

19: 8-3.1

LEGISLATIVE HISTORY CHECKLIST
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(Polling places--
handicapped)

NJSA: 19:8-3.1

LAWS OF: 1991 CHAPTER: 429

BILL NO: S203

SPONSOR(S) Paterniti

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: State Government
SENATE: State Government

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
asterisks

DATE OF PASSAGE: ASSEMBLY: January 13, 1992
SENATE: January 14, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[SECOND REPRINT]

SENATE, No. 203

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senators PATERNITI and RAND

1 AN ACT providing for the accessibility of polling places and
2 voter registration facilities to the elderly and physically
3 disabled, amending various parts of the statutory law, and
4 supplementing chapter 8 of Title 19 of the Revised Statutes
5 and article 2 of chapter 14 of Title 18A of the New Jersey
6 Statutes.

7

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

10 1. (New section) Each polling place selected by the county
11 board of elections for use in any election shall be accessible to
12 elderly and physically disabled voters unless:

13 a. the Secretary of State determines that a state of
14 emergency exists that would otherwise interfere with the
15 efficient administration of that election; or

16 b. the Secretary of State grants a waiver based upon a
17 determination that all potential polling places have been surveyed
18 and no accessible polling place is available, nor is the
19 municipality able to make one temporarily accessible in or near
20 the election district involved.

21 2. (New section) The Secretary of State shall establish, in
22 accordance with the "Administrative Procedure Act," P.L.1968,
23 c.410 (C.52:14B-1 et seq.), the rules and regulations necessary to
24 insure that in any election any elderly or physically disabled voter
25 assigned to an inaccessible polling place will, upon advance
26 request of that voter, either be permitted to vote at the
27 alternative, accessible polling place nearest to that voter's
28 residence which has a common ballot or be provided with a
29 civilian absentee ballot, pursuant to section 4 of P.L.1953, c.211
30 (C.19:57-4), as an alternative means of casting a ballot on the
31 day of the election.

32 3. (New section) The Secretary of State shall use the barrier
33 free sub-code of the State building code to determine the
34 standards of accessibility for polling places.

35 4. (New section) No later than ¹[April 1st] May 15th¹ of each
36 year, each county board of elections shall report to the Secretary
37 of State, on the form provided by the Secretary of State, a list of
38 all polling places in the county, specifying any found
39 inaccessible. The county board of elections shall indicate the

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:

¹ Senate SSG committee amendments adopted October 4, 1990.

² Assembly ASG committee amendments adopted June 10, 1991.

1 reasons for inaccessibility, and the efforts made pursuant to this
2 act to locate alternative polling places or to make the existing
3 facilities accessible. Each county board of elections shall notify
4 the Secretary of State of any changes in polling place locations
5 before the next general election, including any changes required
6 due to the alteration of district boundaries.

7 5. (New section) No later than July 1st of each year, the
8 Secretary of State shall review the reports of the county boards
9 of elections and shall ensure that every possible effort has been
10 made to comply with the provisions of this act.

11 6. (New section) No later than December 31st of each
12 even-numbered year, the Secretary of State shall report to the
13 Federal Election Commission, in the manner required by the
14 commission, the number of accessible and inaccessible polling
15 places in the State on the date of the preceding general election,
16 and the reasons for the inaccessibility.

17 7. R.S.19:8-6 is amended to read as follows:

18 19:8-6. The county boards in counties of the first class and the
19 municipal clerks in counties other than counties of the first class
20 shall purchase or lease and furnish the proper equipment of
21 polling places, to enable the district boards to carry out the
22 duties imposed upon them by this title. The equipment shall
23 consist of tables, chairs, lights, booths and all other things
24 necessary for the performance of such duties, and shall be ready
25 for use by the district boards in ample time to enable them to
26 perform their duties. Also to be included, for conspicuous display
27 at each polling place on the days of any election during each
28 year, shall be the voting and registration instructions provided by
29 the county board of elections.

