

19:1-1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2011 **CHAPTER:** 134

NJSA: 19:1-1 (Eliminates separate presidential primary election; provides for delegates and alternates to political party national conventions to be elected at regular June primary election)

BILL NO: A3777 (Substituted for S2883)

SPONSOR(S) Wisniewski and others

DATE INTRODUCED: February 10, 2011

COMMITTEE: **ASSEMBLY:** State Government

SENATE: Budget and Appropriations
State Government, Wagering, Tourism & Historic Preservation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 29, 2011

SENATE: June 29, 2011

DATE OF APPROVAL: September 26, 2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A3777

SPONSOR'S STATEMENT: (Begins on page 51 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes State Gov.
Budget

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

S2883

SPONSOR'S STATEMENT: (Begins on page 51 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes State Gov.
Budget

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"NJ presidential primary date moves back to June," Daily Record, 9-27-11

"Guadagno inks bill moving presidential primary date," The Star-Ledger, 9-27-11

"Guadagno signs measure moving primary date," The Times, 9-27-11

"NJ Saves Money by Moving Presidential Primary," New Jersey 101.5, 9-27-11

"After 'failed experiment,' presidential primary back to June," Home News Tribune, 9-27-11

"Primary moves back to June," Courier News, 9-27-11

"Primary moves back to June," Asbury Park Press, 9-27-11

LAW/RWH

P.L.2011, CHAPTER 134, *approved September 26, 2011*
Assembly, No. 3777 (*First Reprint*)

1 AN ACT eliminating the separate presidential primary election and
2 amending various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.19:1-1 is amended to read as follows:

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this
10 State or any political subdivision thereof elect persons to fill public
11 office or pass on public questions.

12 "General election" means the annual election to be held on the
13 first Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any
16 political subdivision thereof nominate candidates to be voted for at
17 general elections, or elect persons to fill party offices.

18 **["Presidential primary election" means the procedure whereby**
19 **the members of a political party in this State or any political**
20 **subdivision thereof elect persons to serve as delegates and**
21 **alternates to national conventions.]**

22 "Municipal election" means an election to be held in and for a
23 single municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal, school
27 and special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this
34 State or any of its political subdivisions filled at elections by the
35 electors of the State or political subdivision.

36 "Public question" includes any question, proposition or
37 referendum required by the legislative or governing body of this
38 State or any of its political subdivisions to be submitted by
39 referendum procedure to the voters of the State or political
40 subdivision for decision at elections.

41 "Political party" means a party which, at the election held for all
42 of the members of the General Assembly next preceding the holding
43 of any primary election held pursuant to this Title, polled for

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 June 2, 2011.

1 members of the General Assembly at least 10% of the total vote cast
2 in this State.

3 "Party office" means the office of delegate or alternate to the
4 national convention of a political party or member of the State,
5 county or municipal committees of a political party.

6 "Masculine" includes the feminine, and the masculine pronoun
7 wherever used in this Title shall be construed to include the
8 feminine.

9 "Presidential year" means the year in which electors of President
10 and Vice-President of the United States are voted for at the general
11 election.

12 "Election district" means the territory within which or for which
13 there is a polling place or room for all voters in the territory to cast
14 their ballots at any election.

15 "District board" means the district board of registry and election
16 in an election district.

17 "County board" means the county board of elections in a county.

18 "Superintendent" means the superintendent of elections in
19 counties wherein the same shall have been appointed.

20 "Commissioner" means the commissioner of registration in
21 counties.

22 "File" or "filed" means deposited in the regularly maintained
23 office of the public official wherever said regularly maintained
24 office is designated by statute, ordinance or resolution.

25 (cf: P.L.2005, c.136, s.1)

26

27 2. R.S.19:2-1 is amended to read as follows:

28 19:2-1. **【Presidential primary】** Primary elections for delegates
29 and alternates to national conventions of political parties **【shall be**
30 **held in each presidential year on the Tuesday next after the first**
31 **Monday in February.**

32 **Primary elections】** and for the general election shall be held in
33 each year on the Tuesday next after the first Monday in June **【.**

34 **All primary elections shall occur】** between the hours of 6:00
35 A.M. and 8:00 P.M., Standard Time. Primary elections for special
36 elections shall be held not earlier than 30 nor later than 20 days
37 prior to the special elections.

38 (cf: P.L.2007, c.61, s.1)

39

40 3. R.S.19:3-3 is amended to read as follows:

41 19:3-3. Delegates and alternates to the national conventions of
42 the political parties **【held in each presidential year】** shall be elected
43 at the **【presidential】** primary election to be held on the Tuesday
44 next after the first Monday in **【February】** June in that year.

45 The members of State, county and municipal committees of the
46 political parties shall be chosen at the primary for the general

1 election as hereinafter provided.

2 (cf: P.L.2007, c.61, s.2)

3

4 4. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read
5 as follows:

6 6. a. No county board shall make division of an election
7 district in any year in the period commencing 75 days before the
8 **【presidential primary election in each presidential year or】** the
9 primary election for the general election, and the day of the general
10 election.

11 b. To facilitate the use of Federal decennial census populations
12 for apportionment and redistricting purposes and notwithstanding
13 the provisions of this or any other law, no election districts shall,
14 except with the prior approval of the **【Attorney General】** Secretary
15 of State, be created, abolished, divided or consolidated between
16 January 1 of any year whose last digit is 7 and December 1 of any
17 year whose last digit is 0.

18 (cf: P.L.2005, c.136, s.4)

19

20 5. R.S.19:6-2 is amended to read as follows:

21 19:6-2. a. The following persons may apply in writing to the
22 county board, on a form prepared and furnished by the county
23 board, for appointment as a member of a district board of any
24 municipality in the county in which he or she resides: (1) a legal
25 voter who is a member of a political party by virtue of having voted
26 in a party primary or who has filed a party declaration form for the
27 ensuing **【presidential primary or】** primary election for the general
28 election with the commissioner of the county in which the voter is
29 registered and who, for two years prior to making written
30 application, has not espoused the cause of another political party or
31 its candidates; (2) a legal voter who is not affiliated with a political
32 party; (3) a United States citizen and resident of this State who is 16
33 or 17 years of age, attends a secondary school and has the written
34 permission of his or her parent or guardian to serve as a member of
35 the board if appointed; or (4) a United States citizen and resident of
36 this State who is 16 or 17 years of age and has graduated from a
37 secondary school or has passed a general educational development
38 test, GED, and has the written permission of his or her parent or
39 guardian to serve as a member of the board if appointed.

40 b. The application, signed by the applicant under his or her
41 oath, shall state: (1) the applicant's name and address; (2) the
42 applicant's age, if the applicant is less than 18 years of age; (3) the
43 political party to which he or she belongs or, if the applicant is not
44 affiliated with a political party, the fact that the applicant is not so
45 affiliated; (4) that the applicant is of good moral character and has
46 not been convicted of any crime involving moral turpitude; and (5)
47 that the applicant possesses the following qualifications: eyesight,
48 with or without correction, sufficient to read nonpareil type; ability

1 to read the English language readily; ability to add and subtract
2 figures correctly; ability to write legibly with reasonable facility;
3 reasonable knowledge of the duties to be performed by the applicant
4 as an election officer under the election laws of this State; and
5 health sufficient to discharge his or her duties as an election officer.

6 c. If an applicant for appointment to a district board is 16 or 17
7 years of age, then the applicant shall provide to the county board,
8 along with the application provided under subsection b. of this
9 section: (1) a written document signed by the applicant's parent or
10 guardian giving the applicant permission to serve as a member of a
11 district board if appointed and (2) if an election, meeting or training
12 is scheduled to take place when school is in session, a written
13 document from his or her school that acknowledges the applicant's
14 application for appointment as a member of a district board and
15 excuses the applicant from school on the dates of service if
16 appointed, except that the requirement contained in subparagraph
17 (2) of this subsection shall not apply to a United States citizen and
18 resident of this State who is 16 or 17 years of age and has graduated
19 from a secondary school or has passed a general educational
20 development test, GED.

21 d. No person shall be precluded from applying to serve as a
22 member of a district board of any municipality for failure to vote in
23 any year such person was ineligible to vote by reason of age or
24 residence.

25 e. In no case shall a person 16 or 17 years of age be permitted
26 to serve as a member of a district board on the day of an election for
27 more than the number of hours permitted for such a person to work
28 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
29 supplemented.

30 (cf: P.L.2005, c.136, s.5)

31
32 6. R.S.19:6-3 is amended to read as follows:

33 19:6-3. a. (1) The county board shall, on or before [January 4
34 of each presidential year and on or before] April 1 [of every other
35 year], appoint the members of the district boards in the manner
36 prescribed by paragraph (2) of this subsection. The members of any
37 district board shall be equally apportioned between the two political
38 parties which at the last preceding general election held for the
39 election of all of the members of the General Assembly cast the
40 largest and next largest number of votes respectively in this State
41 for members of the General Assembly, except that if the county
42 board is unable to fill all of the positions of the members of a
43 particular district board from among qualified members of those
44 two political parties, the county board shall appoint to any such
45 unfilled position an otherwise qualified person who is unaffiliated
46 with any political party, but no such appointment of an unaffiliated
47 person shall be made prior to [January 9 of each presidential year

1 and prior to] March 25 [of every other year], and in no event shall
2 more than two such unaffiliated persons serve at the same time on
3 any district board.

4 (2) In making appointments of members of the several district
5 boards of the county, the county board shall consult with the
6 chairperson of the county committee of each of the two political
7 parties referred to in paragraph (1) of this subsection. On or before
8 [December 20 of the year preceding each presidential year and on
9 or before] March 15 of [every other] each year, the county board
10 shall transmit to each of those chairpersons a list of those positions
11 on the membership of the several district boards that are subject to
12 apportionment under that paragraph (1) to the political party of
13 which that chairperson is a member, and to which the county board
14 has been unable to make an appointment from among qualified
15 members of that political party. The county board shall include
16 with each such list a request that the chairperson to whom that list is
17 transmitted return to the board a list of the names of candidates for
18 those unfilled positions. On or before [December 30 of the year
19 preceding each presidential year and on or before] March 25 [of
20 every other year], the county board shall, on the basis of the lists so
21 returned to it, fill as many of the remaining unfilled positions in the
22 membership of the several district boards as possible, and shall
23 assign or reassign appointees as necessary to ensure that the
24 membership of each district board within the county shall include at
25 least one member of each of the two political parties. The county
26 board shall then appoint to any unfilled position on a district board
27 an otherwise qualified person who is unaffiliated with any political
28 party.

29 b. In case the county board shall neglect, refuse or be unable to
30 appoint and certify the members of the district boards as herein
31 provided, the Assignment Judge of the Superior Court shall, before
32 [January 15 of each presidential year or before] April 10 of every
33 other year, make such appointments and certifications.

34 (cf: P.L.2007, c.61, s.3)

35

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

37 19:6-10. Each district board shall, on or before the second
38 Tuesday next preceding the [presidential] primary election [in
39 those years when such an election is held or the primary election for
40 the general election in every other year], meet and organize by the
41 election of one of its members as judge, who shall be chairman of
42 the board, and another of its members as inspector. The judge and
43 inspector shall not be members or voters of the same political party.
44 In case of failure to elect a judge as herein provided, after balloting
45 or voting three times, the senior member of the board in respect to
46 length of continuous service as a member of such district board
47 shall become judge, and in case of failure to elect an inspector after

1 balloting or voting three times, the next senior member of the board
2 in respect to length of continuous service as a member of such
3 district board shall become inspector; provided, that both the
4 chairman and the inspector shall not be members or voters of the
5 same political party. The other members of the board shall be
6 clerks of election, and shall perform all the duties required by law
7 of the clerks of district boards.

8 (cf: P.L.2005, c.136, s.7)

9

10 8. R.S.19:6-18 is amended to read as follows:

11 19:6-18. During the 30-day period immediately preceding
12 **【November 25 of the year preceding each presidential year and】**
13 **February 15 【of every other】 in each year,** the chairman and vice-
14 chairlady of each county committee and the State committeeman
15 and State committeewoman of each of such two political parties,
16 respectively shall meet and jointly, in writing, nominate one person
17 residing in the county of such county committee chairman, duly
18 qualified, for member of the county board in and for such county
19 **【for the succeeding year, in the case of the presidential year】.**

20 If more than two members are elected to the State committee of
21 any party from a county, the State committeeman and State
22 committeewoman who shall participate in the process of nomination
23 shall be those holding full votes who received the greatest number
24 of votes in their respective elections for members of the State
25 committee.

26 If nomination be so made, the said county committee chairman
27 shall certify the nomination so made to the State chairman and to
28 the Governor, and the Governor shall commission such appointees,
29 who shall be members of opposite parties, on or before **【December**
30 **20 of the year preceding each presidential year or on or before】**
31 **March 1 【in every other year, as the case may be】.** If nomination
32 be not so made on account of a tie vote in the said meeting of the
33 county committee chairman, county committee vice-chairlady, State
34 committeeman and State committeewoman, in respect to such
35 nomination, the said county committee chairman shall certify the
36 fact of such a tie vote to the State chairman, who shall have the
37 deciding vote and who shall certify, in writing, to the Governor, the
38 nomination made by his deciding vote. Appointees to county
39 boards of election pursuant to this section shall continue in office
40 for 2 years from **【either December 20 of the year preceding each**
41 **presidential year or】 March 1 【, as the case may be,】** next after
42 their appointment.

43 The first appointment having been made pursuant to law for
44 terms of 1 and 2 years, respectively, the members subsequently
45 appointed each year shall fill the offices of the appointees whose
46 terms expire in that year.

47 (cf: P.L.2007, c.61, s.4)

1 9. R.S.19:6-22 is amended to read as follows:

2 19:6-22. a. (1) The county boards shall, at 10 a.m., on the [first
3 Tuesday in January of each presidential year and on the] second
4 Tuesday in March [of every other year], or on such other day as
5 they may agree on within the first [5 days in January or] 15 days in
6 March [, as the case may be,] in each year, meet at the courthouse,
7 or other place as provided for, in their respective counties, and,
8 subject to the provisions of paragraph (2) of this subsection,
9 organize by electing one of their number to be chairman and one to
10 be secretary; but the chairman and secretary shall not be members
11 of the same political party.

12 (2) In case of failure to elect a chairman after three ballots or
13 viva voce votes, the member having the greatest seniority on the
14 board shall be the chairman thereof, except that if the member
15 having the greatest seniority on the board so chooses, that member
16 shall instead be secretary of the board; in the event that that senior
17 member so chooses to become secretary, no election shall be held to
18 choose a secretary of the board, the board shall elect one of its
19 members who is not of the same political party as the secretary to
20 be the chairman of the board, and in the case of a failure again to
21 elect a chairman after three ballots or viva voce votes, the person
22 among those members having the greatest seniority on the board
23 shall be the chairman thereof.

24 In any case of failure to elect a chairman, if two or more
25 members of the board who are eligible to become chairman have
26 greatest and equal seniority on the board, then the board shall, not
27 later than the fifth day following the organization meeting, notify
28 the Governor of an inability to fill the position of chairman either
29 by election or on the basis of seniority, including in that notice a
30 certification of the names of those senior members of the board. In
31 addition, if the position of secretary has not otherwise been filled
32 under the foregoing provisions of this paragraph, the board shall
33 defer for the time being the election of a secretary. Not later than
34 the fifth day following receipt of the notice, the Governor shall
35 designate one of those senior members to be chairman of the board
36 and certify that designation to the board. If the position of secretary
37 was not filled at the initial meeting of the county board to organize,
38 then not later than the fifth day following receipt of that
39 certification, the board shall reconvene at the call of the chairman
40 so designated and shall elect a secretary of the board.

