

R.S. 19: 57-28

January 5, 1966

LEGISLATIVE HISTORY OF R.S. 19:57-28
(Absentee ballots - incomplete and/or in writing)

L. 1953, Chapter 211 - S115 - § 27

Introduced January 26 by Messrs. Young, Van Alstyne, Sittell & Wallace.
Amended during passage (This section not altered).
Statement on bill (copy enclosed).

COPY NO. 1

No reports or hearings on this bill could be located.

Enclosed is a copy of Council of State Governments.

Suggested State Legislation,
Program for 1954. See pp. 7-13
for the program re: absentee voting.

~~1953.9~~
~~C68~~
~~1954~~

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165
C68

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77 vote in this State, and repealing 'An act to afford certain voters of this
 78 State, who are in the military service and in certain services auxiliary to
 79 and associated therewith, and in certain veterans' hospitals, in time of war,
 81 an opportunity to vote in certain elections to be held in this State notwith-
 82 standing that such voters may be absent on election day from the respective
 83 election district in which they reside, and supplementing Title 19 of the Re-
 84 vised Statutes,' approved February twelfth, one thousand nine hundred and
 85 forty-five (P. L. 1945, c. 11), and supplementing Title 19 of the Revised Stat-
 86 utes,' approved February eighteenth, one thousand nine hundred and forty-
 87 eight (P. L. 1948, c. 1),' approved April twenty-eighth, one thousand nine
 88 hundred and forty-nine (P. L. 1949, c. 54),' approved May twenty-sixth,
 89 one thousand nine hundred and fifty (P. L. 1950, c. 146).

90 The repeal of the foregoing acts shall not be construed to revive any act
 91 or acts repealed by such acts.

1 38. If any clause, sentence, paragraph, section or part of this act shall be
 2 adjudged by any court of competent jurisdiction to be invalid, such judgment
 3 shall not affect, impair or invalidate the remainder thereof, but shall be con-
 4 fined in its operation to the clause, sentence, paragraph, section or part
 5 thereof directly involved in the controversy in which such judgment shall have
 6 been rendered.

1 39. This act shall take effect July first, one thousand nine hundred and
 2 fifty-three.

STATEMENT

This absentee voting law would carry out the objectives set forth on this
 subject in the Annual Message to the Legislature by Governor Alfred E. Dris-
 coll. The bill is designed to make absentee voting as simple as possible, subject
 only to necessary safeguards against the possibility of fraud or abuse. The plan
 of the bill is also intended to minimize the cost of administering the absentee
 voting system for civilians by conforming as closely as possible to the tested
 provisions of our military service voting law, including provisions for an identi-

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cal ballot, stamped either "civilian" or "military," as the case may be, to be furnished to both classes of absentee voters.

The process of absentee voting available to any registered voter would be as follows:

1. Application for an absentee ballot could be made in person or by letter by any person who expected to be out of the State on election day or to be physically unable to vote in person in his election district. The application could be made at any time not less than three days prior to an election. No affidavit or other formality would be required to obtain the absentee ballot, other than a simple written request giving the name and address of the registered voter, and his signature. This conforms with the principle of the soldier voting law.

2. Requests for absentee ballots would be filed by the county clerk, as in the case of military service ballots, after satisfying himself of the validity of the signature upon comparison with the sample signature in the permanent registration binder. The county clerk would certify to the commissioner of registration from time to time the names and addresses of all those to whom he has furnished absentee ballots. The commissioner of registration would be charged with the duty of flagging the names of all those who had been furnished absentee ballots by appropriate symbol or letter in the duplicate voting record of the permanent registration books which are used by the district boards of elections. He would also be required to furnish each district board of elections with a list of the absentee voters from the respective districts where the absentee ballots have been furnished after the duplicate register has been delivered to the municipal clerk or the district board. Any person who applies for an absentee ballot would not be permitted to vote in person.

3. The form of the absentee ballot would be adequate for both military and civilian voters. The affidavit to be annexed to the ballot would be adapted for civilian use from the existing military use affidavit.

4. All of the existing provisions for canvassing absentee ballots cast by military service voters and for the operation of the absentee voting system would be used for the civilian absentee ballot.

5. In order to simplify the law, this bill would supersede the soldier voting act of 1948 as amended and supplemented, and would cover both military and civilian absentee voting.

The foregoing procedure could be used through the Saturday preceding a general election. It has every necessary safeguard at the same time that it preserves relative simplicity from the viewpoint of the voters as well as from the viewpoint of administration. In effect it should reduce the present unit cost per vote of administering the military service voting law due to the fact that all absentee civilian ballots will be administered under the same procedure, and using the same printed ballots as the serviceman's absentee voting. All unnecessary red tape has been eliminated, including extra affidavits, shipping and trans-shipping of absentee ballots which have been voted, and artificial distance measurements of absence from the State. While some of these provisions are found in other state laws, they have been eliminated in this bill because experience has proved that they have had the effect of discouraging the use of absentee voting rather than of protecting it against abuses.

It is fully understood that civilian absentee voting may be subject to some legal question on constitutional grounds due to the language of the Constitution of 1947. In view of the debate on the floor of the Convention, in which two learned lawyers assured the Convention that it was unnecessary to provide affirmatively for civilian absentee voting since the Legislature would have that power in any event, the present bill is offered in the belief that there is no need to go through the comparatively slow process of constitutional amendment to achieve the simple and desirable objectives of generally available absentee voting.