30 The clerks of the several municipalities shall keep in repair,
31 store and deliver the polling booths, ballot boxes and other
32 equipment in time for use by the district boards at the cost and
33 expense of the municipality.

34 In case of any election to be held in and for a municipality
35 only, the duties imposed upon the county boards in counties of the
36 first class regarding the equipment of polling places shall devolve
37 upon the clerk of the municipality wherein the election is to be
38 held. Any equipment in possession of the county board may be
39 used in a municipal election upon requisition.

40 (cf: R.S.19:8-6)

41 8. R.S.19:9-2 is amended to read as follows:

42 19:9-2. The Secretary of State shall prepare and distribute on
43 or before April 1 in each year prior to the primary election for
44 the general election and the general election the following
45 information and election supplies: pamphlets of the election laws
46 and instructions; precinct returns; electors of President and
47 Vice-President; United States Senator; member of the House of
48 Representatives; Governor; State Senator; General Assembly and
49 county officers; public question submitted to the voters of the
50 entire State; self-addressed envelopes, plain and stamped, to

1 each district; returns for the county board of canvassers for the
2 above officers; primary return sheets.

3 The county board of elections shall prepare and distribute on or
4 before April 1 of each year, registration and voting instructions
5 printed in at least 14-point type for conspicuous display at each
6 polling place at any election.

7 All other books, ballots, envelopes and other blank forms which
8 the county clerk is required to furnish under any other section of
9 this Title, stationery and supplies for the primary election for the
10 general election, the primary election for delegates and
11 alternates to national conventions and the general election, shall
12 be furnished, prepared and distributed by the clerks of the various
13 counties; except that all books, blank forms, stationery and
14 supplies, articles and equipment which may be deemed necessary
15 to be furnished, used or issued by the county board or
16 superintendent shall be furnished, used or issued, prepared and
17 distributed by such county board or superintendent, as the case
18 may be.

19 The county board in counties having a superintendent of
20 elections shall furnish and deliver to the county clerk, the
21 municipal clerks and the district boards in municipalities having
22 more than one election district, a map or description of the
23 district lines of their respective election districts, together with
24 the street and house numbers where possible in such election
25 districts. In counties not having a superintendent of elections the
26 municipal clerks shall furnish and deliver such map or description
27 of district lines to the county clerk, the county board and the
28 district board in municipalities having more than one election
29 district.

30 Nothing in subtitle 2 of the Title, Municipalities and Counties
31 (section 40:16-1 et seq.), shall in anywise be construed to affect,
32 restrict, or abridge the powers conferred on the county clerks,
33 county boards or superintendents by this Title.
34 (cf: P.L.1968, c.292, s.3)

35 9. R.S.19:12-7 is amended to read as follows:

36 19:12-7. a. The county board in each county shall cause to be
37 published in a newspaper or newspapers which, singly or in
38 combination, are of general circulation throughout the county, a
39 notice containing the information specified in subsection b.
40 hereof, except for such of the contents as may be omitted
41 pursuant to subsection c. or d. hereof. Such notice shall be
42 published once during the 30 days next preceding the day fixed
43 for the closing of the registration books for the primary election,
44 once during the calendar week next preceding the week in which
45 the primary election is held, once during the 30 days next
46 preceding the day fixed for the closing of the registration books
47 for the general election, and once during the calendar week next
48 preceding the week in which the general election is held.

49 b. Such notice shall set forth:

50 (1) For the primary election:

1 (a) That a primary election for making nominations for the
2 general election, for the selection of members of the county
3 committees of each political party, and in each presidential year
4 for the selection of delegates and alternates to national
5 conventions of political parties, will be held on the day and
6 between the hours and at the places provided for by or pursuant
7 to this Title.

8 (b) The place or places at which and hours during which a
9 person may register; the procedure for the transfer of
10 registration, and the date on which the books are closed for
11 registration or transfer of registration.

12 (c) The several State, county, municipal and party offices or
13 positions to be filled, or for which nominations are to be made, at
14 such primary election.

