

[First Reprint]

SENATE, No. 3758

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Co-Sponsored by:

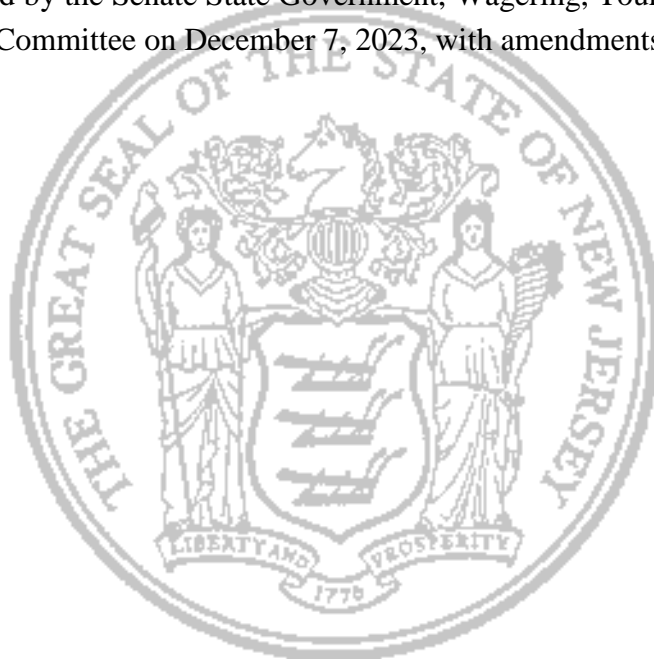
Senator Pou and Assemblyman Atkins

SYNOPSIS

Changes deadline for unaffiliated mail-in voters to declare their political party before primary election.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on December 7, 2023, with amendments.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning political party declaration for unaffiliated
2 voters before a primary election and amending R.S.19:23-45 and
3 P.L.1976, c.16.

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

7
8 1. R.S.19:23-45 is amended to read as follows:

9 19:23-45. No voter shall be allowed to vote at the primary
10 election unless his name appears in the signature copy register.

11 A voter who votes in a primary election of a political party or
12 who signs and files with the municipal clerk or the county
13 commissioner of registration a declaration that the voter desires to
14 vote in the primary election of a political party, or who indicates on
15 a voter registration form the voter's choice of political party
16 affiliation and submits the form to the commissioner of registration
17 of the county wherein the voter resides, to the employees or agents
18 of a public agency, as defined in subsection a. of section 15 of
19 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
20 defined in subsection a. of section 26 of P.L.1994, c.182
21 (C.19:31-6.11), or to the Secretary of State, either on a paper form
22 or an electronic form using the online voter registration system
23 established under section 1 of P.L.2019, c.382 (C.19:31-6.4c), shall
24 be deemed to be a member of that party until the voter signs and
25 files with the municipal clerk or the commissioner of registration a
26 declaration that the voter desires to vote in the primary election of
27 another political party at which time the voter shall be deemed to be
28 a member of such other political party. The Secretary of State shall
29 cause to be prepared political party affiliation declaration forms and
30 shall provide such forms to the commissioners of registration of the
31 several counties and to the clerks of the municipalities within such
32 counties.

33 No voter, except a newly registered voter at the first primary at
34 which the voter is eligible to vote, or a voter who has not previously
35 voted in a primary election, may vote in a primary election of a
36 political party unless the voter was deemed to be a member of that
37 party on the 55th day next preceding such primary election.

38 Notwithstanding the provisions of this section, or any law, rule,
39 or regulation to the contrary, a voter who is listed to receive mail-in
40 ballots for all future elections, pursuant to the provisions of section
41 3 of P.L.2009, c.79 (C.19:63-3) or section 14 of P.L.2018, c.72
42 (C.19:63-3.1), and who is not affiliated with any political party,
43 shall not receive a mail-in ballot for a primary election. Such
44 unaffiliated mail-in voters shall receive a political party affiliation
45 declaration form and information concerning how to affiliate with a

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:

¹Senate SSG committee amendments adopted December 7, 2023.

