SYNOPSIS
Permits registered voters to receive mail-in ballots automatically for all elections under certain conditions; limits number of sample ballots transmitted to each residence.

CURRENT VERSION OF TEXT
As amended by the Senate on December 15, 2011.
AN ACT concerning mail-in and sample ballots, amending various parts of Title 19 of the Revised Statutes, and supplementing P.L.2009, c.79 (C.19:63-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

   a. A qualified voter shall be entitled to vote using a mail-in ballot in any election held in this State.
   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. (1) A voter who wishes to vote only by mail-in ballot in all future [general] elections, including general elections, in which the voter is eligible to vote, and who states that on an application for a mail-in ballot, shall be furnished such a ballot by the county clerk without further request on the part of the voter and until the voter requests that the voter no longer be sent a mail-in ballot. A voter shall also have the option to indicate on an application for a mail-in ballot that the voter would like to receive such a ballot for each election that takes place during the remainder of the calendar year in which the application is completed and submitted] future general elections only ] or future municipal elections only [1]. A voter who exercises [this] [either this] [1] option shall be furnished with a mail-in ballot for each future general election [that takes place during the remainder of the calendar year] [for each future municipal election only] [1] without further request by the voter. 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:

Senate floor amendments adopted December 15, 2011.
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 identification information with the mail-in ballot. Failure to include such information with the mail-in ballot shall result in its rejection.

(2) In the event that a voter who has requested a mail-in ballot for all future elections does not complete and return such a ballot for canvassing for two consecutive elections following the election at which the voter last voted, the voter shall be treated as if he or she requested a mail-in ballot for future general elections only and shall continue to be furnished with mail-in ballots for future general elections in accordance with paragraph (3) of this subsection, and the ability of such a voter to receive a mail-in ballot for future elections other than general elections shall be suspended until the voter submits a new application for such a ballot that indicates that the voter wishes to receive a ballot for all future elections.

(2) (3) In the event that a voter who has requested a mail-in ballot for all future general elections only does not complete and return such a ballot for canvassing for the fourth general election following the general election at which the voter last voted, the county clerk shall send a notice to that voter to ascertain whether he or she continues to reside at the address from which that voter is registered to vote and continues to be eligible to vote. If the notice is not completed and returned by the voter to the clerk before the 45th day prior to the next general election, a mail-in ballot shall not be sent to the voter for that general election. The ability of such a voter to receive a mail-in ballot for all future general elections only shall be suspended until the voter submits a new application for such a ballot that indicates that the voter wishes to receive a ballot for all future general elections only or for all future elections.

(4) In the event that a voter who has requested a mail-in ballot for future municipal elections only in those municipalities that hold such elections pursuant to the “Uniform Nonpartisan Elections Law,” P.L.1981, c.379 (C.40:45-5 et seq.), does not complete and return such a ballot for canvassing for the fourth such election following the municipal election at which the voter last voted, the county clerk shall send a notice to that voter to ascertain whether he or she continues to reside at the address from which that voter is registered to vote and continues to be eligible to vote. If the notice is not completed and returned by the voter to the clerk before the 45th day prior to the next municipal election, a mail-in ballot shall not be sent to the voter for that municipal election. The ability of such a voter to receive a mail-in ballot for future municipal elections only shall be suspended until the voter submits a new
application for such a ballot that indicates that the voter wishes to receive a ballot for future municipal elections only.

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 whose registration file has been transferred to the deleted file pursuant to R.S.19:31-19.

cf: P.L.2009, c.79, s.3

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

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

NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

If you are a qualified and registered voter of the State who wants to vote by mail in the... (school, municipal, primary, general, or other) election to be held on... (date of election) complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a mail-in ballot be forwarded to you. The request must state your home address and the address to which the ballot should be sent. The request must be dated and signed with your signature.

If any person has assisted you to complete the mail-in ballot application, the name, address and signature of the assistor must be provided on the application, and you must sign and date the application for it to be valid and processed. No person shall serve as an authorized messenger for more than 10 qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot may provide any assistance in the completion of the ballot or may serve as an authorized messenger or bearer.