15 (d) The existence of registration and voting aids, including: (i)
16 the availability of registration and voting instructions at places
17 of registration as provided under R.S.19:31-6; and (ii), if
18 available, the accessibility of voter information to the deaf by
19 means of a telecommunications device.

20 (e) The availability of assistance to a person unable to vote
21 due to blindness, disability or inability to read or write.

22 (2) For the general election:

23 (a) That a general election will be held on the day and between
24 the hours and at the places provided for by or pursuant to this
25 Title.

26 (b) The place or places at which and hours during which a
27 person may register; the procedure for transfer of registration,
28 and the date on which the books are closed for registration or
29 transfer of registration.

30 (c) The several State, county and municipal offices to be filled
31 and, except as provided in section 19:14-33 of this Title as to
32 publication of notice of any Statewide proposition directed by the
33 Legislature to be submitted to the people, the State, county and
34 municipal public questions to be voted upon at such general
35 election.

36 (d) The existence of registration and voting aids, including. (i)
37 the availability of registration and voting instructions at places
38 of registration as provided under R.S.19:31-6; and (ii) the
39 accessibility of voter information to the deaf by means of a
40 telecommunications device.

41 (e) The availability of assistance to a person unable to vote
42 due to blindness, disability or inability to read or write.

43 c. If such publication is made in more than one newspaper, it
44 shall not be necessary to duplicate in the notice published in each
45 such newspaper all the information required under this section, so
46 long as:

47 (1) The municipal officers or party positions to be filled, or
48 nominations made, or municipal public questions to be voted upon
49 by the voters of any municipality, shall be set forth in at least
50 one newspaper having general circulation in such municipality;

1 (2) All offices to be filled, or nominations made therefor, or
2 public questions to be voted upon, by the voters of the entire
3 State or of the entire county shall be set forth in a newspaper or
4 newspapers which, singly or in combination, have general
5 circulation throughout the county;

6 (3) Information relating to nominations and elections in each
7 Legislative District comprised in whole or part in the county,
8 shall be published in at least a newspaper or newspapers which
9 singly or in combination, have general circulation in every
10 municipality of the county which is comprised in such legislative
11 district.

12 d. Such part or parts of the original notices as published which
13 pertain to day of registration or primary election which has
14 occurred shall be eliminated from such notice in succeeding
15 insertions.

16 e. The cost of publishing the notices required by this section
17 shall be paid by the respective counties.

18 (cf: P.L.1975, c.289, s.1)

19 10. R.S.19:31-6 is amended to read as follows:

20 19:31-6. Up to and including the 29th day preceding any
21 election the commissioner, in counties having a superintendent of
22 elections, and the members of the county board in all other
23 counties, or a duly authorized clerk or clerks acting for him or it,
24 as the case may be, shall receive the application for registration
25 of all eligible voters who shall personally appear for registration
26 during office hours at the office of the commissioner or the
27 county board, as the case may be, or at such other place or places
28 as may from time to time be designated by him or it for
29 registration.

30 When any person shall apply to the commissioner in writing
31 setting forth that due to a chronic or incurable illness, or that he
32 is totally incapacitated and he cannot attend a place of
33 registration and such application is accompanied by an affidavit
34 by a physician duly licensed to practice medicine in this State
35 certifying that such person is chronically or incurably ill or
36 totally incapacitated, that such person is mentally competent and
37 that such person cannot attend a place of registration, then the
38 commissioner shall cause such person to be registered at his place
39 of residence or confinement.

40 A duly authorized clerk is any person that has been appointed
41 by the commissioner or the county board, as the case may be, to
42 accept such registrations.

43 When the commissioner or county board has designated a place
44 or places other than his office or its office for receiving
45 registrations, he or it, as the case may be, shall cause to be
46 published a notice in a newspaper circulated in the municipality
47 wherein such place or places of registration shall be located.
48 Such notice shall be published pursuant to R.S.19:12-7.

49 Any eligible voter who applies for registration in person shall
50 subscribe to the following oath or affirmation, viz.:

1 "You do solemnly swear (or affirm) that you will fully and truly
2 answer such questions as shall be put to you touching your
3 eligibility as a voter under the laws of this State."