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19:57-37

LEGISLATIVE HISTORY CHECKLIST

DEPOSITORY COPY
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NJSA 19:57-37 (Absentee voting)

Laws of 1953 Chapter 211

Bill No. S115

Sponsor(s) Young

Date Introduced January 26

Committee: Assembly Elections

Senate Elections

Amended during passage Yes No

Date of passage: Assembly May 25

Senate March 30

Date of approval July 1

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

974.901 NJ Governor Driscoll.
G52 Sixth annual message, Jan. 13, 1953. (p.7-8 enclosed)

974.90 NJ Legislature. Assembly. Committee on Elections.
E38 Minutes on public hearing on Assembly Concurrent
1953 Resolution # 3 [on reduction of residency requirement],
Held 3/3/53.

See also: (over)

10/4/76

Bill not enclosed-28 pages long.
Senate amendments not in bound bills & not enclosed (see Senate J., 1953, p.309-311 and p.400)
Assembly amendments in bound bills & Assembly Minutes, 1953 (p.981-987). These were adopted, then rescinded, but how they were rescinded is not clear (see A. Min., p.987, 1047 & 1049).

See also:
974.90
C758
1947c

Proceedings of the NJ Constitutional Convention, 1947.

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 78 State, who are in the military service and in certain services auxiliary to
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 provisions of our military service voting law, including provisions for an identi-

S 115 (1953)

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...died that it has reached its peak of efficiency. In our business there is always room for improvement. While perfection is our goal, a government of laws administered by men and women is hardly likely to achieve that objective. Hence, the challenge to try to achieve this illusory goal is one of the principal attractions for men and women of good will to accept "a painful and thankless office." Changing circumstances require us to reappraise old programs and seek new solutions for new as well as old problems. In this message, I shall not attempt to outline all of the subjects that will require legislative action. A number of the more acute issues confronting our State, of very great significance, must be considered against the background of available revenues. These will be discussed in the Budget Message.

Reapportionment

Equitable representation of the people of our State is a basic requirement of our republican form of government. While there may be some difference of opinion as to the mathematics of the question, there can be no compromise with the immediate need to reapportion the General Assembly in accordance with the 1950 Federal census of population, as required by our Constitution. I renew my recommendation that you make this a first order of business, since the failure to act promptly may make it impossible in a number of counties to nominate and elect members of the General Assembly in accordance with the requirements of the Constitution.

Absentee Voting

The best guarantee for the preservation and strengthening of our way of life lies in the widest possible participation by voters in elections. The right to vote is one of the great privileges of American citizenship; and yet that right has been denied to a substantial number of our citizens otherwise qualified to vote, because New Jersey does not have a civilian absentee voting law. A New Jersey citizen in the

*Gov. Driscoll, 6th Annual Message
1/13/53*

military service is eligible to vote under our Military Service Voting Law; but his wife, who may be with him away from the State, is denied the privilege.

This State once had a Civilian Absentee Voting Law. It was repealed in 1926 due to abuses in its operation. The sponsor of the repeal bill cited as reasons for repealing the law the opportunity afforded for fraud, the fact that few qualified absentees availed themselves of the voting privilege, and the expense entailed in printing a relatively large number of ballots that were not used.

Apparently there was some fraud during the time the law was in effect, for on March 13, 1926, an editorial in the *Trenton Evening Times* stated:

“There is no question but that the law providing for the casting of ballots on election day by voters absent from the State has been abused.”

Conditions have changed materially in the past quarter century. The new mobility of our citizens, due to world conditions, decentralization of industry, and improved transportation have combined to make a new absentee voting law essential. Fortunately, we now have permanent registration, which they did not have in 1926. It is my conviction that a properly designed law could be well administered and that it is possible to protect the integrity of our ballot while permitting civilian absentee voting. Accordingly, I recommend: (1) Absentee voting be authorized for any registered voter who is absent or expects to be absent from this State on election day; (2) absentee voting be authorized for any registered voter who is unable to appear at the polls due to illness or physical disability; (3) voters be permitted to cast their “absentee” ballot in person at the office of the County Board of Elections during the weekend preceding election day—a form of this privilege is provided in 18 States and in our military service voting law.

I also recommend that the time within which the military service ballot must be mailed be extended to 45 days prior to any election.

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It is important to go further, however, and consider the removal of any other needless impediments to the exercise of the voting privilege. It would be worthwhile to reconsider all of the qualifications for voting, including the requirement of residence for five months within the county.

Court Integration

Under our new Constitution, and with great judicial leadership, we have achieved a judicial system generally recognized as the best in the country. In his Annual Message to the New York Legislature last week, Governor Thomas E. Dewey, in urging judicial reform in that State, said: "In the neighboring State of New Jersey we have seen an enviable improvement in the administration of justice." Despite the excellence of our judicial system, this bulwark of our republican form of government may further be strengthened and improved.

A month ago, the Constitutional Convention Association, composed of the living delegates to the Convention of 1947 and a limited number of representative citizens of New Jersey, overwhelmingly approved integration of the present County Courts with the Superior Court. This decision by the members of the association, following intensive study by its judicial committee, confirms previous recommendations made by me on this subject. It is interesting to note that substantially all of the delegates who were in the forefront of the opposition to inclusion of the County Courts in the completely unified plan submitted by the Judiciary Committee at the Constitutional Convention have, in the light of subsequent experience, altered their views.

There are a number of substantial reasons for integrating the present County Courts with the Superior Court. The basic flexibility of the present system does not overcome the inherent disadvantages which flow from the necessity of maintaining separate County Courts with jurisdiction over judicial business for which the Superior Court is entirely appropriate. A separate County Court