No mail-in ballot will be provided to any applicant who submits a request therefor by mail unless the request is received at least seven days before the election and contains the requested information. A voter may, however, request an application in person from the county clerk up to 3 p.m. of the day before the election. Voters who want to vote only by mail in all future elections in which they are eligible to vote and who state that on their application shall, after their initial request and without further action on their part, be provided a mail-in ballot by the county clerk.
until the voter requests that the voter no longer be sent such a ballot. A voter’s failure to vote in two consecutive elections following the election at which the voter last voted will result in the suspension of that voter’s ability to receive a mail-in ballot for all future elections other than the general election, unless a new application is completed and filed with the county clerk.

Voters who want to vote only by mail in all future general elections only in which they are eligible to vote, and who state that on their application shall, after their initial request and without further action on their part, be provided a mail-in ballot by the county clerk until the voter requests that the voter no longer be sent such a ballot. A voter’s failure to vote in the fourth general election following the general election at which the voter last voted may result in the suspension of that voter’s ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk.

Voters also have the option of indicating on their mail-in ballot applications that they would prefer to receive mail-in ballots for each election that takes place during the remainder of this calendar year. Voters who exercise this option will be furnished with mail-in ballots for each election that takes place during the remainder of this calendar year, without further action on their part.

A voter’s failure to vote in the fourth general election following the general election at which the voter last voted may result in the suspension of that voter’s ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk.

A voter’s failure to vote in the fourth municipal election following the municipal election at which the voter last voted may result in the suspension of that voter’s ability to receive a mail-in ballot for future municipal elections unless a new application is completed and filed with the county clerk.

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

Dated.....................................................
............................................................................
.....................................
(address of county clerk)
.....................................
(telephone no. of county clerk)

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

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

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

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

Notices relating to any Statewide or countywide election shall be published in at least two newspapers published in each county. All officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held, or if no newspaper is published in the municipality or district, then in a newspaper published in the county and circulating in the municipality or district. All such notices shall be display advertisements.

(cf: P.L.2011, c.134, s.50)

3. (New section) a. Any voter who has opted to receive a mail-in ballot for all future elections, or for future general elections only 'or for future municipal elections only]', pursuant to law, and has not returned a voted ballot to the county board of elections but
appears at the polling place to which the voter would be assigned if
voting in person on the day of a general election or any other
election, shall be permitted to vote in person by provisional ballot
pursuant to section 20 of P.L.2009, c. 79 (C.19:63-20).

b. Following the election, the voter shall be removed from the
list of voters who automatically receive a mail-in ballot for all
future elections, or for future general elections only [or future
municipal elections only] 1, as the case may be.

c. In order to again receive a mail-in ballot for all future
elections, or for future general elections only [or future municipal
elections only] 1, the voter shall be required to apply in the manner
provided by law to be placed on the list of voters who wish to
receive a mail-in ballot for such elections.

4. R.S.19:14-21 is amended to read as follows:

   19:14-21. The county clerk shall cause samples of the official
general election ballot to be printed in English, but for each election
district within the county in which the primary language of 10% or
more of the registered voters is Spanish, shall cause samples of the
official general election ballot to be printed bilingually in English
and Spanish.

   a. In counties not having a superintendent of elections where
   the county board of elections does not have the equipment or
   facilities to address and mail sample ballot envelopes, the county
   clerk not later than noon of the eighth day prior to the general
   election shall furnish to the municipal clerk of each municipality in
   his county one and one-tenth times as many such sample ballots and
   stamped envelopes as there are voters registered in the case of the
general election and the municipal election, and in the case of any
other election as many ballots and envelopes as there are residence
addresses where at least one resident is a registered voter, less the
number of voters who have been sent a confirmation notice
pursuant to subsection d. of R.S.19:31-15 and have not responded,
to enable each district board in each municipality to mail one of
such sample ballots to each voter who is registered in the
municipality in the case of the general election and the municipal
election, and in the case of any other election to each residence
address where at least one resident thereof is a registered voter in
the municipality, except those voters who have been sent a
confirmation notice pursuant to subsection d. of R.S.19:31-15 and
have not responded, for such election and shall take a receipt for the
same from each of the municipal clerks, which receipt shall indicate
the number of such sample ballots and stamped envelopes delivered
by the county clerk and the date and hour of their delivery.