4 Upon being sworn the applicant shall answer such questions as
5 are provided for in the original and duplicate permanent
6 registration forms hereinbefore set forth, and the person
7 receiving the application shall fill out the forms which the
8 applicant shall sign. If an eligible voter is unable to write his
9 name, he shall be required to make a cross, which shall be
10 followed by the writing of the words "his or her mark," as the
11 case may be, by the person receiving the application, and such
12 applicant shall answer the additional questions required under this
13 Title. Such additional questions shall be sworn to or affirmed in
14 the manner above-provided.

15 Any office designated by the commissioner or the county board
16 for receiving registration forms shall have displayed, in a
17 conspicuous location, registration and voting instructions. These
18 instructions shall be the same as those provided for polling places
19 under R.S.19:9-2 and shall be provided by the commissioner or
20 county board.

21 (cf: P.L.1975, c.15, s.2)

22 11. (New section) a. In order to assist and advise county
23 election officers in implementing the provisions of this 1990
24 amendatory and supplementary act, the county executive in each
25 county in which that office is established, or the governing body
26 of the county in any other county, shall establish a Voting
27 Accessibility Advisory Committee, which shall be consist of at
28 least seven and not more than 11 members as follows:

29 (1) The four members of the county board of elections; and

30 (2) Three or more public members, to be appointed by the
31 county executive or county governing body as follows:

32 (a) A representative of the county executive or a member of
33 the county governing body, as appropriate;

34 (b) At least one elderly and handicapped individual
35 representing one or more organizations of such individuals;

36 (c) At least one person trained in the provisions of the barrier
37 free sub-code; and

38 (d) If the county executive or governing body so elects, any
39 other person deemed able by the executive or governing body to
40 be of assistance in the implementation of the act.

41 b. In order to accurately evaluate the accessibility of all
42 polling locations, the Voting Accessibility Advisory Committee
43 shall undertake a "walking tour" of each polling location in the
44 county. Any elderly and handicapped committee member should
45 participate in any such tour.

46 c. On and after January 1, 1994, the continuance in any county
47 of a Voting Accessibility Advisory Committee for that county
48 shall be optional.

49 12. N.J.S.18A:14-4 is amended to read as follows:

50 18A:14-4. The board shall provide at least one polling place for

1 each school election in a schoolhouse or other convenient public
2 place within the school district and shall provide additional
3 polling districts and places, when and as in this article provided.
4 Such school elections may be held in a schoolhouse of the district
5 located without the territorial boundaries of the district.

6 The board may select a polling place other than a schoolhouse
7 or public building for a school election, when the location of the
8 schoolhouses and public buildings in the school district is such
9 that inconvenience would be caused the voters of such school
10 district by locating the polling place in a schoolhouse or public
11 building. [In the selection of a polling place other than a
12 schoolhouse or public building, consideration shall be given to the
13 use of buildings accessible to elderly and physically disabled
14 persons.]

15 Each polling place selected by the ¹[county]¹ board ¹[of
16 elections]¹ for use in a school election shall be accessible to
17 elderly and physically disabled voters unless:

18 a. the Secretary of State determines that a state of
19 emergency exists that would otherwise interfere with the
20 efficient administration of that election; or

21 b. the Secretary of State grants a waiver based upon a
22 determination that all potential polling places have been surveyed
23 and no accessible polling place is available, nor is the board of
24 elections able to make one temporarily accessible in or near the
25 school district involved.

26 (cf: P.L.1981, c.222, s.1)

27 13. (New section) The Secretary of State shall establish, in
28 accordance with the "Administrative Procedure Act," P.L.1968,
29 c.410 (C.52:14B-1 et seq.), the rules and regulations necessary to
30 insure that in a school election any elderly or physically disabled
31 voter assigned to an inaccessible polling place will, upon advance
32 request of that voter, either be permitted to vote at the
33 alternative, accessible polling place nearest to that voter's
34 residence or be provided with a civilian absentee ballot, pursuant
35 to N.J.S.18A:14-27, as an alternative means of casting a ballot on
36 the day of the election.