41 In case of failure to elect a secretary after three ballots or viva
42 voce votes, the member of the board having the greatest seniority
43 shall be secretary of the board, except that if that member has
44 become chairman because of election to that position or because of
45 designation as a result of the failure to elect a chairman, the
46 member with the next greatest seniority shall be secretary. In no

1 case, however, shall the chairman and secretary be members of the
2 same political party.

3 Seniority for the purposes of this section shall be determined by
4 the total amount of time that a person has served as a member of the
5 board, beginning from the date that that person took the oath of
6 office as a member.

7 b. The boards shall have power in their discretion to hold their
8 meetings for any purpose, except organization, in any part of their
9 respective counties. Meetings may be called by either the chairman
10 or the secretary of the board, or at the request of any two members.

11 (cf: P.L.2007, c.61, s.5)

12

13 10. R.S.19:7-2 is amended to read as follows:

14 19:7-2. A candidate who has filed a petition for an office to be
15 voted for at **[any]** the primary election, and a candidate for an
16 office whose name may appear upon the ballot to be used in any
17 election, may also act as a challenger as herein provided and may
18 likewise appoint 2 challengers for each district in which he is to be
19 voted for; but only 2 challengers shall be allowed for each election
20 district to represent all the candidates nominated in and by the same
21 original petition. The appointment of the challengers shall be in
22 writing under the hand of the person or persons making same and
23 shall specify the names and residences of the challengers and the
24 election districts for which they are severally appointed. Whenever
25 a public question shall appear on the ballot to be voted upon by the
26 voters of an election district and application has been made by the
27 proponents or opponents of such public question for the
28 appointment of challengers, the county board may in its discretion
29 appoint 2 challengers each to represent such proponents or
30 opponents. Such challengers shall be in addition to those provided
31 for in section 19:7-1 of this Title.

32 (cf: P.L.2005, c.136, s.10)

33

34 11. R.S.19:8-2 is amended to read as follows:

35 19:8-2. The clerk of every municipality, on or before **[January 4**
36 **of each presidential year and on or before]** April 1 **[of every other**
37 **year]** shall certify to the county board of every county wherein such
38 municipality is located a suggested list of places in the municipality
39 suitable for polling places. The county board shall select the
40 polling places for the election districts in the municipalities of the
41 county for all elections in the municipalities thereof, including all
42 commission government elections in the county. The county boards
43 shall not be obliged to select the polling places so suggested by the
44 municipal clerks, but may choose others where they may deem it
45 expedient. Preference in locations shall be given to schools and
46 public buildings where space shall be made available by the
47 authorities in charge, upon request, if same can be done without
48 detrimental interruption of school or the usual public services

1 thereof, and for which the authority in charge shall be reimbursed,
2 by agreement, for expenses of light, janitorial and other attending
3 services arising from such use. Each polling place selected shall be
4 accessible to individuals with disabilities and the elderly. A polling
5 place shall be considered accessible if it is in compliance with the
6 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
7 12101 et seq.). In no case shall the authorities in charge of a public
8 school or other public building deny the request of the county board
9 for the use, as a polling place, of any building they own or lease.

10 Where the county board shall fail to agree as to the selection of
11 the polling place or places for any election district, within five days
12 of an election, the county clerk shall select and designate the
13 polling place or places in any such election district.

14 The county board may select a polling place other than a
15 schoolhouse or public building outside of the district but such
16 polling place shall not be located more than 1,000 feet distant from
17 the boundary line of the district. The **【Attorney General】** Secretary
18 of State may, however, permit a polling place to be more than 1,000
19 feet distant from the boundary line of the district if there is no
20 suitable polling place accessible to individuals with disabilities and
21 the elderly within the district or 1,000 feet distant from the
22 boundary line of the district.

23 Whenever possible, the county board shall contact the managers
24 or owners of commercial or private buildings that the board deems
25 suitable to use as polling places, and are in or near an election
26 district lacking an accessible polling place, to determine whether a
27 portion of such a building may be used as a polling place on the day
28 of an election. Reimbursement for the use of a portion of such a
29 building shall be the same as provided by this section for schools
30 and public buildings.

31 Neither the owner nor operator of a facility designated as a
32 polling place by the county board is permitted or authorized to
33 relocate the polling place room in the building without the express
34 prior approval of the board.

35 (cf: P.L.2007, c.61, s.6)

36

37 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
38 as follows:

39 4. No later than **【January 15 of each presidential year and no**
40 **later than】** May 15 of every other year, beginning with May 15 next
41 following the enactment of P.L.2005, c.146, each Voting
42 Accessibility Advisory Committee, established pursuant to section
43 11 of P.L.1991, c.429 (C.19:8-3.7) shall report to the **【Attorney**
44 **General】** Secretary of State and the county board of elections, on
45 the form provided by the **【Attorney General】** Secretary of State, a
46 list of all polling places in the county, specifying any found
47 inaccessible. The committee shall indicate the reasons for

1 inaccessibility, according to guidelines established in the federal
2 "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et
3 seq.), and shall consult with the county board of elections to
4 determine the efforts made pursuant to P.L.1991, c.429 (C.19:8-3.1
5 et al.) to locate alternative polling places or the actions needed to
6 make the existing facilities accessible. Each county board of
7 elections shall notify the **【Attorney General】** Secretary of State and
8 the committee of any changes in polling place locations before the
9 next general election, including any changes required due to the
10 alteration of district boundaries.

11 (cf: P.L.2007, c.61, s.7)

12

13 13. R.S.19:8-4 is amended to read as follows:

14 19:8-4. The county board before **【January 15 of each**
15 **presidential year and】** May 15 **【of every other】** of each year shall
16 certify a list of polling places so selected to the sheriff and to the
17 clerk of the county and to the superintendent of elections of the
18 county if any there be and to each municipal clerk in the county.

19 (cf: P.L.2007, c.61, s.8)

20

21 14. R.S.19:9-2 is amended to read as follows:

22 19:9-2. The Director of the Division of Elections shall prepare
23 and distribute on or before **【January 4 of each presidential year and**
24 **on or before】** April 1 **【of every other】** in each year prior to the
25 primary election for the general election and the general election
26 such information as may be needed relative to election procedures
27 for the ensuing year.

28 The county board of elections shall prepare and distribute on or
29 before **【January 4 of each presidential year and on or before】** April
30 1 of **【every other】** in each year, registration and voting instructions
31 printed in at least 14-point type for conspicuous display at each
32 polling place at any election.

33 All other books, ballots, envelopes and other blank forms which
34 the county clerk is required to furnish under any other section of
35 this Title, stationery and supplies for the primary election for the
36 general election, the **【presidential】** primary election for delegates
37 and alternates to national conventions and the general election, shall
38 be furnished, prepared and distributed by the clerks of the various
39 counties; except that all books, blank forms, stationery and supplies,
40 articles and equipment which may be deemed necessary to be
41 furnished, used or issued by the county board or superintendent
42 shall be furnished, used or issued, prepared and distributed by such
43 county board or superintendent, as the case may be.

44 The county board shall furnish and deliver to the county clerk,
45 the municipal clerks and the district boards in municipalities having
46 more than one election district: a map or description of the district
47 lines of their respective election districts, together with the street

1 and house numbers where possible in such election districts and a
2 list or map of all of the polling places within the county to assist
3 any voter in identifying the correct location of the polling place at
4 which the voter should vote if that voter erroneously reports to the
5 municipal clerk or the wrong polling place.

6 Nothing in subtitle 2 of the Title, Municipalities and Counties
7 (R.S.40:16-1 et seq.), shall in any way be construed to affect,
8 restrict, or abridge the powers conferred on the county clerks,
9 county boards or superintendents by this Title.
10 (cf: P.L.2007, c.61, s.9)

11

12 ¹[15. R.S.19:12-1 is amended to read as follows:

13 19:12-1. The Secretary of State shall within thirty days after the
14 completion of the canvass by the board of State canvassers, certify
15 to each county clerk and county board the fact that at the next
16 preceding general election held for the election of all of the
17 members of the General Assembly ten per centum (10%) of the total
18 vote cast in the State for members of the General Assembly had
19 been cast for candidates having the same designation, thereby
20 creating, within the meaning of this Title, a political party, to be
21 known and recognized as such under the same designation as used
22 by the candidates for whom the required number of votes were cast.

23 The Secretary of State shall also not later than the sixtieth day
24 preceding the [presidential] primary election [in each presidential
25 year] for the general election in every year in which electors of
26 President and Vice-President of the United States [are to be
27 selected, and not later than the sixtieth day preceding the primary
28 election for the general election in which], a representative of the
29 United States Senate, members of the House of Representatives, a
30 Governor, a Lieutenant Governor, or Senator, or member or
31 members of the General Assembly for any county, or any of them,
32 are to be elected or any public question is to be submitted to the
33 voters of the entire State, direct and cause to be delivered to the
34 clerk of the county and the county board wherein any such election
35 is to be held, a notice stating that such officer or officers are to be
36 elected and that such public question is to be submitted to the voters
37 of the entire State at the ensuing general election.

38 (cf: P.L.2009, c.66, s.2)]¹

39

40 ¹[16. R.S.19:12-3 is amended to read as follows:

41 19:12-3. The clerk of each county shall immediately upon the
42 receipt of the certificate from the [Attorney General] Secretary of
43 State setting forth that a political party has been created, forward a
44 certified copy of such certificate to each municipal clerk of his
45 county.

46 He shall also, not later than the fiftieth day preceding the
47 [presidential] primary election [in each presidential year and the

1 primary election] for the general election in every [other] year,
2 cause a copy of the notice received from the [Attorney General]
3 Secretary of State of the officer or officers to be elected at the
4 ensuing general election, certified under his hand to be true and
5 correct, to be delivered to the clerk of each municipality in the
6 county.

7 (cf: P.L.2005, c.136, s.16)]¹

8

9 ¹[17. R.S.19:12-5 is amended to read as follows:

10 19:12-5. The clerk of every county shall, not later than the
11 fiftieth day preceding the [presidential] primary election [in each
12 presidential year and the primary election] for the general election
13 [in every other year], immediately preceding the expiration of the
14 term of office of all other officers who are voted for by the voters of
15 the entire county or of more than one municipality within the
16 county, direct and cause to be delivered to the clerk of each
17 municipality and the county board in counties of the first class, a
18 notice that such officer or officers, as the case may be, will be
19 chosen at the ensuing general election.

20 (cf: P.L.2005, c.136, s.17)]¹

21

22 ¹[18. R.S.19:12-6 is amended to read as follows:

23 19:12-6. All municipal clerks, not later than the fiftieth day
24 preceding the [presidential] primary election [in each presidential
25 year and the primary election] for the general election [in every
26 other year], shall make and certify under their hands and seals of
27 office and forward to the clerk of the county in which the
28 municipality is located a statement designating the public offices to
29 be filled at such election, and the number of persons to be voted for
30 each office. In counties of the first class such statement shall also
31 be forwarded to the county board.

32 (cf: P.L. 2005, c.136, s.18)]¹

33

34 ¹15. R.S.19:12-1 is amended to read as follows:

35 19:12-1. The Secretary of State shall within thirty days after the
36 completion of the canvass by the board of State canvassers, certify
37 to each county clerk and county board the fact that at the next
38 preceding general election held for the election of all of the
39 members of the General Assembly ten per centum (10%) of the total
40 vote cast in the State for members of the General Assembly had
41 been cast for candidates having the same designation, thereby
42 creating, within the meaning of this Title, a political party, to be
43 known and recognized as such under the same designation as used
44 by the candidates for whom the required number of votes were cast.

45 The Secretary of State shall also not later than the 67th day
46 preceding the [presidential] primary election [in each presidential

1 year] for the general election in every year in which electors of
2 President and Vice-President of the United States [are to be
3 selected, and not later than the 67th day preceding the primary
4 election for the general election in which], a representative of the
5 United States Senate, members of the House of Representatives, a
6 Governor, a Lieutenant Governor, or Senator, or member or
7 members of the General Assembly for any county, or any of them,
8 are to be elected or any public question is to be submitted to the
9 voters of the entire State, direct and cause to be delivered to the
10 clerk of the county and the county board wherein any such election
11 is to be held, a notice stating that such officer or officers are to be
12 elected and that such public question is to be submitted to the voters
13 of the entire State at the ensuing general election.¹

14 (cf: P.L.2011, c.37, s.39)

15

16 ¹16. R.S.19:12-3 is amended to read as follows:

17 19:12-3. The clerk of each county shall immediately upon the
18 receipt of the certificate from the Secretary of State setting forth
19 that a political party has been created, forward a certified copy of
20 such certificate to each municipal clerk of his county.

21 He shall also, not later than the 57th day preceding the
22 [presidential] primary election [in each presidential year and the
23 primary election] for the general election in every [other] year,
24 cause a copy of the notice received from the Secretary of State of
25 the officer or officers to be elected at the ensuing general election,
26 certified under his hand to be true and correct, to be delivered to the
27 clerk of each municipality in the county.¹

28 (cf: P.L.2011, c.37, s.40)

29

30 ¹17. R.S.19:12-5 is amended to read as follows:

31 19:12-5. The clerk of every county shall, not later than the 57th
32 day preceding the [presidential] primary election [in each
33 presidential year and the primary election] for the general election
34 [in every other year], immediately preceding the expiration of the
35 term of office of all other officers who are voted for by the voters of
36 the entire county or of more than one municipality within the
37 county, direct and cause to be delivered to the clerk of each
38 municipality and the county board in counties of the first class, a
39 notice that such officer or officers, as the case may be, will be
40 chosen at the ensuing general election.¹

41 (cf: P.L.2011, c.37, s.41)

42

43 ¹18. R.S.19:12-6 is amended to read as follows:

44 19:12-6. All municipal clerks, not later than the 57th day
45 preceding the [presidential] primary election [in each presidential
46 year and the primary election] for the general election [in every

1 other year], shall make and certify under their hands and seals of
2 office and forward to the clerk of the county in which the
3 municipality is located a statement designating the public offices to
4 be filled at such election, and the number of persons to be voted for
5 each office. In counties of the first class such statement shall also
6 be forwarded to the county board.¹

7 (cf: P.L. 2011, c.37, s.42)

8

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

10 19:12-7. a. The county board in each county shall cause to be
11 published in a newspaper or newspapers which, singly or in
12 combination, are of general circulation throughout the county, a
13 notice containing the information specified in subsection b. hereof,
14 except for such of the contents as may be omitted pursuant to
15 subsection c. or d. hereof. Such notice shall be published once
16 during the 30 days next preceding the day fixed for the closing of
17 the registration books for the primary election, once during the
18 calendar week next preceding the week in which the [presidential]
19 primary election [or the primary election] for the general election
20 is held, [as the case may be,] once during the 30 days next
21 preceding the day fixed for the closing of the registration books for
22 the general election, and once during the calendar week next
23 preceding the week in which the general election is held.

24 b. Such notice shall set forth:

25 (1) For the primary election for the general election:

26 (a) That a primary election for making nominations for the
27 general election [and] , for the selection of members of the county
28 committees of each political party, and in each presidential year for
29 the selection of delegates and alternates to national conventions of
30 political parties, will be held on the day and between the hours and
31 at the places provided for by or pursuant to this Title.