b. In counties having a superintendent of elections, and in other
counties where the county board of elections may have the
equipment or facilities to prepare a properly stamped envelope
addressed to each registered voter in the county in the case of the
general election and municipal election, and in the case of any other
election to each residence address where at least one resident
thereof is a registered voter in the county for mailing, the county
clerk, not later than the thirtieth day preceding the general election,
shall furnish to the commissioner of registration located in his
county one and one-tenth times as many stamped envelopes as there
are registered voters in the county for mailing, the county clerk, not later than the thirtieth day preceding the general election,
and the municipal election, and in the case of any other election for
each residence address where at least one resident is a registered
voter in the county, less the number of voters who have been sent a
confirmation notice pursuant to subsection d. of R.S.19:31-15 and
have not responded, and not later than noon of the twelfth day
preceding the general election shall furnish to the commissioner of
registration located in the county, one and one-tenth times as many
sample ballots as there are registered voters in the county for mailing, the county clerk, not later than noon of the twelfth day preceding the general election shall furnish to the commissioner of
registration located in his county, one and one-tenth times as many
sample ballots as there are registered voters in the county in the case of the general election and the municipal election, and in the case of any other election for
each residence address where at least one resident is a registered
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c. The county clerk in counties having a superintendent of
elections shall also deliver to the county board not later than the
twelfth day preceding the general election 10 such sample ballots of
each election district of each municipality in the county.

d. Notwithstanding any other provision of this section, in all
elections: (1) whenever registered voters having different surnames
reside at the same residence address, each registered voter at that
residence address shall be mailed a separate sample ballot; and (2)
every registered voter whose mailing address is a post office box
shall be mailed a separate sample ballot.

(cf: P.L.2009, c.110, s.1)
members of each of the district boards shall prepare and deposit in
the post office, on or before 12 noon on Wednesday preceding the
general election day, a properly stamped envelope containing a
copy of the sample ballot printed in English, addressed to each
registered voter in the case of the general election and the municipal
election, and in the case of any other election to each residence
address where at least one resident thereof is a registered voter in
the district of such board at the address shown on the register,
except that for districts in which the primary language of 10% or
more of the registered voters is Spanish, a properly stamped
envelope containing a copy of the bilingual sample ballot,
addressed to each registered voter in the case of the general election
and the municipal election, and in the case of any other election to
each residence address where at least one resident thereof is a
registered voter in the district of such board at the address shown on
the register shall be prepared and deposited. The board shall also
post the appropriate sample ballots in the polling place in its
district.

The board shall return to the municipal clerk all ballots and
envelopes not mailed or posted by it, with a sworn statement in
writing signed by a majority of the board that all the remainder of
such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other
counties where the county board of elections shall elect to operate
under the provisions of subsection b. of section 19:14-21 of this
Title, the commissioner of registration shall prepare and deposit in
the post office on or before 12:00 o'clock noon, on the Wednesday
preceding the general election day, a properly stamped envelope
containing a copy of the sample ballot printed in English addressed
to each registered voter in the case of the general election and the
municipal election, and in the case of any other election to each
residence address where at least one resident thereof is a registered
voter in the county at the address shown on the registry, except that
for districts in which the primary language of 10% or more of the
registered voters is Spanish, a properly stamped envelope
containing a copy of the bilingual sample ballot, addressed to each
registered voter in the case of the general election and the municipal
election, and in the case of any other election to each residence
address where at least one residence thereof is a registered voter in
the district of such board at the address shown on the register shall
be prepared and deposited. The commissioner of registration shall
return to the county clerk all ballots and envelopes not mailed or
posted by him, with a sworn statement in writing signed by him
that all the remainder of such ballots and envelopes have been
mailed.