37 14. (New section) The Secretary of State shall use the barrier
38 free sub-code of the State building code to determine the
39 standards of accessibility for polling places.

40 15. (New section) No later than April 1st of each year, each
41 board of education shall report to the Secretary of State, on the
42 form provided by the Secretary of State, a list of all polling
43 places in the school district, specifying any found inaccessible.
44 The board shall indicate the reasons for inaccessibility, and the
45 efforts made pursuant to this act to locate alternative polling
46 places or to make the existing facilities accessible. Each board
47 of education shall notify the Secretary of State of any changes in
48 polling place locations before the next school election, including
49 any changes required due to the alteration of school district
50 boundaries.

1 free sub-code of the State building code to determine the
2 standards of accessibility for polling places.

3 15. (New section) No later than April 1st of each year, each
4 board of education shall report to the Secretary of State, on the
5 form provided by the Secretary of State, a list of all polling
6 places in the school district, specifying any found inaccessible.
7 The board shall indicate the reasons for inaccessibility, and the
8 efforts made pursuant to this act to locate alternative polling
9 places or to make the existing facilities accessible. Each board
10 of education shall notify the Secretary of State of any changes in
11 polling place locations before the next school election, including
12 any changes required due to the alteration of school district
13 boundaries.

14 16. (New section) No later than July 1st of each year, the
15 Secretary of State shall review the reports of the boards of
16 education and shall ensure that every possible effort has been
17 made to comply with the provisions of this act.

18 17. (New section) No later than December 31st of each
19 even-numbered year, the Secretary of State shall report to the
20 Federal Election Commission, in the manner required by the
21 commission, the number of accessible and inaccessible polling
22 places in the State on the date of the preceding general election,
23 and the reasons for the inaccessibility.

24 18. Sections 4, 5, 6, 15, 16 and 17 of this act shall take effect
25 on the January 1st following enactment and sections 6 and 17
26 shall expire on January 1, 1995; the remaining sections of this act
27 shall take effect immediately, but if a regularly scheduled
28 election shall occur within 90 days after this effective date, the
29 act shall be inoperative until the day following that election.

30
31
32 *SPONSORS'* STATEMENT

33
34 This bill concerns voting accessibility for the elderly and
35 handicapped. It provides that each polling place selected by the
36 county board of elections for use in a primary, general, municipal
37 or special election, or by a school board for use in the election of
38 members of boards of education, shall be accessible to elderly
39 and physically disabled voters unless the Secretary of State
40 grants a waiver based upon a determination that no accessible
41 polling place is available or that a state of emergency exists
42 which would interfere with the efficient administration of the
43 election.

44 The bill directs the Secretary of State to:

45 (1) establish regulations necessary to insure that any elderly or
46 disabled voter assigned to an inaccessible polling place be
47 permitted to vote at an alternative accessible polling place
48 nearest to that voter's residence which has a common ballot or

1 be provided with a civilian absentee ballot;

2 (2) use the barrier free sub-code of the State building code to
3 determine standards of accessibility for polling places;

4 (3) review reports from the county boards of elections on the
5 number of polling places found accessible and inaccessible and
6 the reasons for the latter; and

7 (4) report to the Federal Election Commission on the status of
8 polling places in the State.

9 The bill requires each county board of elections to publish
10 notice setting forth the existence of registration and voting aids,
11 including the accessibility of voter information to the deaf by
12 means of a telecommunications device, and of assistance to a
13 person unable to vote because of blindness, disability or inability
14 to read or write. The county board shall also prepare and
15 distribute registration and voting instructions printed in at least
16 14-point type for conspicuous display at each polling place. Any
17 office designated by the commissioner or county board for
18 receiving registration forms shall display in a conspicuous
19 location registration and voting instructions.