1 political party, how to vote by mail in the primary election, and how
2 to vote in person at a polling place on the day of a primary election.
3 '[Such an] Any' unaffiliated '[mail-in]' voter, who is not
4 affiliated with any political party, may vote using a mail-in ballot in
5 a primary election if the voter submits a political party affiliation
6 declaration form to the municipal clerk or the county commissioner
7 of registration and 'has requested or' requests a mail-in ballot prior
8 to the deadline in which a voter may apply 'to the county clerk for a
9 mail-in ballot by mail pursuant to subsection b. of section 3 of
10 P.L.2009, c.70 (C.19:63-3), or' in person '[to the county clerk for a
11 mail-in ballot,]' pursuant to subsection d. of section 3 of P.L.2009,
12 c.79 (C.19:63-3). The Secretary of State shall cause to be prepared
13 uniform language for such notifications. The commissioners of
14 registration and the county clerks of the several counties and the
15 clerks of the municipalities within such counties shall distribute
16 such forms and information to such registered voters.

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

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

34 Any person voting in the primary ballot box of any political
35 party in any primary election in contravention of the election law
36 shall be guilty of a disorderly persons offense, and any person who
37 aids or assists any such person in such violation by means of public
38 proclamation or order, or by means of any public or private
39 direction or suggestions, or by means of any help or assistance or
40 cooperation, shall likewise be guilty of a disorderly persons offense.
41 (cf: P.L.2022, c.69, s.1)

42

43 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
44 read as follows:

45 2. a. The county commissioner of registration in each of the
46 several counties shall cause a notice to be published in each
47 municipality of their respective counties in a newspaper or

1 newspapers circulating therein. The notice to be so published shall
2 be published once during each of the two calendar weeks next
3 preceding the week in which the 55th day next preceding the
4 primary election of a political party occurs.

5 b. (1) The notice required to be published by the preceding
6 paragraph shall inform the reader thereof that:

7 (a) no voter, except a newly registered voter at the first primary
8 at which the voter is eligible to vote, or a voter who has not
9 previously voted in a primary election may vote in a primary
10 election of a political party unless the voter was deemed to be a
11 member of that party on the 55th day next preceding such primary
12 election;

13 (b) a voter who is listed to receive mail-in ballots for all future
14 elections, pursuant to the provisions of section 3 of P.L.2009, c.79
15 (C.19:63-3) or section 14 of P.L.2018, c.72 (C.19:63-3.1), and who
16 is not affiliated with any political party shall not receive a mail-in
17 ballot for a primary election. Such unaffiliated mail-in voters shall
18 receive a political party affiliation declaration form and information
19 concerning how to affiliate with a political party, how to vote by
20 mail in the primary election, and how to vote in person at a polling
21 place on the day of a primary election. ¹~~Such an~~ Any¹
22 unaffiliated ¹~~mail-in~~¹ voter, who is not affiliated with any
23 political party, may vote using a mail-in ballot in a primary election
24 if the voter submits a political party affiliation declaration form to
25 the municipal clerk or the county commissioner of registration and
26 has requested or¹ requests a mail-in ballot prior to the deadline in
27 which a voter may apply ¹to the county clerk for a mail-in ballot by
28 mail pursuant to subsection b. of section 3 of P.L.2009, c.79
29 (C.19:63-3), or¹ in person ¹~~to the county clerk for a mail-in~~
30 ballot,¹ pursuant to subsection d. of section 3 of P.L.2009, c.79
31 (C.19:63-3); and

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

1 another political party, at which time the voter shall be deemed to
2 be a member of such other political party, or that the voter chooses
3 not to be affiliated with any political party.

4 (2) The notice shall also state the time and location where a
5 person may obtain political party affiliation declaration forms or
6 voter registration forms.

7 (cf: P.L.2022, c.69, s.2)

8

9 3. This act shall take effect immediately.