The county board of elections, in all counties having a
superintendent of elections, and in other counties where the county
board of elections shall elect to operate under the provisions of
subsection b. of section 19:14-21 of this Title, shall, not later than
noon of the second Monday preceding the election, deliver or mail
to the members of the district board three appropriate sample ballots
for their respective election district. The board shall post the
appropriate sample ballots in the polling place in its district.

Notwithstanding any other provision of this section, in all
elections: (1) whenever registered voters having different surnames
reside at the same residence address, each registered voter at that
residence address shall be mailed a separate sample ballot; and (2)
every registered voter whose mailing address is a post office box
shall be mailed a separate sample ballot.

(cf:  P.L.1974, c.30, s.3)

6. R.S.19:14-27 is amended to read as follows:

19:14-27. Except as provided by section 19:14-33 of this Title,
when any question or proposition shall be submitted to the people
of the State at any general election or at any election held to vote on
a constitutional amendment, there shall be mailed to each registered
voter in the case of the general election and the municipal election,
and in the case of any other election to each residence address
where at least one resident thereof is a registered voter, in the same
envelope with the sample ballot a printed copy of the act of the
Legislature or constitutional amendment which is so submitted;
provided, however, in counties where sample ballots are so folded
that they can be mailed to [the registrants] each such registered
voter or residence address as appropriate without being inserted in
envelopes, as permitted by section 19:49-4 of this Title, the
commissioner of registration shall make such arrangements for
mailing the printed copy of the act of the Legislature or
constitutional amendment as are practical to enable each
registrant such registered voter or residence address to receive a
copy thereof.

Notwithstanding any other provisions of this section, in all
elections: (1) whenever registered voters having different surnames
reside at the same residence address, each registered voter at that
residence address shall be mailed a separate sample ballot; and (2)
every registered voter whose mailing address is a post office box
shall be mailed a separate sample ballot.

(cf:  P.L.1947, c.53, s.1)

7. R.S.19:23-30 is amended to read as follows:

19:23-30. a. In counties not having a superintendent of
elections where the county board of elections does not have the
equipment or facilities to address and mail sample ballot envelopes,
the municipal clerk shall cause to be printed as herewith prescribed
a sufficient number of official primary sample ballots of each
political party in each election district and shall furnish a sufficient
number of stamped envelopes to enable every district board to mail
one copy of such ballot of each political party to each [voter who is
registered] residence address where at least one resident thereof is a
registered voter in the district for the primary election, less the
number of voters who have been sent a confirmation notice
pursuant to subsection d. of R.S.19:31-15 and have not responded.
The municipal clerk shall deliver to the county clerk in all counties
and the county board in counties having a superintendent of
elections one official primary sample ballot of each political party
for each district in his municipality. The cost of printing the
official primary sample ballots and the stamped envelopes therefor
shall be paid by the respective municipalities.

b. In counties having a superintendent of elections, and in other
counties where the county board of elections may have the
equipment or facilities to prepare a properly stamped envelope
addressed to each [registered voter] residence address where at
least one resident thereof is a registered voter in the county for
mailing, the municipal clerk shall cause to be printed as herewith
prescribed a sufficient number of official primary sample ballots of
each political party for each election district and shall furnish a
sufficient number of stamped envelopes to enable the commissioner
of registration of the county to mail one copy of such ballot of each
political party to each [voter who is registered] residence address
where at least one resident thereof is a registered voter in the
district for the primary election, less the number of voters who have
been sent a confirmation notice pursuant to subsection d. of
R.S.19:31-15 and have not responded. The municipal clerk shall
also deliver to the county board ten official primary sample ballots
of each political party for each district in his municipality. The cost
of printing of the official primary sample ballots and stamped
envelopes therefor shall be paid for by the respective municipalities.
County boards of elections which elect to operate under the
provisions of this paragraph shall notify their respective municipal
clers in sufficient time to enable them to make the necessary
arrangements the first year.