20 The bill also requires each county freeholder board to establish
21 and continue for the five years following the date on which the
22 bill takes effect as law a "Voting Accessibility Advisory
23 Committee" to assist and advise county election officers in
24 implementing the provisions of the legislation; at the end of the
25 five-year period, the continuance of such a board by the
26 freeholder boards is to be optional.

27

28

29 ELECTIONS

30

31 Provides for voting accessibility for the elderly and handicapped.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 203

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

The Assembly State Government Committee reports favorably and with committee amendments Senate Bill No. 203 (1R).

This bill provides that each polling place selected by the county board of elections for use in a primary, general, municipal or special election, or by a school board for use in the election of members of boards of education, shall be accessible to elderly and physically disabled voters unless the Secretary of State grants a waiver based upon a determination that no accessible polling place is available or that a state of emergency exists which would interfere with the efficient administration of the election.

The bill directs the Secretary of State to:

(1) establish regulations necessary to insure that any elderly or disabled voter assigned to an inaccessible polling place be permitted to vote at an alternative accessible polling place nearest to that voter's residence which has a common ballot or be provided with a civilian absentee ballot;

(2) use the barrier free sub-code of the State building code to determine standards of accessibility for polling places;

(3) review annually reports from the county boards of elections on the number of polling places found accessible and inaccessible and the reasons for the latter; and

(4) report biennially to the Federal Election Commission on the status of polling places in the State.

The bill requires each county board of elections to publish notice setting forth the existence of registration and voting aids, including the availability of voter information to the deaf by means of a telecommunications device and of assistance to persons unable to vote because of blindness, disability or inability to read or write. The county board shall also prepare and distribute registration and voting instructions printed in at least 14-point type for conspicuous display at each polling place. Any office designated by the commissioner or county board for receiving registration forms shall display in a conspicuous location registration and voting instructions. These instructions shall also be displayed at each polling place on the days of any election.

The bill requires each county to establish a "Voting Accessibility Advisory Committee" which shall assist and

advise county election officers in implementing the provisions of this act. After January 1, 1994, the continuance of these committees shall be optional.

COMMITTEE AMENDMENTS

The committee adopted amendments to the bill to provide that it should be applicable to elections beginning on the July 1st following enactment, but that otherwise, all of its provisions are to take effect immediately.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

SENATE, No. 203

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Senate State Government and Federal and Interstate Relations Committee reports favorably and with committee amendments Senate Bill No. 203.

This bill concerns voting accessibility for the elderly and handicapped. It provides that each polling place selected by the county board of elections for use in a primary, general, municipal or special election, or by a school board for use in the election of members of boards of education, shall be accessible to elderly and physically disabled voters unless the Secretary of State grants a waiver based upon a determination that no accessible polling place is available or that a state of emergency exists which would interfere with the efficient administration of the election.

The bill directs the Secretary of State to:

(1) establish regulations necessary to insure that any elderly or disabled voter assigned to an inaccessible polling place be permitted to vote at an alternative accessible polling place nearest to that voter's residence which has a common ballot or be provided with a civilian absentee ballot;

(2) use the barrier free sub-code of the State building code to determine standards of accessibility for polling places;

(3) review annually reports from the county boards of elections on the number of polling places found accessible and inaccessible and the reasons for the latter; and

(4) report biennially to the Federal Election Commission on the status of polling places in the State.

The bill requires each county board of elections to publish notice setting forth the existence of registration and voting aids, including the availability of voter information to the deaf by means of a telecommunications device and of assistance to persons unable to vote because of blindness, disability or inability to read or write. The county board shall also prepare and distribute registration and voting instructions printed in at least 14-point type for conspicuous display at each polling place. Any office designated by the commissioner or county board for receiving registration forms shall display in a conspicuous location registration and voting instructions. These instructions shall also be displayed at each polling place on the days of any election.

The bill requires each county to establish a "Voting Accessibility Advisory Committee" which shall assist and advise

county election officers in implementing the provisions of this act. After January 1, 1994, the continuance of these committees shall be optional.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to change a reporting date from April 1 to May 15 and to clarify that a school board, and not a county board of elections, selects the polling place for a school election.