or the municipal clerk, in the case of a
2 municipal election, shall arrange for the preparation of the
3 envelope, affirmation statement, and written notice that is to
4 accompany each provisional ballot. The envelope shall be of
5 sufficient size to accommodate the provisional ballot, and the
6 affirmation statement shall be affixed thereto in a manner that
7 enables it to be detached once completed and verified by the county
8 commissioner of registration. The statement shall require the voter
9 to provide the voter's name, and to indicate whether the voter is
10 registered to vote in a county but has moved within that county
11 since registering to vote; or is registered to vote in the election
12 district in which that polling place is located but the voter's
13 registration information is missing or otherwise deficient; or
14 indicate the voter has applied for a mail-in ballot and not received
15 either the ballot or an explanation for not receiving such a ballot
16 pursuant to notification by the county clerk or from the free-access
17 system, or has applied for and received a mail-in ballot and has not
18 transmitted it to the county board of elections or given it to a bearer
19 for delivery to the county board before the time for the opening of
20 the polls on the day of an election but wants, nevertheless, to vote
21 in the election. The statement shall further require the voter to
22 provide the voter's most recent prior voter registration address and
23 address on the day of the election and date of birth. The statement
24 shall include the statement: "I swear or affirm, that the foregoing
25 statements made by me are true and correct and that I understand
26 that any fraudulent voting may subject me to a fine of up to
27 \$15,000, imprisonment up to five years or both, pursuant to
28 R.S.19:34-11." It shall be followed immediately by spaces for the
29 voter's signature and printed name, and in the case of a name
30 change, the voter's printed old and new name and a signature for
31 each name, the date the statement was completed, political party
32 affiliation, if used in a primary election, and the name of the person
33 providing assistance to the voter, if applicable. Each statement
34 shall also provide spaces for the voter's telephone number and
35 email address, including language informing the voter that this
36 contact information will be used to contact the voter concerning the
37 acceptance or rejection of the ballot, and how the voter may cure a
38 defect. A voter's telephone number and email address shall not be
39 subject to public disclosure and shall not be considered a
40 government record. Each statement shall also note the number of
41 the election district, or ward, and name of the municipality at which
42 the statement will be used. The Secretary of State shall prepare for
43 inclusion in the affirmation statement language for the voter to
44 submit the information required in the registration form described
45 in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the
46 county commissioner of registration to process the statement as a
47 voter registration application, which shall be valid for future
48 elections if the individual who submitted the provisional ballot is

1 determined not to be a registered voter. The Secretary of State
2 shall also prepare and shall provide language for any written
3 instructions necessary to assure proper completion of the statement.

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

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

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

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

1 respects, the provisional ballots shall conform generally to the other
2 ballots to be used in the election district for the general election.

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

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

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

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

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

32

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

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

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

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

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

45 The mail-in ballot application form prepared by the Secretary of
46 State shall present the two options in the order provided above. The
47 mail-in ballot application shall also provide spaces for the voter's
48 telephone number and email address, including language informing

1 the voter that this contact information will be used to contact the
2 voter concerning the acceptance or rejection of the ballot, and how
3 the voter may cure a defect. A voter's telephone number and email
4 address shall not be subject to public disclosure and shall not be
5 considered a government record.

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

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

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

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

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

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

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

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

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

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

6 CERTIFICATE OF MAIL-IN VOTER

7 I,, whose home address is

8 (print your name clearly) (street

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

15

16 (signature of voter)

17 Any person providing assistance shall complete the following:

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

21

22 (signature of person providing
23 assistance)

24

25 (printed name of person providing
26 assistance)

27

28

29 (address of person providing
30 assistance)

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

35 CERTIFICATE OF MAIL-IN VOTER

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

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

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

45

46 (signature of voter)

47 Any person providing assistance shall complete the following:

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

4
5 (signature of person providing
6 assistance)

7
8 (printed name of person
9 providing assistance)

10
11
12 (address of person providing
13 assistance)

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

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

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

31

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

33

34 ¹[6.] ²[8.] ¹This 11. Sections 1 through 6 and section 10 of
35 this² act shall take effect immediately ¹and shall apply to all future
36 elections occurring after the ²[bill's]² effective date¹ ²of this act,
37 and sections 7 through 9 shall take effect on February 1, 2021².