c. Notwithstanding any other provisions of this section, in all
elections: (1) whenever registered voters having different surnames
reside at the same residence address, each registered voter at that
residence address shall be mailed a separate sample ballot; and (2)
every registered voter whose mailing address is a post office box
shall be mailed a separate sample ballot.
(cf: P.L.2009, c.110, s.2)

8. R.S.19:23-33 is amended to read as follows:
19:23-33. In counties not having a superintendent of elections
where the county board of elections does not have the equipment or
facilities to address and mail sample ballot envelopes, the municipal
clerk in each municipality shall furnish to a member of each district
board in his municipality, at his office, or in any other way that he
sees fit, on or before Tuesday preceding the primary election in each year, sufficient sample ballots and sufficient stamped envelopes to enable the board to mail sample ballots to the [voters] residence addresses where at least one resident is a registered voter as hereinbefore provided. Each of the boards shall give the municipal clerk a receipt for such sample ballots and envelopes signed by one of its members.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:23-30 of this Title, the municipal clerk in each municipality shall furnish to the commissioner of registration of his county not later than thirty days preceding the primary election of each year, sufficient stamped envelopes to enable the commissioner of registration to mail sample ballots to [each voter who is registered] the residence address where at least one resident thereof is a registered voter in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and shall, not later than noon of the twelfth day preceding the primary election furnish sufficient sample ballots to the commissioner of registration of his county for that purpose. The commissioner of registration shall give the municipal clerk a receipt for such sample ballots and envelopes.

Notwithstanding any other provisions of this section, in all elections: (1) whenever registered voters having different surnames reside at the same residence address, each registered voter at that residence address shall be mailed a separate sample ballot; and (2) every registered voter whose mailing address is a post office box shall be mailed a separate sample ballot.

(cf: P.L.2009, c.110, s.3)

9. R.S.19:23-34 is amended to read as follows:

19:23-34. Each of such district boards, in counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, and the commissioner of registration in all other counties, shall prepare and deposit in the post office, on or before twelve o’clock noon on Wednesday preceding the primary day, the stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each [voter whose name] residence address where the name of at least one resident thereof appears in the primary election registry book.

Notwithstanding any other provisions of this section, in all elections: (1) whenever registered voters having different surnames reside at the same residence address, each registered voter at that residence address shall be mailed a separate sample ballot; and (2) every registered voter whose mailing address is a post office box
shall be mailed a separate sample ballot.

(cf: P.L.1947, c.168, s.11)

10. Section 12 of P.L.1974, c.26 (C.19:44A-37) is amended to read as follows:

12. The Election Law Enforcement Commission shall, on or before the forty-fifth day prior to the date on which the general election is to be held, supply each county clerk with the text of statements from each candidate for election to the office of Governor. Each candidate for the office of Governor who wishes a statement mailed on his behalf shall submit to the commission, on forms provided by it, his proposed statement which shall not exceed 500 words in length. Each county clerk shall cause the statements submitted by all such candidates to be printed and mailed with the sample ballot for the general election to each registered voter in the county with a short explanation prepared by the commission that such statements are provided pursuant to this law to assist the voters of this State in making their determination among the candidates for the office of Governor. The cost of printing and mailing such statements shall be paid for by the counties; except that any cost to the counties resulting from the printing and mailing of such statements shall be reimbursed from State funds appropriated to the commission for that purpose on claim therefor made by the county clerk to the commission.

Whenever registered voters having different surnames reside at the same residence address, the separate sample ballot mailed to each registered voter at that residence address shall contain the statements submitted by all such candidates.

Whenever the mailing address of a registered voter is a post office box, the separate sample ballot mailed to that voter shall contain the statements submitted by all such candidates.

(cf: P.L.1980, c.74, s.12)

11. R.S.19:49-4 is amended to read as follows:

19:49-4 a. (1) The officer or officers whose duty it may be under this subtitle to provide and furnish official ballots for any polling place where a voting machine is to be used shall also provide 2 sample ballots or more, or instruction ballots, which sample or instruction ballot shall be arranged in the form of a diagram showing such portion of the face of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample or instruction ballots shall be open to the inspection of all voters on election day, in all elections where voting machines are used.