32 (b) The place or places at which and hours during which a
33 person may register, the procedure for the transfer of registration,
34 and the date on which the books are closed for registration or
35 transfer of registration.

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

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

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

46 (f) In the case of the notice published during the calendar week
47 next preceding the week in which the primary election is held, that

1 a voter who, prior to the election, shall have moved within the same
2 county without (i) filing, on or before the 21st day preceding the
3 election, a notice of change of residence with the commissioner of
4 registration of the county or the municipal clerk of the municipality
5 in which the voter resides on the day of the election, (ii) returning
6 the confirmation notice sent to the voter by the commissioner of
7 registration of the county, if such a notice has been sent to the voter,
8 or (iii) otherwise notifying the commissioner of registration of the
9 voter's change of address within the county shall be permitted to
10 correct the voter's registration and to vote in the primary election by
11 provisional ballot at the polling place of the district in which the
12 voter resides on the day of the election. The notice shall further
13 provide that the voter may contact the county commissioner of
14 registration or municipal clerk to determine the proper polling place
15 location for the voter.

16 (2) For the general election:

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

19 (b) The place or places at which and hours during which a
20 person may register, the procedure for transfer of registration, and
21 the date on which the books are closed for registration or transfer of
22 registration.

23 (c) The several State, county and municipal offices to be filled
24 and, except as provided in R.S.19:14-33 of this Title as to
25 publication of notice of any Statewide proposition directed by the
26 Legislature to be submitted to the people, the State, county and
27 municipal public questions to be voted upon at such general
28 election.

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

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

36 (f) In the case of the notice published during the calendar week
37 next preceding the week in which the general election is held, that a
38 voter who, prior to the election, shall have moved within the same
39 county without (i) filing, on or before the 21st day preceding the
40 election, a notice of change of residence with the commissioner of
41 registration of the county or the municipal clerk of the municipality
42 in which the voter resides on the day of the election, (ii) returning
43 the confirmation notice sent to the voter by the commissioner of
44 registration of the county, if such a notice has been sent to the voter,
45 or (iii) otherwise notifying the commissioner of registration of the
46 voter's change of address within the county shall be permitted to
47 correct the voter's registration and to vote in the general election by
48 provisional ballot at the polling place of the district in which the

1 voter resides on the day of the election. The notice shall further
2 provide that the voter may contact the county commissioner of
3 registration or municipal clerk to determine the proper polling place
4 location for the voter.

5 (3) For a school election:

6 (a) The day, time and place thereof,

7 (b) The offices, if any, to be filled at the election,

8 (c) The substance of any public question to be submitted to the
9 voters thereat,

10 (d) That a voter who, prior to the election, shall have moved
11 within the same county without (i) filing, on or before the 21st day
12 preceding the election, a notice of change of residence with the
13 commissioner of registration of the county or the municipal clerk of
14 the municipality in which the voter resides on the day of the
15 election, (ii) returning the confirmation notice sent to the voter by
16 the commissioner of registration of the county, if such a notice has
17 been sent to the voter, or (iii) otherwise notifying the commissioner
18 of registration of the voter's change of address within the county
19 shall be permitted to correct the voter's registration and to vote in
20 the school election by provisional ballot at the polling place of the
21 district in which the voter resides on the day of the election,

22 (e) That if the voter has any questions as to where to vote on the
23 day of the election, the voter may contact the county commissioner
24 of registration or municipal clerk to determine the proper polling
25 place location for the voter; and

26 (f) Such other information as may be required by law.

27 **[(4) For the presidential primary election:**

28 (a) That a primary for the selection of delegates and alternates
29 to national conventions of political parties will be held on the day
30 and between the hours and at the places provided for pursuant to
31 this Title.

32 (b) The place or places at which and hours during which a
33 person may register, the procedure for the transfer of registration,
34 and the date on which the books are closed for registration or
35 transfer of registration.

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

41 (d) The availability of assistance to a person unable to vote due
42 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

1 by the voters of any municipality, shall be set forth in at least one
2 newspaper having general circulation in such municipality;

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

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

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

16 e. (Deleted by amendment, P.L.1999, c.232.)

17 f. The cost of publishing the notices required by this section
18 shall be paid by the respective counties, unless otherwise provided
19 for by law.

20 g. Notices required to be published or posted pursuant to this
21 section shall set forth a general description of the contents of the
22 voter information notice provided for in section 1 of P.L.2005,
23 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
24 prior to the day of an election, and that the notice will be posted in
25 each polling place on the day of an election.

26 (cf: P.L.2005, c.149, s.2)

27

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

29 19:14-6. In each column, immediately below the six-point rule,
30 shall be printed the proper word or words to designate the column,
31 to be known as the "column designation."

32 In the columns at the extreme left shall be printed the name of
33 each of the political parties which made nominations at the next
34 preceding [presidential primary election, during the same year such
35 an election is held, and the next preceding] primary election [for
36 the general election] every year, directly under which shall appear
37 the words "to vote for any candidate whose name appears in the
38 column below, mark a cross x, plus + or check in the square at the
39 left of the name of such candidate. Do not vote for more candidates
40 than are to be elected to any office." Such columns shall be three
41 inches in width.

42 The column next to the right of such columns shall be designated
43 "personal choice, "under which shall appear the words" in the blank
44 column below, under the proper title of office, the voter may write
45 or paste the name of any person for whom he desires to vote, whose
46 name is not printed on this ballot, and shall mark a cross x, plus +
47 or check in the square at the left of such name. Do not vote for
48 more candidates than are to be elected to any office." There shall

1 also be the same instructions regarding electors of president and
2 vice-president which now appear at the head of all other columns.
3 This column shall be four inches in width.

4 The remaining column or columns, as the case may be, shall each
5 be designated "Nomination by Petition," under which shall be
6 printed the words "to vote for any candidate whose name appears in
7 the column below mark a cross x, plus + or check in the square at
8 the left of the name of such candidate. Do not vote for more
9 candidates than are to be elected to any office." These columns
10 shall be four inches in width.

11 Below the column designations and accompanying instructions
12 and not more than one and one-half inches below the six-point
13 diagram rule and parallel thereto, shall be printed a six-point
14 diagram rule extending across the entire ballot from one four point
15 rule to the other.

16 (cf: P.L.2005, c.136, s.22)

17

18 21. R.S.19:14-8 is amended to read as follows:

19 19:14-8. In the columns of each of the political parties which
20 made nominations at the next preceding primary election to the
21 general election and in the personal choice column, within the space
22 between the two-point hair line rules, there shall be printed the title
23 of each office to be filled at such election, except as hereinafter
24 provided.

25 Such titles of office shall be arranged in the following order:
26 electors of President and Vice-President of the United States;
27 member of the United States Senate; Governor; member of the
28 House of Representatives; member of the State Senate; members of
29 the General Assembly; county executive, in counties that have
30 adopted the county executive plan of the "Optional County Charter
31 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
32 surrogate; register of deeds and mortgages; county supervisor;
33 members of the board of chosen freeholders; coroners; mayor and
34 members of municipal governing bodies, and any other titles of
35 office. Above each of such titles of office, except the one at the
36 top, shall be printed a two-point diagram rule in place of the two-
37 point hair line rule. Below the titles of such offices shall be printed
38 the names of the candidates for the offices.

39 **【In the columns of each of the political parties which made**
40 **nominations at the next preceding presidential primary election and**
41 **in the personal choice column, within the space between the two-**
42 **point hair line rules, there shall be printed the title of office for**
43 **electors of President and Vice President of the United States.】**

44 The arrangement of the names of candidates for any office for
45 which more than one are to be elected shall be determined in the
46 manner hereinafter provided, as in the case of candidates nominated
47 by petition.

1 When no nomination for an office has been made the words "No
2 Nomination Made" in type large enough to fill the entire space or
3 spaces below the title of office shall be printed upon the ballot.

4 Immediately to the left of the name of each candidate, at the
5 extreme left of each column, including the personal choice column,
6 shall be printed a square, one-quarter of an inch in size, formed by
7 two-point diagram rules. In the personal choice column no names
8 of candidates shall be printed.

9 To the right of the title of each office in the party columns and
10 the personal choice column shall be printed the words "Vote for,"
11 inserting in words the number of persons to be elected to such
12 office.

13 (cf: P.L.2005, c.136, s.23)

14

15 22. R.S.19:14-12 is amended to read as follows:

16 19:14-12. The county clerk shall draw lots in his county to
17 determine which columns the political parties which made
18 nominations at the next preceding **【presidential】** primary election
19 **【in each presidential year and at the primary election for the general**
20 **election every year,】** shall occupy on the ballot in the county. The
21 name of the party first drawn shall occupy the first column at the
22 left of the ballot, and the name of the party next drawn shall occupy
23 the second column, and so forth.

24 The position which the names of candidates, and bracketed
25 groups of names of candidates nominated by petitions for all
26 offices, shall have upon the general election ballot, shall be
27 determined by the county clerks in their respective counties.

28 The manner of drawing the lots shall be as follows: paper slips
29 with the names of each political party written thereon, shall be
30 placed in capsules of the same size, shape, color and substance and
31 then placed in a covered box with an aperture in the top large
32 enough to admit a man's hand and to allow the capsules to be drawn
33 therefrom. The box shall be well shaken and turned over to
34 thoroughly intermingle the capsules. The county clerk or his deputy
35 shall at his office, draw from the box each capsule separately
36 without knowledge on his part as to which capsule he is drawing.

37 The person making the drawing shall open the capsule and shall
38 make public announcement at the drawing of each name, the order
39 in which name is drawn and the office for which the drawing is
40 made.

41 Where there is but one person to be elected to an office, the
42 names of the several candidates who have filed petitions for such
43 office shall be written upon paper slips and placed in separate
44 capsules of the same size, shape, color and substance. The capsules
45 shall be placed in a covered box with an aperture in the top large
46 enough to admit a man's hand and to allow the capsules to be drawn
47 therefrom. The box shall be turned and shaken thoroughly to mix
48 the capsules and the capsules shall be withdrawn one at a time.

1 When there is more than one person to be elected to an office
2 where petitions have designated that certain candidates shall be
3 bracketed, the position of such bracketed names on the ballot (each
4 bracketed group to be treated as a single name), together with
5 individuals who have filed petitions for such office, shall be
6 determined as above described.

7 Any legal voter of the county or municipality, as the case may
8 be, shall have the privilege of witnessing the drawing.

9 The name or names of the candidate or bracketed group of
10 candidates first drawn from the box shall be printed directly below
11 the proper title of the office for which they were nominated, and the
12 name or names of the candidate or bracketed group of candidates
13 next drawn shall be printed next in order, and so on, until the last
14 name or bracketed group of names shall be drawn from the box.

15 The arrangement of names of any bracketed group of candidates
16 for any office for which more than one are to be elected shall be
17 printed in the same order on the ballot as they were arranged on the
18 petition of nomination.

19 The drawing for the positions which the names of candidates and
20 bracketed groups of names of candidates, nominated by petition for
21 office, and for the columns which the political parties which made
22 nominations at the next preceding **【presidential】** primary election
23 and **【the preceding primary election】** for the general election shall
24 occupy upon the general election ballot, shall be held at 3 o'clock in
25 the afternoon of the eighty-fifth day prior to the day of the general
26 election.

27 (cf: P.L.2005, c.136, s.24)

28

29 23. R.S.19:23-1 is amended to read as follows:

30 19:23-1. The chairman of the State committee of a political
31 party shall, on or before March 1 in the year when a Governor is to
32 be elected, notify in writing the chairman of each county committee
33 of such party of the number of male or female members or members
34 with less than one full vote to be elected from the county at the
35 ensuing primary election for the general election, and each such
36 chairman shall, on or before April 1 of such year, send a copy of
37 such notice to the county clerk.

38 The chairman of each county committee shall also, on or before
39 **【January 4 of each presidential year and on or before】** April 1 **【of**
40 **every other】** in each year, file with the clerks of the several
41 municipalities the number of committeemen to be elected at the
42 ensuing primary for the general election to the county committee.

43 (cf: P.L.2007, c.61, s.10)

44

45 ¹**【**24. R.S.19:23-24 is amended to read as follows:

46 19:23-24. The position which the candidates and bracketed
47 groups of names of candidates for the primary for the general

1 election shall have upon the ballots used for the primary election for
2 the general election, in the case of candidates for nomination for
3 members of the United States Senate, Governor, members of the
4 House of Representatives, members of the State Senate, members of
5 the General Assembly, choice for President, delegates and
6 alternates-at-large to the national conventions of political parties,
7 district delegates and alternates to conventions of political parties,
8 candidates for party positions, and county offices or party positions
9 which are to be voted for by the voters of the entire county or a
10 portion thereof greater than a single municipality, including a
11 congressional district which is wholly within a single municipality,
12 shall be determined by the county clerks in their respective
13 counties; and, excepting in counties where R.S.19:49-2 applies, the
14 position on the ballot used for the primary election for the general
15 election in the case of candidates for nomination for office or party
16 position wherein the candidates for office or party position to be
17 filled are to be voted for by the voters of a municipality only, or a
18 subdivision thereof (excepting in the case of members of the House
19 of Representatives) shall be determined by the municipal clerk in
20 such municipalities, in the following manner: The county clerk, or
21 his deputy, or the municipal clerk or his deputy, as the case may be,
22 shall at his office on the 47th day prior to the primary election for
23 the general election at three o'clock in the afternoon draw from the
24 box, as hereinafter described, each card separately without
25 knowledge on his part as to which card he is drawing. Any legal
26 voter of the county or municipality, as the case may be, shall have
27 the privilege of witnessing such drawing. The person making the
28 drawing shall make public announcement at the drawing of each
29 name, the order in which same is drawn, and the office for which
30 the drawing is made. When there is to be but one person nominated
31 for the office, the names of the several candidates who have filed
32 petitions for such office shall be written upon cards (one name on a
33 card) of the same size, substance and thickness. The cards shall be
34 deposited in a box with an aperture in the cover of sufficient size to
35 admit a man's hand. The box shall be well shaken and turned over
36 to thoroughly mix the cards, and the cards shall then be withdrawn
37 one at a time. The first name drawn shall have first place, the
38 second name drawn, second place, and so on; the order of the
39 withdrawal of the cards from the box determining the order of
40 arrangement in which the names shall appear upon the primary
41 election ballot. Where there is more than one person to be
42 nominated to an office where petitions have designated that certain
43 candidates shall be bracketed, the position of such bracketed names
44 on the ballot (each bracket to be treated as a single name), together
45 with individuals who have filed petitions for nomination for such
46 office, shall be determined as above described. Where there is more
47 than one person to be nominated for an office and there are more
48 candidates who have filed petitions than there are persons to be

1 nominated, the order of the printing of such names upon the primary
2 election ballots shall be determined as above described.

3 The county clerk in certifying to the municipal clerk the offices
4 to be filled and the names of candidates to be printed upon the
5 ballots used for the primary election for the general election, shall
6 certify them in the order as drawn in accordance with the above
7 described procedure, and the municipal clerk shall print the names
8 upon the ballots as so certified and in addition shall print the names
9 of such candidates as have filed petitions with him in the order as
10 determined as a result of the drawing as above described.
11 Candidates for the office of the county executive in counties that
12 have adopted the county executive plan of the "Optional County
13 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
14 the candidates for other county offices for which there are
15 candidates on the ballot used for the primary election for the
16 general election.