(2) For election districts in which the primary language of 10% or more of the registered voters is Spanish, the officer or officers whose duty it may be under this subtitle to provide and furnish official ballots for any polling place where a voting machine is to be
used shall also provide 2 sample ballots or more, or instruction
ballots, printed bilingually in English and Spanish. Such sample or
instruction ballots shall be open to the inspection of all voters on
election day, in appropriate election districts, in all elections where
voting machines are used.

b. There shall be furnished a sufficient number of sample
ballots printed entirely in black ink, a facsimile of the face of the
machine, of a reduced size, one of which sample ballots shall be
mailed to each registered voter in the case of the general election
and the municipal election, and in the case of any other election to
the residence address where at least one resident thereof is a
registered voter, except that for election districts in which the
primary language of 10% or more of the registered voters is
Spanish, sample ballots printed bilingually in English and Spanish
shall be mailed to each such registered voter or residence address,

as appropriate. Any reference to sample ballot envelopes in any
section of this Title to the contrary notwithstanding, in all counties
where voting machines are used and wherein the commissioner of
registration has the facilities to mail out sample ballots direct to

[(the registrants of) each registered voter in the case of the general
election and the municipal election, and in the case of any other
election to the residence address where at least one resident thereof
is a registered voter in such county and has elected so to do, as
otherwise in this Title provided, the commissioner of registration in
any such county may request the county clerk of such county to
have the sample ballots prepared in the manner following:

(1) The county clerk shall have said sample ballots for all
general and special elections printed in such manner that, when
folded, the words "Official General Election Sample Ballot" or as
the case may be, shall appear on the reverse side thereof, together
with the words "In cases where the sample ballot is to be sent to an
addressee who, or a residence address which, does not receive [his]
mail by delivery to [his home] the addressee's home or the
residence address or through rural free delivery "if not delivered
within 5 days return to the commissioner of registration' and in all
other cases "if not delivered within 2 days return to the
commissioner of registration.' Do not Forward. Return Postage
Guaranteed" over the return address of the commissioner of
registration. Such portion of the ballot may contain such additional
words that conform with United States Postal regulations that will
prevent such envelope from being forwarded to [the voter at] any
other address than that appearing on the envelope, and that will
cause such envelope to be returned to the commissioner of
registration, with information thereon from the post office showing
the reason for nondelivery.

(2) The county clerk in drawing the specifications for the
printing of the official primary ballots shall include the requirement
that the municipal clerks shall have primary sample ballots printed
in such manner that, when folded, the words "Official Primary Election Sample Ballot" shall appear on the reverse side thereof, together with the words "In cases where the sample ballot is to be sent to an addressee who, or a residence address which, does not receive [his] mail by delivery to [his home] the addressee’s home or to the residence address or through rural free delivery "if not delivered within 5 days return to the commissioner of registration’ and in all other cases "if not delivered within 2 days return to the commissioner of registration.' Do Not Forward. Return Postage Guaranteed" over the return address of the commissioner of registration. Such portion of the ballot may contain such additional words that conform with United States Postal regulations that will prevent such envelope from being forwarded to [the voter at] any other address than that appearing on the envelope, and that will cause such envelope to be returned to the commissioner of registration, with information thereon from the post office showing the reason for nondelivery.

(3) Five sample ballots shall be posted as now required by law.

c. For all general and special elections the county clerk, and for all primary and municipal elections the municipal clerks, shall, at least 30 days preceding any such election, make the arrangements necessary to be made with the postmaster or postmasters in their respective counties and municipalities to have the said sample ballots mailed under the postal laws and regulations, and forthwith notify the said commissioner of registration in writing to that effect.

d. Notwithstanding any other provisions of this section, in all elections: (1) whenever registered voters having different surnames reside at the same residence address, each registered voter at that residence address shall be mailed a separate sample ballot; and (2) every registered voter whose mailing address is a post office box shall be mailed a separate sample ballot.

(cf: P.L.1974, c.30, s.14)

12. This act shall take effect on January 1, 2013.