17 (cf: P.L.2005, c.136, s.26)]¹

18

19 ¹24. R.S.19:23-24 is amended to read as follows:

20 19:23-24. The position which the candidates and bracketed
21 groups of names of candidates for the primary for the general
22 election shall have upon the ballots used for the primary election for
23 the general election, in the case of candidates for nomination for
24 members of the United States Senate, Governor, members of the
25 House of Representatives, members of the State Senate, members of
26 the General Assembly, choice for President, delegates and
27 alternates-at-large to the national conventions of political parties,
28 district delegates and alternates to conventions of political parties,
29 candidates for party positions, and county offices or party positions
30 which are to be voted for by the voters of the entire county or a
31 portion thereof greater than a single municipality, including a
32 congressional district which is wholly within a single municipality,
33 shall be determined by the county clerks in their respective
34 counties; and, excepting in counties where R.S.19:49-2 applies, the
35 position on the ballot used for the primary election for the general
36 election in the case of candidates for nomination for office or party
37 position wherein the candidates for office or party position to be
38 filled are to be voted for by the voters of a municipality only, or a
39 subdivision thereof (excepting in the case of members of the House
40 of Representatives) shall be determined by the municipal clerk in
41 such municipalities, in the following manner: The county clerk, or
42 his deputy, or the municipal clerk or his deputy, as the case may be,
43 shall at his office on the 53rd day prior to the primary election for
44 the general election at three o'clock in the afternoon draw from the
45 box, as hereinafter described, each card separately without
46 knowledge on his part as to which card he is drawing. Any legal
47 voter of the county or municipality, as the case may be, shall have
48 the privilege of witnessing such drawing. The person making the

1 drawing shall make public announcement at the drawing of each
2 name, the order in which same is drawn, and the office for which
3 the drawing is made. When there is to be but one person nominated
4 for the office, the names of the several candidates who have filed
5 petitions for such office shall be written upon cards (one name on a
6 card) of the same size, substance and thickness. The cards shall be
7 deposited in a box with an aperture in the cover of sufficient size to
8 admit a man's hand. The box shall be well shaken and turned over
9 to thoroughly mix the cards, and the cards shall then be withdrawn
10 one at a time. The first name drawn shall have first place, the
11 second name drawn, second place, and so on; the order of the
12 withdrawal of the cards from the box determining the order of
13 arrangement in which the names shall appear upon the primary
14 election ballot. Where there is more than one person to be
15 nominated to an office where petitions have designated that certain
16 candidates shall be bracketed, the position of such bracketed names
17 on the ballot (each bracket to be treated as a single name), together
18 with individuals who have filed petitions for nomination for such
19 office, shall be determined as above described. Where there is more
20 than one person to be nominated for an office and there are more
21 candidates who have filed petitions than there are persons to be
22 nominated, the order of the printing of such names upon the primary
23 election ballots shall be determined as above described.

24 The county clerk in certifying to the municipal clerk the offices
25 to be filled and the names of candidates to be printed upon the
26 ballots used for the primary election for the general election, shall
27 certify them in the order as drawn in accordance with the above
28 described procedure, and the municipal clerk shall print the names
29 upon the ballots as so certified and in addition shall print the names
30 of such candidates as have filed petitions with him in the order as
31 determined as a result of the drawing as above described.
32 Candidates for the office of the county executive in counties that
33 have adopted the county executive plan of the "Optional County
34 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
35 the candidates for other county offices for which there are
36 candidates on the ballot used for the primary election for the
37 general election.¹

38 (cf: P.L.2011, c.37, s.11)

39

40 25. R.S.19:23-40 is amended to read as follows:

41 19:23-40. **【The presidential primary election shall be held for all**
42 **political parties in each presidential year on the first Tuesday next**
43 **after the first Monday in February.】**

44 The primary election for the general election shall be held for all
45 political parties upon the Tuesday next after the first Monday in
46 June **【.**

1 All primary elections shall occur] between the hours of 6:00
2 A.M. and 8:00 P.M., Standard Time [and] . It shall be held for all
3 political parties in the same places as hereinbefore provided for the
4 ensuing general election.

5 (cf: P.L.2007, c.61, s.11)

6
7 26. R.S.19:23-42 is amended to read as follows:

8 19:23-42. The [presidential] primary election [and the
9 primary] for the general election shall be conducted by the district
10 boards substantially in the same manner as the general election,
11 except as herein otherwise provided.

12 Each district board may allow one member thereof at a time to be
13 absent from the polling place or room for a period not exceeding
14 one hour between the hours of one o'clock and five o'clock in the
15 afternoon or for such shorter time as it shall see fit; but at no time
16 from the opening of the polls to the completion of the canvass shall
17 there be less than a majority of the board present in the polling
18 room or place.

19 (cf: P.L.2005, c.136, s.28)

20
21 [27. R.S.19:23-45 is amended to read as follows:

22 19:23-45. No voter shall be allowed to vote at [any] the primary
23 election unless his name appears in the signature copy register.

24 A voter who votes in a primary election of a political party or
25 who signs and files with the municipal clerk or the county
26 commissioner of registration a declaration that he desires to vote in
27 [any] the primary election of a political party, or who indicates on
28 a voter registration form the voter's choice of political party
29 affiliation and submits the form to the commissioner of registration
30 of the county wherein the voter resides, to the employees or agents
31 of a public agency, as defined in subsection a. of section 15 of
32 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
33 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
34 6.11), or to the [Attorney General] Secretary of State, shall be
35 deemed to be a member of that party until the voter signs and files
36 with the municipal clerk or the commissioner of registration a
37 declaration that he desires to vote in [a] the primary election of
38 another political party at which time he shall be deemed to be a
39 member of such other political party. The [Attorney General]
40 Secretary of State shall cause to be prepared political party
41 affiliation declaration forms and shall provide such forms to the
42 commissioners of registration of the several counties and to the
43 clerks of the municipalities within such counties.

44 No voter, except a newly registered voter at the first primary at
45 which he is eligible to vote, or a voter who has not previously voted
46 in a primary election, may vote in a primary election of a political

1 party unless he was deemed to be a member of that party on the
2 50th day next preceding such primary election.

3 A member of the county committee of a political party and a
4 public official or public employee holding any office or public
5 employment to which he has been elected or appointed as a member
6 of a political party shall be deemed a member of such political
7 party.

8 A voter may declare the voter's party affiliation or change the
9 voter's party affiliation, or declare that the voter is unaffiliated with
10 any party regardless of any previously declared party affiliation, by
11 so indicating on a political party declaration form filed with the
12 municipal clerk or the county commissioner of registration. A voter
13 may also indicate that the voter wishes to declare a political party
14 affiliation or that the voter does not want to declare a political party
15 affiliation on a voter registration form filed at the time of initial
16 registration.

17 Any person voting in the primary ballot box of any political
18 party in any primary election in contravention of the election law
19 shall be guilty of a disorderly persons offense, and any person who
20 aids or assists any such person in such violation by means of public
21 proclamation or order, or by means of any public or private
22 direction or suggestions, or by means of any help or assistance or
23 cooperation, shall likewise be guilty of a disorderly persons offense.
24 (cf: P.L.2005, c.154, s.6)]¹

25

26 ¹[28. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to
27 read as follows:

28 2. a. The county commissioner of registration in each of the
29 several counties shall cause a notice to be published in each
30 municipality of their respective counties in a newspaper or
31 newspapers circulating therein. The notice to be so published shall
32 be published once during each of the two calendar weeks next
33 preceding the week in which the 50th day next preceding **[any]** the
34 primary election of a political party occurs.

35 b. The notice required to be published by the preceding
36 paragraph shall inform the reader thereof that no voter, except a
37 newly registered voter at the first primary at which he is eligible to
38 vote, or a voter who has not previously voted in a primary election
39 may vote in a primary election of a political party unless he was
40 deemed to be a member of that party on the 50th day next preceding
41 such primary election. It shall further inform the reader thereof that
42 a voter who votes in **[any]** the primary election of a political party,
43 or who signs and files with the municipal clerk or the county
44 commissioner of registration a declaration that he desires to vote in
45 **[a]** the primary election of a political party, or who indicates on a
46 voter registration form the voter's choice of political party
47 affiliation and submits the form to the commissioner of registration

1 of the county wherein the voter resides, to the employees or agents
2 of a public agency, as defined in subsection a. of section 15 of
3 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
4 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
5 6.11) or to the **【Attorney General】** Secretary of State, shall be
6 deemed to be a member of that party until the voter signs and files
7 with the municipal clerk or the commissioner of registration a
8 declaration that he desires to vote in **【a】** the primary election of
9 another political party, at which time he shall be deemed to be a
10 member of such other political party, or that the voter chooses not
11 to be affiliated with any political party. The notice shall also state
12 the time and location where a person may obtain political party
13 affiliation declaration forms or voter registration forms.
14 (cf: P.L.2005, c.153, s.2)】¹
15

16 ¹27. R.S.19:23-45 is amended to read as follows:

17 19:23-45. No voter shall be allowed to vote at **【any】** the primary
18 election unless his name appears in the signature copy register.

19 A voter who votes in a primary election of a political party or
20 who signs and files with the municipal clerk or the county
21 commissioner of registration a declaration that he desires to vote in
22 **【any】** the primary election of a political party, or who indicates on
23 a voter registration form the voter's choice of political party
24 affiliation and submits the form to the commissioner of registration
25 of the county wherein the voter resides, to the employees or agents
26 of a public agency, as defined in subsection a. of section 15 of
27 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
28 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
29 6.11), or to the Secretary of State, shall be deemed to be a member
30 of that party until the voter signs and files with the municipal clerk
31 or the commissioner of registration a declaration that he desires to
32 vote in **【a】** the primary election of another political party at which
33 time he shall be deemed to be a member of such other political
34 party. The Secretary of State shall cause to be prepared political
35 party affiliation declaration forms and shall provide such forms to
36 the commissioners of registration of the several counties and to the
37 clerks of the municipalities within such counties.

38 No voter, except a newly registered voter at the first primary at
39 which he is eligible to vote, or a voter who has not previously voted
40 in a primary election, may vote in a primary election of a political
41 party unless he was deemed to be a member of that party on the
42 55th day next preceding such primary election.

43 A member of the county committee of a political party and a
44 public official or public employee holding any office or public
45 employment to which he has been elected or appointed as a member
46 of a political party shall be deemed a member of such political
47 party.

1 A voter may declare the voter's party affiliation or change the
2 voter's party affiliation, or declare that the voter is unaffiliated with
3 any party regardless of any previously declared party affiliation, by
4 so indicating on a political party declaration form filed with the
5 municipal clerk or the county commissioner of registration. A voter
6 may also indicate that the voter wishes to declare a political party
7 affiliation or that the voter does not want to declare a political party
8 affiliation on a voter registration form filed at the time of initial
9 registration.

10 Any person voting in the primary ballot box of any political
11 party in any primary election in contravention of the election law
12 shall be guilty of a disorderly persons offense, and any person who
13 aids or assists any such person in such violation by means of public
14 proclamation or order, or by means of any public or private
15 direction or suggestions, or by means of any help or assistance or
16 cooperation, shall likewise be guilty of a disorderly persons
17 offense.¹

18 (cf: P.L.2011, c.37, s.12)

19

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

22 2. a. The county commissioner of registration in each of the
23 several counties shall cause a notice to be published in each
24 municipality of their respective counties in a newspaper or
25 newspapers circulating therein. The notice to be so published shall
26 be published once during each of the two calendar weeks next
27 preceding the week in which the 55th day next preceding **any** the
28 primary election of a political party occurs.

29 b. The notice required to be published by the preceding
30 paragraph shall inform the reader thereof that no voter, except a
31 newly registered voter at the first primary at which he is eligible to
32 vote, or a voter who has not previously voted in a primary election
33 may vote in a primary election of a political party unless he was
34 deemed to be a member of that party on the 55th day next preceding
35 such primary election. It shall further inform the reader thereof that
36 a voter who votes in **any** the primary election of a political party,
37 or who signs and files with the municipal clerk or the county
38 commissioner of registration a declaration that he desires to vote in
39 **a** the primary election of a political party, or who indicates on a
40 voter registration form the voter's choice of political party
41 affiliation and submits the form to the commissioner of registration
42 of the county wherein the voter resides, to the employees or agents
43 of a public agency, as defined in subsection a. of section 15 of
44 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
45 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
46 6.11) or to the Secretary of State, shall be deemed to be a member
47 of that party until the voter signs and files with the municipal clerk

1 or the commissioner of registration a declaration that he desires to
2 vote in **[a]** the primary election of another political party, at which
3 time he shall be deemed to be a member of such other political
4 party, or that the voter chooses not to be affiliated with any political
5 party. The notice shall also state the time and location where a
6 person may obtain political party affiliation declaration forms or
7 voter registration forms.¹

8 (cf: P.L.2011, c.37, s.13)

9

10 29. R.S.19:23-46 is amended to read as follows:

11 19:23-46. Each voter offering to vote shall announce his name
12 and the party primary in which he wishes to vote. The district
13 board shall thereupon ascertain by reference to the signature copy
14 register or the primary election registry book required **[for either**
15 **the presidential primary or the primary election for the general**
16 **election]** by this title **[, as the case may be,]** and, in municipalities
17 not having permanent registration, if necessary by reference to the
18 primary party poll books of the preceding **[presidential primary**
19 **election or]** primary election for the general election, that such
20 voter is registered as required by this title and also that he is not
21 ineligible or otherwise disqualified by the provisions of section
22 19:23-45 of this title; in which event he shall be allowed to vote.

23 (cf: P.L.2005, c.136, s.31)

24

25 30. R.S.19:23-49 is amended to read as follows:

26 19:23-49. At the close of **[a presidential]** the primary election
27 **[and a primary election]** for the general election each district board
28 shall immediately proceed to count the votes cast at the election and
29 ascertain the results thereof for the candidates of each political
30 party holding such elections, proceeding in the manner indicated by
31 the statement hereinafter provided for, and as nearly as may be in
32 the manner herein required for the counting by the district board of
33 votes cast at the general election.

34 (cf: P.L.2005, c.136, s.32)

35

36 31. R.S.19:23-58 is amended to read as follows:

37 19:23-58. Any provisions of this title which pertain particularly
38 to any election or to the general election shall apply to the
39 **[presidential primary election or the]** primary election for the
40 general election **[, as the case may be,]** insofar as they are not
41 inconsistent with the special provisions of this title pertaining to the
42 **[presidential primary election or the]** primary election for the
43 general election.

44 (cf: P.L.2005, c.136, s.33)

45

46 32. R.S.19:24-1 is amended to read as follows:

1 19:24-1. In every year in which **【presidential】** primary elections
2 are to be held as herein provided for the election of delegates and
3 alternates to the national conventions of political parties, including
4 any national mid-term convention or conference of a political party,
5 the chairman of the State committee of each political party shall
6 notify the **【Attorney General】** Secretary of State, on or before
7 **【December 20】** March 1 of that **【preceding】** year, of the number of
8 delegates-at-large and the number of alternates-at-large to be
9 elected to the next national convention of such party by the voters
10 of the party throughout the State, and also of the number of
11 delegates and alternates to be chosen to such convention in the
12 respective congressional districts or other territorial subdivisions of
13 the State as mentioned in such notification.

14 If the State chairmen, or either of them, shall fail to file notice,
15 the **【Attorney General】** Secretary of State shall ascertain such facts
16 from the call for its national convention issued by the National or
17 State committee.

18 (cf: P.L.2007, c.61, s.12)

19

20 33. R.S.19:24-2 is amended to read as follows:

21 19:24-2. The **【Attorney General】** Secretary of State shall, on or
22 before **【December 20】** March 20 of **【the】** that year **【preceding each**
23 **presidential election or January 1 of every other year, as the case**
24 **may be】**, certify to the county clerk and county board of each
25 county the number of delegates and alternates-at-large to be chosen
26 by each such party and the number of delegates and alternates to be
27 chosen in each congressional district or other territorial subdivision
28 of the State, composed in whole or in part of the county of such
29 county clerk.

30 Any provisions of this Title which pertain particularly to any
31 election or to the general election or to the primary election for the
32 general election shall apply to the **【presidential】** primary election
33 for delegates and alternates to national conventions insofar as they
34 are not inconsistent with the special provisions of this Title
35 pertaining to the **【presidential】** primary election for delegates and
36 alternates to national conventions.

37 Notwithstanding any provision of this Title, national and State
38 party rules shall govern the selection of delegates and alternates to
39 national party conventions, provided the State chairman of the
40 political party notifies the **【Attorney General】** Secretary of State
41 prior to **【December 20 of the year preceding each presidential**
42 **election or January】** March 1 of **【every other】** the year **【,**
43 **as the case may be,】** in which delegates and alternates are elected of the
44 applicable party rules governing the delegate selection process. The
45 **【Attorney General】** Secretary of State shall notify the county clerks
46 prior to **【December 20】** April 1 of the year **【preceding each**

1 presidential election or January 10 of every other year, as the case
2 may be,] in which delegates and alternates are elected of the
3 applicable party rules, if any, which apply to matters within their
4 jurisdiction. Pursuant to this section, the [Attorney General]
5 Secretary of State shall issue to the county clerks uniform
6 regulations governing the delegate selection process.
7 (cf: P.L.2007, c.61, s.13)

8

9 ¹[34. R.S.19:24-4 is amended to read as follows:

10 19:24-4. Not less than 100 members of each such political party
11 may file with the [Attorney General] Secretary of State at least 57
12 days prior to the [presidential] primary election for the general
13 election in any year of a national convention a petition requesting
14 that the name of a person therein indorsed shall be printed on the
15 [presidential] primary ticket of such political party as candidate for
16 the position of delegate-at-large or alternate-at-large, to be chosen
17 by the party voters throughout the State to the national convention
18 of that party, or as a delegate or alternate to be chosen to that
19 convention by the voters of any congressional district.

20 The signers to the petition for any delegate-at-large or alternate-
21 at-large shall be legal voters resident in the State; and the signers
22 for any delegate or alternate from any Congressional district shall
23 be voters of such district.

24 The [Attorney General] Secretary of State shall not later than
25 the 48th day preceding the [presidential] primary election for the
26 general election certify to each county clerk and county board such
27 nominations for delegates and alternates-at-large and the
28 nominations for delegate or alternate for any Congressional district.
29 (cf: P.L.2005, c.136, s.36)]¹

30

31 ¹[35. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read
32 as follows:

33 1. Not less than one thousand voters of any political party may
34 file a petition with the [Attorney General] Secretary of State on or
35 before the 57th day before a [presidential] primary election in any
36 year in which a President of the United States is to be chosen,
37 requesting that the name of the person indorsed therein as a
38 candidate of such party for the office of President of the United
39 States shall be printed upon the official [presidential] primary
40 ballot of that party for the then ensuing election for delegates and
41 alternates to the national convention of such party.

42 The petition shall be prepared and filed in the form and manner
43 herein required for the indorsement of candidates to be voted for at
44 the primary election for the general election, except that the
45 candidate shall not be permitted to have a designation or slogan
46 following his name, and that it shall not be necessary to have the

1 consent of such candidate for President indorsed on the petition.
2 (cf: P.L.2005, c.136, s.37)]¹

3

4 ¹[36. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read
5 as follows:

6 2. The [Attorney General] Secretary of State shall certify the
7 names so indorsed to the county clerk of each county not later than
8 the 48th day before such [presidential] primary election, but if any
9 person so indorsed shall on or before such date decline in writing,
10 filed in the office of the [Attorney General] Secretary of State, to
11 have his name printed upon the [presidential] primary election
12 ballot as a candidate for President, the [Attorney General]
13 Secretary of State shall not so certify such name.

14 (cf: P.L.2005, c.136, s.38)]¹

15

16 ¹34. R.S.19:24-4 is amended to read as follows:

17 19:24-4. Not less than 100 members of each such political party
18 may file with the Secretary of State at least 64 days prior to the
19 [presidential] primary election for the general election in any year
20 of a national convention a petition requesting that the name of a
21 person therein indorsed shall be printed on the [presidential]
22 primary ticket of such political party as candidate for the position of
23 delegate-at-large or alternate-at-large, to be chosen by the party
24 voters throughout the State to the national convention of that party,
25 or as a delegate or alternate to be chosen to that convention by the
26 voters of any congressional district.

27 The signers to the petition for any delegate-at-large or alternate-
28 at-large shall be legal voters resident in the State; and the signers
29 for any delegate or alternate from any Congressional district shall
30 be voters of such district.

31 The Secretary of State shall not later than the 54th day preceding
32 the [presidential] primary election for the general election certify
33 to each county clerk and county board such nominations for
34 delegates and alternates-at-large and the nominations for delegate or
35 alternate for any Congressional district.¹

36 (cf: P.L.2011, c.37, s.14)

37

38 ¹35. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
39 follows:

40 1. Not less than 1,000 voters of any political party may file a
41 petition with the Secretary of State on or before the 64th day before
42 a [presidential] primary election in any year in which a President
43 of the United States is to be chosen, requesting that the name of the
44 person indorsed therein as a candidate of such party for the office of
45 President of the United States shall be printed upon the official
46 [presidential] primary ballot of that party for the then ensuing

1 election for delegates and alternates to the national convention of
2 such party.

3 The petition shall be prepared and filed in the form and manner
4 herein required for the indorsement of candidates to be voted for at
5 the primary election for the general election, except that the
6 candidate shall not be permitted to have a designation or slogan
7 following his name, and that it shall not be necessary to have the
8 consent of such candidate for President indorsed on the petition.¹

9 (cf: P.L.2011, c.37, s.15)

10

11 ¹36. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
12 follows:

13 2. The Secretary of State shall certify the names so indorsed to
14 the county clerk of each county not later than the 54th day before
15 such **【presidential】** primary election, but if any person so indorsed
16 shall on or before such date decline in writing, filed in the office of
17 the Secretary of State, to have his name printed upon the
18 **【presidential】** primary election ballot as a candidate for President,
19 the Secretary of State shall not so certify such name.¹

20 (cf: P.L.2011, c.37, s.16)

21

22 37. R.S.19:26-1 is amended to read as follows:

23 19:26-1. At the close of all primary elections held according to
24 the provisions of this title, and after counting the ballots cast at such
25 primary and making the statements thereof as herein provided, each
26 district board shall place all ballots voted at the election and all
27 spoiled and unused ballots inside the ballot boxes used at such
28 election, and after locking and sealing the same, shall forthwith
29 deliver the ballot boxes to the municipal clerk and the keys thereof
30 to the county clerk. The signature copy register binders and the
31 current primary party poll books used at **【any】** the primary election
32 shall be returned by the district boards to the commissioner, not
33 later than noon of the day following the **【preceding】** primary
34 election for the general election.

35 The commissioner shall return the primary party poll books used
36 at **【any】** the primary election to the municipal clerks not later than
37 one month preceding the next primary election.

38 The county clerks, in counties other than counties of the first
39 class, shall, during the ten days next preceding the third registry day
40 deliver, at their offices or in any other way they may see fit, the
41 register of voters to the respective district boards.

42 The county clerks in counties of the first class shall deliver the
43 register of voters to the municipal clerks, who shall deliver such
44 register to the district boards at the same time and with the official
45 general election sample ballots.

46 (cf: P.L.2005, c.136, s.39)

1 ¹[38. R.S.19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy in any county or
3 municipal office, except for the office of a member of the board of
4 chosen freeholders, which vacancy shall occur after the 11th day
5 preceding the last day for filing petitions for nominations for the
6 primary election for the general election and on or before the 51st
7 day preceding the general election, each political party may select a
8 candidate for the office in question in the manner prescribed in
9 R.S.19:13-20 for selecting candidates to fill vacancies among
10 candidates nominated at primary elections **[to]** for the general
11 elections. A statement of such selection shall be filed with the
12 county clerk not later than the close of business of the 48th day
13 preceding the date of the general election.

14 Besides the selection of candidates by each political party as
15 before provided, candidates may also be nominated by petition in a
16 similar manner as herein provided for direct nomination by petition
17 for the general election but the petition shall be filed with the
18 county clerk at least 48 days prior to such general election.

19 When the vacancy occurs in a county office the county clerk
20 shall forthwith give notice thereof to the chairman of the county
21 committee of each political party and in counties of the first class to
22 the county board, and in case the vacancy occurs in a municipal
23 office the municipal clerk shall forthwith give notice thereof to the
24 county clerk, the chairman of the county committee of each political
25 party and in counties of the first class the county board.

26 The county clerk shall print on the ballots for the territory
27 affected, in the personal choice column, the title of office and leave
28 a proper space under such title of office; and print the title of office
29 and the names of such persons as have been duly nominated, in
30 their proper columns.

31 (cf: P.L.2005, c.136, s.40)]¹

32

33 ¹38. R.S.19:27-11 is amended to read as follows:

34 19:27-11. In the event of any vacancy in any county or
35 municipal office, except for the office of a member of the board of
36 chosen freeholders, which vacancy shall occur after the 70th day
37 preceding the primary election for the general election and on or
38 before the 70th day preceding the general election, each political
39 party may select a candidate for the office in question in the manner
40 prescribed in R.S.19:13-20 for selecting candidates to fill vacancies
41 among candidates nominated at primary elections **[to]** for the
42 general elections. A statement of such selection shall be filed with
43 the county clerk not later than the close of business of the 55th day
44 preceding the date of the general election.

45 Besides the selection of candidates by each political party as
46 before provided, candidates may also be nominated by petition in a
47 similar manner as herein provided for direct nomination by petition

1 for the general election but the petition shall be filed with the
2 county clerk at least 64 days prior to such general election.

3 When the vacancy occurs in a county office the county clerk
4 shall forthwith give notice thereof to the chairman of the county
5 committee of each political party and in counties of the first class to
6 the county board, and in case the vacancy occurs in a municipal
7 office the municipal clerk shall forthwith give notice thereof to the
8 county clerk, the chairman of the county committee of each political
9 party and in counties of the first class the county board.

10 The county clerk shall print on the ballots for the territory
11 affected, in the personal choice column, the title of office and leave
12 a proper space under such title of office; and print the title of office
13 and the names of such persons as have been duly nominated, in
14 their proper columns.¹

15 (cf: P.L.2011, c.37, s.19)

16

17 ¹ [39. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
18 read as follows:

19 7. When any vacancy happens in the Legislature otherwise than
20 by expiration of term, it shall be filled by election for the unexpired
21 term only at the next general election occurring not less than 51
22 days after the occurrence of the vacancy, except that no such
23 vacancy shall be filled at the general election which immediately
24 precedes the expiration of the term in which the vacancy occurs. In
25 the event a vacancy eligible to be filled by election hereunder
26 occurs on or before the sixth day preceding the last day for filing
27 petitions for nomination for the primary election, such petitions
28 may be prepared and filed for nomination in that primary election in
29 the manner provided by article 3 of chapter 23 of this Title. In the
30 event the vacancy occurs after that sixth day preceding the last day
31 for filing petitions for nomination for the primary election for the
32 general election, a political party may select a candidate for the
33 office in question in the manner prescribed in subsections a. and b.
34 of R.S.19:13-20 for selecting candidates to fill vacancies among
35 candidates nominated at primary elections for the general elections.
36 A statement of such selection under R.S.19:13-20 shall be filed with
37 the **[Attorney General]** Secretary of State not later than the 48th
38 day preceding the date of the general election.

39 Besides the selection of candidates by each political party,
40 candidates may also be nominated by petition in a manner similar to
41 direct nomination by petition for the general election; but if the
42 candidate of any party to fill the vacancy will be chosen at a
43 primary election, such petition shall be filed with the **[Attorney**
44 **General]** Secretary of State at least 55 days prior to the primary
45 election; and if no candidate of any party will be chosen at a
46 primary election, such petition shall be filed with the Attorney
47 General not later than 12 o'clock noon of the day on which the first

1 selection meeting by any party is held under this section to select a
2 nominee to fill the vacancy.

3 When the vacancy occurs in the Senate or General Assembly, the
4 county clerk of each county which is comprised in whole or part in
5 the Senate or General Assembly district shall forthwith give notice
6 thereof to the chairman of the county committee of each political
7 party and in counties of the first class to the county board.

8 The county clerk shall print on the ballots for the territory
9 affected, in the personal choice column, the title of office and leave
10 a proper space under such title of office; and print the title of office
11 and the names of such persons as have been duly nominated, in
12 their proper columns.

13 (cf: P.L.2005, c.136, s.41)]¹

14

15 ¹[40.] 39.¹ R.S.19:29-3 is amended to read as follows:

16 19:29-3. The petition contesting any nomination to public office,
17 election to party office or position [, election as a delegate or
18 alternate in a presidential primary] or the proposal of any
19 proposition shall be filed not later than 10 days after the primary
20 election.

21 The petition contesting any election to public office or approval
22 or disapproval of any proposition shall be filed not later than 30
23 days after such election, unless the ground of action is discovered
24 from the statements, deposit slips or vouchers filed under this Title,
25 subsequent to such primary or other election, in which event such
26 petition may be filed 10 or 30 days respectively after such
27 statements, deposit slips or vouchers are filed.

28 Any petition of contest may be filed within 10 days after the
29 result of any recount has been determined or announced.

30 (cf: P.L.2005, c.136, s.42)

31

32 ¹[41.] 40.¹ R.S.19:31-16 is amended to read as follows:

33 19:31-16. a. The health officer or other officer in charge of
34 records of death in each municipality shall file with the
35 commissioner of registration for the county in which the
36 municipality is located once each month, during the first five days
37 thereof, the age, date of death, and the names and addresses of all
38 persons 18 years of age or older who have died within such
39 municipality during the previous month. Within 30 days after the
40 receipt of such list, the commissioner shall make and complete such
41 investigation as is necessary to establish to his satisfaction that such
42 deceased person is registered as a voter in the county. If such fact
43 is so established, the commissioner shall cause the registration and
44 record of voting forms of the deceased registrant to be transferred to
45 the death file as soon as possible. If the deceased person was not so
46 registered in the county, but the person maintained a residence in
47 another county of this State, the officer in charge of records of

1 death in the municipality in which the decedent died shall forward a
2 copy of the notice of death to the officer in charge of records of
3 death in the municipality in which the decedent resided. That
4 officer having received the notice shall notify the commissioner of
5 the county in which that municipality is located of the death of the
6 person. Any commissioner who receives such notification shall
7 undertake the procedures prescribed herein with respect to the
8 registration in that county of the decedent.

9 b. The State registrar of vital statistics shall file with the
10 commissioner of registration of each county no later than [January
11 2 of each presidential year and no later than] May 1 of [every
12 other] each year an alphabetized list of the name, address, and date
13 of birth, if available, of each resident of the county 18 years of age
14 or older who died during the previous year. Within 30 days after
15 the receipt of the list the commissioner shall undertake and
16 complete such investigation as is necessary to establish that each
17 person on the list is not registered as a voter in the county. The
18 commissioner shall cause the registration and record of voting
19 forms of any deceased registrant found on the list to be transferred
20 to the death file as soon as possible.

21 (cf: P.L.2007, c.61, s.14)

22
23 ' [42.] 41. ' R.S.19:31-20 is amended to read as follows:

24 19:31-20. On or before the eighth day preceding the [presidential
25 primary election, the] primary election for the general election and
26 the general election, respectively, the commissioner in counties not
27 having a superintendent of elections, shall deliver to the municipal
28 clerk in each municipality the signature copy registers for each
29 election district in such municipality and shall take a receipt for
30 same. The municipal clerk shall thereupon deliver at his office, or
31 in any other way he sees fit, such registers to a member or members
32 of the proper district boards at the same time and together with the
33 primary for the general election sample ballots or the general
34 election sample ballots, as the case may be. The registers shall be
35 used by the district boards on election days and for the purpose of
36 mailing the sample ballots. The commissioner in counties having a
37 superintendent of elections shall deliver such registers at his office,
38 or in any other way he may see fit, to the various district boards,
39 taking a receipt for same.

40 Before delivering the registers the commissioner shall cause to
41 be printed upon a separate sheet or sheets of paper, to be inserted
42 inside of the front cover of such registers in conspicuous type, such
43 instructions to election officers regarding the use and disposition of
44 the binders and forms as he deems necessary.

45 (cf: P.L.2005, c.139, s.18)

46
47 ' [43.] 42. ' R.S.19:31-21 is amended to read as follows:

1 19:31-21. A person whose name appears in the signature copy
2 register and who upon applying for a ballot or voting authority shall
3 have given the information and signed the signature comparison
4 record as provided in this Title and whose signature in the signature
5 comparison record shall have been compared by a member of the
6 district board and in the presence and view of the challengers with
7 the signature of the applicant as recorded in the register shall be
8 eligible to receive a ballot or voting authority unless it be shown to
9 the satisfaction of a majority of the members of the district board
10 that he is not entitled to vote in the district or has otherwise become
11 disqualified.

12 No person shall be required to sign the signature comparison
13 record as a means of identification if he shall have been unable to
14 write his name when he registered, or if, having been able to write
15 his name when registered, he subsequently shall have lost his sight
16 or lost the hand with which he was accustomed to write or shall by
17 reason of disease or accident be unable to write his name when he
18 applies to vote, but each such person shall establish his identity in
19 the manner provided in this Title.

20 In addition to signing the signature comparison record and after
21 the comparison of the signature with the signature in the register, a
22 person offering to vote at [the presidential primary election or] the
23 primary election for the general election, as the case may be, shall
24 announce his name and the party primary in which he wishes to
25 vote.

26 After a person has voted the member of the district board having
27 charge of the signature copy registers shall place the number of the
28 person's ballot in the proper column on the record of voting form of
29 such person, which number shall constitute a record that the person
30 has voted. In the case of the [presidential primary election or the]
31 primary election for the general election such member of the district
32 board shall also place in the proper column on the record of voting
33 form the first three letters of the name of the political party whose
34 primary ballot such person has voted.

35 In the event that the duplicate permanent registration form of any
36 person cannot be found in the signature copy register at the time he
37 applies for a ballot or voting authority, a member of the district
38 board shall promptly ascertain from the commissioner or a duly
39 authorized clerk if such person is permanently registered. Upon
40 information that such is the fact, such member of the district board
41 shall require the person applying for a ballot or voting authority to
42 obtain an order from the commissioner authorizing him to receive a
43 ballot or voting authority. The commissioner shall specially
44 authorize and deputize clerks to issue such orders in municipalities
45 within his county. The commissioner or his clerk shall require the
46 voter to sign his name upon such order for the purpose of signature
47 comparison. The district board shall require the voter to again sign
48 his name on said order, in the presence of the board, and if the

1 signatures compare, to permit him to vote. At primary elections the
2 commissioner or his duly authorized clerk shall endorse on the
3 order the political party whose ballot such person voted at the last
4 preceding primary election. The order shall be returned to the
5 commissioner at the same time and along with the signature copy
6 registers.

7 (cf: P.L.2005, c.136, s.45)

8

9 '【44.】 43.' R.S.19:31-22 is amended to read as follows:

10 19:31-22. Not later than noon of the day following the canvass
11 of the votes cast at the 【presidential primary election, the】 primary
12 election for the general election or the general election, the
13 signature copy registers shall be returned by each district board to
14 the commissioner at his office or in any other way as the
15 commissioner may see fit.

16 Upon receipt of the registers the commissioner shall inspect them
17 and verify from the party primary poll books and the general
18 election poll books, as the case may be, that the entries required to
19 be made on the record of voting forms in such registers by the
20 district boards have been made. If the commissioner shall ascertain
21 that such entries have not been made or have been improperly
22 made, he shall cause such entries and corrections to be made
23 forthwith and also notify the county board of such failure of duty
24 and the members of such district board who have so failed in their
25 duty and shall be ineligible for appointment as members of any
26 district board thereafter.

27 (cf: P.L.2005, c.136, s.46)

28

29 '【45.】 44.' Section 9 of P.L.1991, c.249 (C.19:32-4.1) is
30 amended to read as follows:

31 9. On the day of every municipal, primary, 【presidential
32 primary,】 general, special or annual school election the
33 superintendent of elections in counties having a superintendent of
34 elections or the county board of elections in all other counties shall
35 provide to each polling place in the county sufficient numbers of a
36 form on which voters or persons attempting to vote may register
37 any complaint regarding the conduct of the election at the polling
38 place where they voted or attempted to vote. In counties in which
39 the primary language of 10% or more of the registered voters is
40 Spanish, the form for the complaint shall appear in both English and
41 Spanish. The form shall protect the anonymity of the complainant,
42 if that person so wishes, and shall be accompanied by an envelope
43 with the proper postage and the name and address of the
44 superintendent of elections of the county or the chairman of the
45 county board of elections, as the case may be. A complaint may be
46 used by the superintendent of elections or any other municipal or
47 State investigatory agency to conduct an investigation into possible

1 violation of the State election law. Copies of the form containing
2 the complaint shall be available from the superintendent of
3 elections or the county board of elections, as the case may be. The
4 original form of the complaint, or a copy, shall be kept on file with
5 the superintendent of elections or the county board of elections, as
6 the case may be, for two years after the election for which it was
7 filed.

8 (cf: P.L.2005, c.136, s.47)

9

10 **'[46.] 45.'** R.S.19:45-6 is amended to read as follows:

11 19:45-6. The compensation of each member of the district
12 boards for all services performed by them under the provisions of
13 this Title shall be as follows:

14 In all counties, for all services rendered including the counting of
15 the votes, and in counties wherein voting machines are used, the
16 tabulation of the votes registered on the voting machines, and the
17 delivery of the returns, registry binders, ballot boxes and keys for
18 the voting machines to the proper election officials, \$200 each time
19 **[any]** the primary election, the general election or any special
20 election is held under this Title; provided, however, that:

21 a. (1) The member of the board charged with the duty of
22 obtaining and signing for the signature copy registers shall receive
23 an additional \$12.50 per election, such remuneration being limited
24 to only one board member per election, or \$6.25 to each of two
25 board members if they share such responsibility for the signature
26 copy registers, and (2) the member of the board charged with the
27 duty of returning the signature copy registers shall receive an
28 additional \$12.50 per election, such remuneration being limited to
29 only one board member per election, or \$6.25 to each of two board
30 members if they share such responsibility for the signature copy
31 registers;

32 b. In the case of any member of the board who is required
33 under R.S.19:50-1 to attend in a given year a training program for
34 district board members, but who fails to attend such a training
35 program in that year, that compensation shall be \$50.00 for each of
36 those elections;

37 c. In counties wherein voting machines are used no
38 compensation shall be paid for any services rendered at any special
39 election held at the same time as any primary or general election.
40 Such compensation shall be in lieu of all other fees and payments;
41 and

42 d. Compensation for district board members serving at a school
43 election shall be paid by the board of education of the school
44 district conducting the election at an hourly rate of \$5.77, except
45 that the board of education may compensate such district board
46 members at a pro-rated hourly rate consistent with the daily rate up
47 to a maximum of \$14.29. The provisions of subsections a., b., and
48 c. of this section shall also apply to district board members serving

1 at a school election, except that in the case of subsection b., the
2 compensation shall be at an hourly rate of \$3.85.

3 Compensation due each member shall be paid within 30 days but
4 not within 20 days after each election; provided, however, that no
5 compensation shall be paid to any member of any such district
6 board who may have been removed from office or application for
7 the removal of whom is pending under the provisions of R.S.19:6-4.
8 (cf: P.L.2005, c.136, s.48)
9

10 '[47.] 46.' Section 1 of P.L.1944, c.213 (C.19:52-2.1) is
11 amended to read as follows:

12 1. In all counties wherein voting machines are used the county
13 board of elections shall furnish for use in each election district at
14 any election, a sufficient number of voting authorities in
15 substantially the following form:

16	City of		City of	
17	Ward	District	Ward	District
18	Election Held		Election Held	
19	..... day of..... 20...		..... day of..... 20....	
20	Voting Authority		Voting Authority	
21	No.....		No.....	
22	.....		.....
23	Signature of Voter.		.....

24 This certificate must be handed
25 to the election officer in charge
26 of the voting machines in order to
27 vote.

28

29 County Board of Elections
30 Clerk.

31 The voting authorities shall be numbered consecutively, be
32 bound together in pads and shall be printed in two parts and
33 perforated so that one part may be given to the voter who shall
34 return the same to the district election officials in charge of the
35 operation of the voting machine in order that such official shall be
36 able to place the same in consecutive order on a string or wire. The
37 other part of the voting authority shall be signed by the voter in his
38 own handwriting before he be permitted to vote and shall remain
39 bound in the pad. All pads containing the portions of the voting
40 authorities on which the names of the persons who have voted have
41 been signed, together with that portion of the voting authority
42 which has been placed on a wire or string shall be returned to the
43 commissioner of registration of the county, who shall keep them for
44 a period of at least six months.

45 At any [presidential primary election or] primary election for
46 the general election, each voting authority shall be marked to
47 indicate the party primary in which the voter signing the same voted
48 and the used voting authorities shall be strung in such a manner so

1 that those used in one party primary shall remain separate from
2 those used in the other party primary.

3 (cf: P.L.2005, c.136, s.49)

4

5 '【48.】 47.' Section 7 of P.L.1999, c.232 (C.19:53C-1) is
6 amended to read as follows:

7 7. a. (1) The county clerk or the municipal clerk, in the case of
8 a municipal election, shall arrange for the preparation of a
9 provisional ballot packet for each election district. It shall include
10 the appropriate number of provisional ballots, the appropriate
11 number of envelopes with an affirmation statement, the appropriate
12 number of written notices to be distributed to voters who vote by
13 provisional ballot and one provisional ballot inventory form affixed
14 to the provisional ballot bag. The clerk shall arrange for the
15 preparation of and placement in each provisional ballot bag of a
16 provisional ballot packet and an envelope containing a numbered
17 seal. The envelope shall contain, on its face, the instructions for the
18 use of the seal, the number and the election district location of the
19 provisional ballot bag, and the identification numbers of the seal
20 placed in the envelope. Each provisional ballot bag shall be sealed
21 with a numbered security seal before being forwarded to the
22 appropriate election district.

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

26 b. The county clerk or the municipal clerk, in the case of a
27 municipal election, shall arrange for the preparation of the
28 envelope, affirmation statement, and written notice that is to
29 accompany each provisional ballot. The envelope shall be of
30 sufficient size to accommodate the provisional ballot, and the
31 affirmation statement shall be affixed thereto in a manner that
32 enables it to be detached once completed and verified by the county
33 commissioner of registration. The statement shall require the voter
34 to provide the voter's name, and to indicate whether the voter is
35 registered to vote in a county but has moved within that county
36 since registering to vote; or is registered to vote in the election
37 district in which that polling place is located but the voter's
38 registration information is missing or otherwise deficient; or
39 indicate the voter has applied for a mail-in ballot and not received
40 either the ballot or an explanation for not receiving such a ballot
41 pursuant to notification by the county clerk or from the free-access
42 system, or has applied for and received a mail-in ballot and has not
43 transmitted it to the county board of elections or given it to a bearer
44 for delivery to the county board before the time for the opening of
45 the polls on the day of an election but wants, nevertheless, to vote
46 in the election. The statement shall further require the voter to
47 provide the voter's most recent prior voter registration address and
48 address on the day of the election and date of birth. The statement

1 shall include the statement: "I swear or affirm, that the foregoing
2 statements made by me are true and correct and that I understand
3 that any fraudulent voting may subject me to a fine of up to
4 \$15,000, imprisonment up to five years or both, pursuant to
5 R.S.19:34-11." It shall be followed immediately by spaces for the
6 voter's signature and printed name, and in the case of a name
7 change, the voter's printed old and new name and a signature for
8 each name, the date the statement was completed, political party
9 affiliation, if used in a primary election, and the name of the person
10 providing assistance to the voter, if applicable. Each statement
11 shall also note the number of the election district, or ward, and
12 name of the municipality at which the statement will be used. The
13 Secretary of State shall prepare for inclusion in the affirmation
14 statement language for the voter to submit the information required
15 in the registration form described in section 16 of P.L.1974, c.30
16 (C.19:31-6.4) in order to enable the county commissioner of
17 registration to process the statement as a voter registration
18 application, which shall be valid for future elections if the
19 individual who submitted the provisional ballot is determined not to
20 be a registered voter. The Secretary of State shall also prepare and
21 shall provide language for any written instructions necessary to
22 assure proper completion of the statement.

23 The written notice shall contain information to be distributed to
24 each voter who votes by provisional ballot. The notice shall state
25 that, if the voter is a mail-in registrant voting for the first time in his
26 or her current county of residence following registration and was
27 given a provisional ballot because he or she did not provide
28 required personal identification information, the voter shall be
29 given until the close of business on the second day after the election
30 to provide identification to the applicable county commissioner of
31 registration, and the notice shall contain a telephone number at
32 which the commissioner may be contacted. The notice shall further
33 state that failure to provide the required personal identification
34 information within that time period shall result in the rejection of
35 the ballot. The notice shall state that pursuant to section 4 of
36 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional
37 ballot will be able to ascertain under a system established by the
38 State whether the ballot was accepted for counting, and if the vote
39 was not counted, the reason for the rejection of the ballot. The
40 notice shall include instructions on how to access such information.

41 c. For the primary for the general election, the provisional
42 ballots shall be printed in ink on paper of a color that matches the
43 color of the voting authority, which shall indicate the party primary
44 of the voter. The provisional ballots shall be uniform in size, quality
45 and type and of a thickness that the printing thereon cannot be
46 distinguished from the back of the paper, and without any mark,
47 device or figure on the front or back other than as provided in
48 P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall

1 include near the top thereof and in large type the designation
2 PROVISIONAL BALLOT. In all other respects, the provisional
3 ballots shall conform generally to the other ballots to be used in the
4 election district for the primary election.

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

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

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

29 e. For a school election the provisional ballots shall be printed
30 in ink. The provisional ballots shall be uniform in size, quality and
31 type and of a thickness that the printing thereon cannot be
32 distinguished from the back of the paper, and without any mark,
33 device or figure on the front or back other than as provided in this
34 act. Each such ballot shall include near the top thereof and in large
35 type the designation PROVISIONAL BALLOT. In all other
36 respects, the provisional ballots shall conform generally to the other
37 ballots to be used in the election district for the school election.

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

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

1 g. [For the presidential primary election, the provisional
2 ballots shall be printed in ink on paper of a color that matches the
3 color of the voting authority, which shall indicate the party of the
4 voter. The provisional ballots shall be uniform in size, quality and
5 type and of a thickness that the printing thereon cannot be
6 distinguished from the back of the paper, and without any mark,
7 device or figure on the front or back other than as provided in
8 P.L.1999, c.232 (C.19:53C-1 et al.). Each such ballot shall include
9 near the top thereof and in large type the designation
10 PROVISIONAL BALLOT. In all other respects, the provisional
11 ballots shall conform generally to the other ballots to be used in the
12 election district for the primary election for the general election.

13 The clerk of the county or municipality shall arrange for the
14 preparation of each provisional ballot package with an appropriate
15 number of provisional ballots for each political party and a
16 corresponding number of envelopes with affirmation statements.
17 Additional provisional ballots and envelopes shall be available for
18 delivery to that election district on the day of the election, if
19 necessary.] (Deleted by amendment, P.L. , c.) (pending before
20 the Legislature as this bill)
21 (cf: P.L.2009, c.79, s.33)
22

23 ¹[49.] 48.¹ Section 2 of P.L.1995, c.278 (C.19:60-2) is
24 amended to read as follows:

25 2. a. Except as otherwise provided pursuant to subsection c. of
26 this section, the board of education of a type II district may call a
27 special election of the legal voters of the district on only the fourth
28 Tuesday in January [other than in a year when a presidential
29 primary election occurs, in which case no such election on that date
30 may be called], the second Tuesday in March, the last Tuesday in
31 September, or the second Tuesday in December when in its
32 judgment the interests of the schools require such an election. The
33 board of education shall give the municipal clerk or clerks, as the
34 case may be, and the county board of elections no less than 60 days'
35 notice, in writing, of its intention to hold a special election.

36 b. No business shall be transacted at any special election except
37 such as shall have been set forth in the notices by which the election
38 was called.

39 c. The Commissioner of Education may change in any school
40 year any date authorized for a special school election pursuant to
41 subsection a. of this section if that date coincides with a period of
42 religious observance that limits significantly the usual activities of
43 the followers of a particular religion or that would result in
44 significant religious consequences for such followers. The
45 commissioner shall inform local school boards, county clerks, and
46 boards of election of the adjustment no later than the first working
47 day in January of the year in which the adjustments are to occur.

1 As used in this section "a period of religious observance" means
2 any day or portion thereof on which a religious observance imposes
3 a substantial burden on an individual's ability to vote.
4 (cf: P.L.2008, c.129, s.2)

5
6 ¹[50.] 49.¹ Section 2 of P.L.2009, c.79 (C.19:63-2) is amended
7 to read as follows:

8 2. As used in this act, unless otherwise indicated by the
9 context:

10 "Election," "general election," "primary election for the general
11 election," **["presidential primary election,"]** "municipal election,"
12 "school election," and "special election" mean, respectively, such
13 elections as defined in R.S.19:1-1 et seq.

14 "Family member" means an adult who is a spouse, parent, child,
15 grandparent, grandchild or sibling of a voter, whether by adoption
16 or natural relationship. It shall also include any adult occupant
17 regularly living with a voter in any residential building or part of a
18 building intended for the use of no more than one family.

19 "Mail-in ballot" means any ballot used by a mail-in voter to vote
20 by mail in any election.

21 "Mail-in voter" means any qualified and registered voter of this
22 State who wants to vote in any election using a mail-in ballot under
23 the provisions of this act.

24 (cf: P.L.2009, c.79, s.2)

25
26 ¹[51. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to
27 read as follows:

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

38 **NOTICE TO PERSONS WANTING MAIL-IN BALLOTS**

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

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

10 No mail-in ballot will be provided to any applicant who submits
 11 a request therefor by mail unless the request is received at least
 12 seven days before the election and contains the requested
 13 information. A voter may, however, request an application in
 14 person from the county clerk up to 3 p.m. of the day before the
 15 election.

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

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

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

36 Dated.....
 37

38 (signature and title of county clerk)

39

40 (address of county clerk)

41

42 (telephone no. of county clerk)

43 b. (1) The Secretary of State shall be responsible for providing
 44 all information regarding overseas federal election voter ballots to
 45 each voter eligible for such a ballot pursuant to P.L.1976, c.23
 46 (C.19:59-1 et seq.). The secretary shall also make available valid
 47 overseas federal election voter registration and ballot applications
 48 to any voter who is a member of the armed forces of the United

1 States and who is a permanent resident of this State, or who is an
2 overseas federal election voter who wishes to register to vote or to
3 vote in any jurisdiction in this State. The secretary shall provide
4 such public notice as may be deemed necessary to inform members
5 of the armed forces of the United States and overseas federal
6 election voters how to obtain valid overseas federal election voter
7 registration and ballot applications.

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

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

31 d. The notice provided for in subsection a. of this section shall
32 be published before the 50th day immediately preceding the holding
33 of any election.

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

43 (cf: P.L.2009, c.79, s.6)]¹

44

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

47 6. a. The county clerk, in the case of any Statewide election,
48 countywide election, or school election in a regional or other school

1 district comprising more than one municipality; the municipal clerk,
2 in the case of any municipal election or school election in a school
3 district comprising a single municipality; and the commissioners or
4 other governing or administrative body of the district, in the case of
5 any election to be held in any fire district or other special district,
6 other than a municipality, created for specified public purposes
7 within one or more municipalities, shall publish the following
8 notice in substantially the following form:

9 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

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

28 No mail-in ballot will be provided to any applicant who submits
29 a request therefor by mail unless the request is received at least
30 seven days before the election and contains the requested
31 information. A voter may, however, request an application in
32 person from the county clerk up to 3 p.m. of the day before the
33 election.

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

44 Voters also have the option of indicating on their mail-in ballot
45 applications that they would prefer to receive mail-in ballots for
46 each election that takes place during the remainder of this calendar
47 year. Voters who exercise this option will be furnished with mail-in

1 ballots for each election that takes place during the remainder of
2 this calendar year, without further action on their part.

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

7 Dated.....

8

9 (signature and title of county clerk)

10

11 (address of county clerk)

12

13 (telephone no. of county clerk)

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

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

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

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

4 Notices relating to any Statewide or countywide election shall be
5 published in at least two newspapers published in each county. All
6 officials charged with the duty of publishing such notices shall
7 publish the same in at least one newspaper published in each
8 municipality or district in which the election is to be held, or if no
9 newspaper is published in the municipality or district, then in a
10 newspaper published in the county and circulating in the
11 municipality or district. All such notices shall be display
12 advertisements.¹

13 (cf: P.L.2011, c.37, s.30)

14

15 ¹~~52.~~ 51. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended
16 to read as follows:

17 7. a. Each county clerk shall have printed sufficient mail-in
18 ballots for each ~~presidential primary election,~~ primary election
19 for the general election, and for the general election. Along with
20 such ballots the clerk shall also furnish inner and outer envelopes
21 and printed directions for the preparation and transmitting of such
22 ballots used in the election in the county.

23 b. The mail-in ballots shall be printed on paper of a different
24 color from that used for any primary or general election ballot, but
25 in all other respects, shall be as nearly as possible facsimiles of the
26 election ballot to be voted at the election.

27 (cf: P.L.2009, c.79, s.7)

28

29 ¹~~53.~~ 52. Section 11 of P.L.2009, c.79 (C.19:63-11) is
30 amended to read as follows:

31 11. a. Each mail-in ballot to be used at any election shall
32 conform generally to the ballot to be used at the election in the
33 voter's district but the ballots shall be clearly marked "Official
34 Mail-In Ballot."

35 At the top of every mail-in ballot there shall be printed or
36 stamped in a prominent size the following:

37 To protect your vote:

38 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
39 THE VOTER TO MARK OR INSPECT THIS BALLOT.

40 However, a family member may assist you in doing so.

41 b. Each mail-in ballot to be used pursuant to this act shall be
42 printed entirely in black ink. In addition to conforming generally to
43 the ballot used in the election, the mail-in ballot shall be so
44 prepared that the voter may indicate on it the voter's choice of the
45 candidates for the offices to be filled, and the public questions to be
46 voted on at the election by the voters of the entire State, county or
47 municipality in which the voter is a resident, as known on the 48th
48 day preceding the election. Sufficient space shall be provided on

1 the ballot for the voter to write in the name of and vote for any
2 candidate for, or the voter's personal choice for, any public office to
3 be voted for at the election in the voter's election district. A list of
4 the candidates for the offices to be filled in each election district in
5 the county, whose names are known on the day on which the ballot
6 is forwarded but do not appear on the ballot, with a statement of the
7 office for which each is a candidate, shall be forwarded with such
8 ballot.

9 When mail-in ballots are prepared, the name of any candidate
10 who has been nominated for any office shall be placed on the ballot
11 to be used in the general election to be held in the year in each
12 election district in which he is a candidate, whether or not such
13 candidate has accepted nomination prior to when the ballot was
14 prepared, provided that the candidate has not declined the
15 nomination before the ballot was prepared.

16 c. Each mail-in ballot to be used at any [presidential primary
17 election or] primary election for the general election shall, except
18 as otherwise provided, conform to the ballot to be used at the
19 election in the voter's election district and to the form herein
20 prescribed for mail-in ballots to be used in such general elections.
21 It shall be prepared so that the voter may indicate the voter's choice
22 of the candidates of one political party for each of the officers to be
23 voted on at the election by the voters of the election district and
24 shall be separated into party ballots, which shall be printed upon
25 one sheet when the voting system so allows.

26 Each such mail-in ballot shall be plainly marked to indicate that
27 only one party ballot is to be voted by each voter and that the party
28 ballot voted by the voter must conform to the name of the political
29 party indicated by the county clerk.

30 If the county clerk has determined by investigating a voter's
31 registration record that the voter is qualified to vote only in the
32 primary of a particular party, the clerk shall so note on the primary
33 ballot the party primary in which the voter is entitled to vote.

34 In the case where the county clerk has ascertained through
35 investigating the voter's registration record that such applicant is
36 requesting a ballot to vote in the first primary for which the voter is
37 eligible after registration, the clerk shall note on the primary ballot
38 that the voter can vote in the primary of any political party.

39 d. Any county may adopt a system of electronic scanning, or
40 other mechanical or electronic device if the system has been
41 approved previously by the Secretary of State to count or canvass
42 mail-in ballots. The county clerk in any county adopting such a
43 system may prepare and use mail-in ballots that do not conform
44 generally to the ballot to be used at the election to the extent that
45 such nonconformance is necessary in the operation of the electronic
46 or mechanical canvassing system.

47 (cf: P.L.2009, c.79, s.11)

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

4
5 (signature of person providing
6 assistance)

7
8 (printed name of person
9 providing assistance)

10
11
12 (address of person providing
13 assistance)

14 (cf: P.L.2009, c.79, s.13)

15

16 ¹~~55.~~ 54. Section 16 of P.L.2009, c.79 (C.19:63-16) is
17 amended to read as follows:

18 16. a. A mail-in voter shall be entitled to mark any mail-in
19 ballot forwarded to the voter for voting at any election by indicating
20 the voter's choice of candidates for the offices named, and as to
21 public questions, if any, stated thereon, in accordance with current
22 law. In the case of ballots to be voted for any **[**presidential primary
23 election or**]** primary election for the general election, as the case
24 may be, the voter's choice shall be limited to the candidates of the
25 voter's political party or to any person or persons whose names are
26 written thereon by the voter. When so marked, such ballot shall be
27 placed in the inner envelope, which shall then be sealed, and the
28 voter shall then fill in the form of certificate attached to the inner
29 envelope, at the end of which the voter shall sign and print the
30 voter's name. The inner envelope with the certificate shall then be
31 placed in the outer envelope, which shall then be sealed.

32 b. No mail-in voter shall permit any person in any way, except
33 as provided by this act, to unseal, mark or inspect the voter's ballot,
34 interfere with the secrecy of the voter's vote, complete or sign the
35 certificate, or seal the inner or outer envelope, nor shall any person
36 do so.

37 c. A mail-in voter shall be entitled to assistance from a family
38 member in performing any of the actions provided for in this
39 section. The family member or other person providing such
40 assistance shall certify that he or she assisted the voter and will
41 maintain the secrecy of the vote by both printing and signing his or
42 her name in the space provided on the certificate. In no event may a
43 candidate for election provide such assistance, nor may any person,
44 at the time of providing such assistance, campaign or electioneer on
45 behalf of any candidate.

46 d. (1) The sealed outer envelope with the inner envelope and
47 the ballot enclosed therein shall then either be mailed to the county
48 board of elections to which it is addressed or delivered personally

1 by the voter or a bearer designated by the voter to the board. To be
2 counted, the ballot must be received by the board or its designee
3 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the
4 closing of the polls, as may be appropriate, on the day of an
5 election.

6 (2) Whenever a person delivers a ballot to the county board, that
7 person shall sign a record maintained by the county of all mail-in
8 ballots personally delivered to it.

9 (3) No person shall serve as an authorized messenger for more
10 than 10 qualified voters in an election. No person who is a
11 candidate in the election for which the voter requests a mail-in
12 ballot shall be permitted to serve as an authorized messenger or
13 bearer. The bearer, by signing the certification provided for in
14 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
15 received a mail-in ballot directly from the voter, and no other
16 person, and is authorized to deliver the ballot to the appropriate
17 board of election or designee on behalf of the voter.

18 (cf: P.L.2009, c.79, s.16)

19

20 '【56.】 55.' Section 17 of P.L.2009, c.79 (C.19:63-17) is
21 amended to read as follows:

22 17. The county board of elections shall, promptly after receiving
23 each mail-in ballot, remove the inner envelope containing the ballot
24 from the outer envelope and shall compare the signature and the
25 information contained on the flap of the inner envelope with the
26 signature and information contained in the respective requests for
27 mail-in ballots. In addition, as to mail-in ballots issued less than
28 seven days prior to an election, the county board of elections shall
29 also check to establish that the mail-in voter did not vote in person.
30 The county board shall reject such a ballot if it is not satisfied,
31 pursuant to a comparison with the Statewide voter registration
32 system, that the voter is legally entitled to vote and that the ballot
33 conforms with the requirements of this act.

34 In the case of a mail-in ballot to be voted at a 【presidential
35 primary election or a】 primary election for the general election, the
36 ballot shall be rejected if the mail-in voter has indicated in the
37 certificate the voter's intention to vote in a primary election of any
38 political party in which the voter is not entitled to vote according to
39 the Statewide voter registration system, and if it shall appear from
40 the record that the voter is not entitled to vote in a primary election
41 of the political party which has been so indicated.

42 Any mail-in ballot which is received by a county board of
43 elections shall be rejected if both the inner and outer envelopes are
44 unsealed or if either envelope has a seal that has been tampered
45 with.

46 Disputes about the qualifications of a mail-in voter to vote or
47 about whether or not or how any mail-in ballot shall be counted in

1 such election shall be referred to the Superior Court for
2 determination.

3 After such investigation, the county board of elections shall
4 detach or separate the certificate from the inner envelope containing
5 the mail-in ballot, unless it has been rejected by it or by the
6 Superior Court, marking the envelope so as to identify the election
7 district in which the ballot contained therein is to be voted as
8 indicated by the voter's home address appearing on the certificate
9 attached to or accompanying the inner envelope and, in the case of
10 ballots to be voted at a primary election for a general election, so as
11 to identify the political party in the primary election of which it is
12 to be voted.

13 The location at which a county board of elections determines
14 whether a mail-in ballot shall be accepted or rejected shall be
15 considered an election district for the purposes of appointment of
16 challengers.

17 (cf: P.L.2009, c.79, s.17)

18

19 ¹~~57.~~ 56. Section 22 of P.L.2009, c.79 (C.19:63-22) is
20 amended to read as follows:

21 22. On the day of each election each county board of elections
22 shall open in the presence of the commissioner of registration, or
23 the designee thereof, the inner envelopes that contain the mail-in
24 ballots with the votes cast for the election. The inner envelopes
25 containing the ballots that the board or the Superior Court has
26 rejected shall not be so opened, but shall be retained as provided for
27 by this act. The board shall then proceed to canvass the votes cast
28 on the mail-in ballots, but no such ballot shall be counted in any
29 ~~presidential primary election or~~ primary election for the general
30 election if the ballot of the political party marked for voting thereon
31 differs from the designation of the political party in the primary
32 election of which such ballot is intended to be voted as marked on
33 the envelope by the county board of elections.

34 Immediately after the canvass is completed, the respective
35 county boards of election shall certify the result of the canvass to
36 the county clerk or the municipal or district clerk or other
37 appropriate officer, as the case may be, showing the result of the
38 canvass by municipality and ward. The votes thus canvassed shall
39 be counted in determining the result of the election.

40 The county board of elections shall, immediately after the
41 canvass is completed for any primary election, certify the results of
42 the votes cast for members of the county committees to the
43 respective municipal clerks, and those votes shall be counted in
44 determining the result of the election.

45 (cf: P.L.2009, c.79, s.22)

46

47 ¹~~58.~~ 57. Section 23 of P.L.2009, c.79 (C.19:63-23) is
48 amended to read as follows:

1 23. As soon as practicable after each election, the board of
2 elections shall mark in the Statewide voter registration system and
3 all duplicate voting records to show that mail-in ballots were
4 delivered or forwarded to the respective registered voters. For each
5 mail-in ballot that has been voted, received and counted, the board
6 of elections shall also, by reference to the certificates removed from
7 the inner envelopes of such ballots, place the word "Voted" in the
8 space provided in the Statewide voter registration system and
9 duplicate voting record for recording the ballot number of the
10 voter's ballot in the election. In the case of [a presidential primary
11 election or] the primary election for the general election, the board
12 shall also cause to be noted in the proper space of the Statewide
13 voter registration system or other record of voting form the first
14 three letters of the name of the political party primary in which such
15 ballot was voted. The record contained in the Statewide voter
16 registration system and of voting forms in the original permanent
17 registration binders shall be conformed to the foregoing entries in
18 the duplicate forms.

19 (cf: P.L.2009, c.79, s.23)

20

21 ¹[59.] 58.¹ R.S.40:20-9 is amended to read as follows:

22 40:20-9. The election provided for in section 40:20-8 of this title
23 shall be deemed, so far as the question of the acceptance or
24 rejection of sections 40:20-2 to 40:20-19 of this title is concerned,
25 to be a special election, and shall be conducted by the county and
26 district boards of registry and election in the same manner as other
27 elections.

28 Notice of the election shall be given at the time and in the
29 manner required for the primary election held on the same day, and
30 the same boxes shall be used for the purposes of this election as are
31 to be used for the purposes of the primary election, except that
32 there shall be provided in each polling place, in addition to the
33 boxes provided by law, a box to be known as the "nonpartisan
34 box" .

35 Any person entitled to vote at the [presidential] primary election
36 for the general election, and any person who would be entitled to
37 vote at the [presidential] primary if he were a member of one of
38 the two political parties for which primary boxes are provided, may
39 vote hereunder on that day.

40 Transfers shall be issued as provided by the laws relating to
41 elections.

42 (cf: R.S.40:20-9)

43

44 ¹[60.] 59.¹ R.S.40:20-18 is amended to read as follows:

45 40:20-18. The district boards of registry and elections shall
46 make returns of the election held under sections 40:20-8 to 40:20-
47 13 of this Title in the case of elections held on [presidential]

1 primary election for the general election day, in the manner
2 provided by law for making returns in cases of special elections,
3 and in the case of elections held on the day of a general election, in
4 the manner provided by law for making returns of general
5 elections.

6 The statements of the results of each election held hereunder
7 shall be transmitted by the district boards of registry and elections
8 to the officers designated by law for the purpose, and the votes shall
9 be canvassed and determined by the county board of elections in the
10 manner provided by law, and it shall certify the result to the county
11 clerk.

12 (cf: P.L.1948, c.5, s.2)

13

14 ¹¶61. Section 11 of P.L.2007, c.62 (C.40A:4-45.46) is amended
15 to read as follows:

16 11. a. (Deleted by amendment, P.L.2009, c.44)

17 b. (1) The governing body of a local unit may request approval,
18 through a public question submitted to the legal voters residing in
19 its territory to increase the amount to be raised by taxation by more
20 than the allowable adjusted tax levy. Approval shall be by an
21 affirmative vote of in excess of 50 percent of the people voting on
22 the question at the election. The local unit budget proposing the
23 increase shall be introduced and approved in the manner otherwise
24 provided for budgets of that local unit at least 20 days prior to the
25 date on which the referendum is to be held, and shall be published
26 in the manner otherwise provided for budgets of the local unit at
27 least 12 days prior to the referendum date, unless otherwise directed
28 by the Director of the Division of Local Government Services in the
29 Department of Community Affairs.

30 (2) The public question to be submitted to the voters at the
31 referendum shall state only the amount by which the adjusted tax
32 levy shall be increased by more than the otherwise allowable
33 adjusted tax levy, and the percentage rate of increase which that
34 amount represents over the allowable adjusted tax levy. The public
35 question shall include an accompanying explanatory statement that
36 identifies the changes in appropriations or revenues that warranted
37 the governing body's decision to ask the public question; or, in the
38 alternative and subject to the approval of the Director of the
39 Division of Local Government Services in the Department of
40 Community Affairs, a clear and concise narrative explanation of the
41 circumstances for the increased adjusted tax levy being proposed.

42 (3) Unless otherwise provided pursuant to section 1 of P.L.1989,
43 c.31 (C.40A:4-5.1), a referendum conducted pursuant to this
44 subsection shall be held:

45 (a) for calendar year budgets only on the fourth Tuesday in
46 January and the second Tuesday in March other than in a year when
47 a **¶presidential** primary election for the general election occurs, in
48 which case no such election on that date may be called; and

1 (b) for fiscal year budgets, only the last Tuesday in September,
2 or the second Tuesday in December;
3 provided, however, that no referendum shall be held on the same
4 day as a referendum to exceed the school district levy cap.

5 (4) Any decision of the voters rejecting an increase to the tax
6 levy cap under this subsection shall be final and conclusive, and no
7 appeal or review shall be taken therefrom and no waiver application
8 shall be made to the Local Finance Board.

9 (5) The director is authorized to act as necessary in order to
10 consolidate ballot questions and procedures when a governing body
11 elects to hold a referendum under both this section and section 9 of
12 P.L.1983, c.49 (C.40A:4-45.16).

13 c. (Deleted by amendment, P.L.2010, c.44)

14 d. The adjusted tax levy shall be increased or decreased
15 accordingly whenever the responsibility and associated cost of an
16 activity performed by a local unit is transferred to or from a local
17 unit, other government entity, or other service provider.

18 (cf: P.L.2010, c.44, s.10)]¹

19

20 ¹60. Section 11 of P.L.2007, c.62 (C.40A:4-45.46) is amended
21 to read as follows:

22 11. a. (Deleted by amendment, P.L.2009, c.44)

23 b. (1) The governing body of a local unit may request approval,
24 through a public question submitted to the legal voters residing in
25 its territory to increase the amount to be raised by taxation by more
26 than the allowable adjusted tax levy. Approval shall be by an
27 affirmative vote of in excess of 50 percent of the people voting on
28 the question at the election. The local unit budget proposing the
29 increase shall be introduced and approved in the manner otherwise
30 provided for budgets of that local unit at least 20 days prior to the
31 date on which the referendum is to be held, and shall be published
32 in the manner otherwise provided for budgets of the local unit at
33 least 12 days prior to the referendum date, unless otherwise directed
34 by the Director of the Division of Local Government Services in the
35 Department of Community Affairs.

36 (2) The public question to be submitted to the voters at the
37 referendum shall state only the amount by which the adjusted tax
38 levy shall be increased by more than the otherwise allowable
39 adjusted tax levy, and the percentage rate of increase which that
40 amount represents over the allowable adjusted tax levy. The public
41 question shall include an accompanying explanatory statement that
42 identifies the changes in appropriations or revenues that warranted
43 the governing body's decision to ask the public question; or, in the
44 alternative and subject to the approval of the Director of the
45 Division of Local Government Services in the Department of
46 Community Affairs, a clear and concise narrative explanation of the
47 circumstances for the increased adjusted tax levy being proposed.

1 (3) Unless otherwise provided pursuant to section 1 of P.L.1989,
2 c.31 (C.40A:4-5.1), a referendum conducted pursuant to this
3 subsection shall be held:

4 (a) for calendar year budgets only on the fourth Tuesday in
5 January and the second Tuesday in March [other than in a year
6 when a presidential primary election occurs, in which case no such
7 election on that date may be called]; and

8 (b) for fiscal year budgets, only the last Tuesday in September,
9 or the second Tuesday in December.

10 (4) Any decision of the voters rejecting an increase to the tax
11 levy cap under this subsection shall be final and conclusive, and no
12 appeal or review shall be taken therefrom and no waiver application
13 shall be made to the Local Finance Board.

14 (5) The director is authorized to act as necessary in order to
15 consolidate ballot questions and procedures when a governing body
16 elects to hold a referendum under both this section and section 9 of
17 P.L.1983, c.49 (C.40A:4-45.16).

18 c. (Deleted by amendment, P.L.2010, c.44)

19 d. The adjusted tax levy shall be increased or decreased
20 accordingly whenever the responsibility and associated cost of an
21 activity performed by a local unit is transferred to or from a local
22 unit, other government entity, or other service provider.¹

23 (cf: P.L.2011, c.37, s.34)

24
25 ¹[62.] 61.¹ Section 8 of P.L.1981, c.496 (C.40:44-16) is
26 amended to read as follows:

27 8. Within 2 weeks immediately following the filing of the
28 certified report by the ward commissioners, the municipal clerk
29 shall cause to be published at least once in at least one newspaper
30 generally circulating in the municipality a notice of the ward
31 boundaries as fixed and determined in the report.

32 Upon completion of the publication, the former wards, if any,
33 shall be superseded, and thereafter all officers elected or appointed
34 in the municipality for or representing the wards thereof shall be
35 elected from, or appointed for, the wards fixed and determined by
36 the ward commissioners; except that, in municipalities wherein
37 municipal officers are elected at the general election held on the
38 first Tuesday after the first Monday in November, if the publication
39 shall be completed in a year in which municipal officers are elected
40 during the period between the date [165] 75 days before the
41 primary election for the general election and the date of the general
42 election, the wards so fixed and determined shall take effect on the
43 day following the holding of that general election; and, in
44 municipalities wherein municipal officers are elected at a regular
45 municipal election held on the second Tuesday in May, if the
46 publication shall be completed in a year in which municipal officers
47 are elected during the period between the date 75 days before the

1 regular municipal election and the date of the election, the wards so
2 fixed and determined shall take effect on the day following the
3 holding of that regular municipal election.

4 (cf: P.L.2005, c.136, s.63)

5

6 '63.] 62.' This act shall take effect immediately.

7

8

9

10

11 Eliminates separate presidential primary election; provides for
12 delegates and alternates to political party national conventions to be
13 elected at regular June primary election.

ASSEMBLY, No. 3777

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 10, 2011

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Co-Sponsored by:

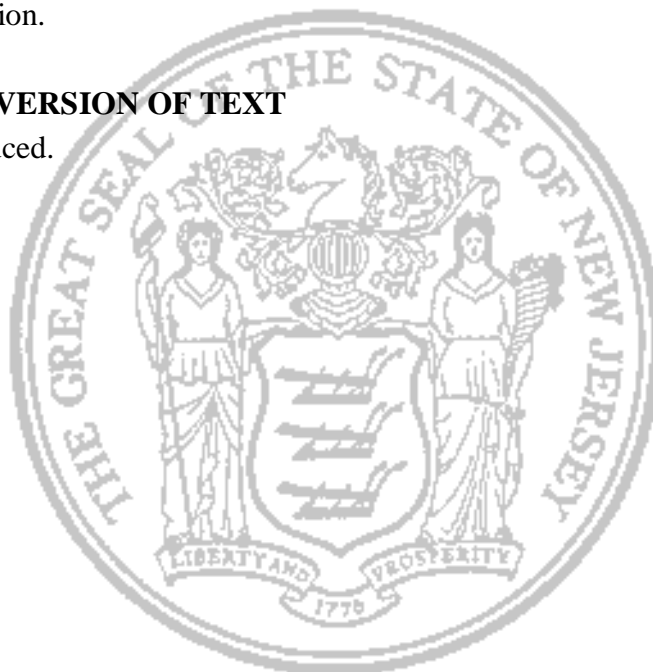
Assemblywoman Wagner

SYNOPSIS

Eliminates separate presidential primary election; provides for delegates and alternates to political party national conventions to be elected at regular June primary election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2011)

1 AN ACT eliminating the separate presidential primary election and
2 amending various parts of the statutory law.

3

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

6

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

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this
10 State or any political subdivision thereof elect persons to fill public
11 office or pass on public questions.

12 "General election" means the annual election to be held on the
13 first Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any
16 political subdivision thereof nominate candidates to be voted for at
17 general elections, or elect persons to fill party offices.

18 **["Presidential primary election" means the procedure whereby
19 the members of a political party in this State or any political
20 subdivision thereof elect persons to serve as delegates and
21 alternates to national conventions.]**

22 "Municipal election" means an election to be held in and for a
23 single municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal, school
27 and special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this
34 State or any of its political subdivisions filled at elections by the
35 electors of the State or political subdivision.

36 "Public question" includes any question, proposition or
37 referendum required by the legislative or governing body of this
38 State or any of its political subdivisions to be submitted by
39 referendum procedure to the voters of the State or political
40 subdivision for decision at elections.

41 "Political party" means a party which, at the election held for all
42 of the members of the General Assembly next preceding the holding
43 of any primary election held pursuant to this Title, polled for
44 members of the General Assembly at least 10% of the total vote cast
45 in this State.

**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.

1 "Party office" means the office of delegate or alternate to the
2 national convention of a political party or member of the State,
3 county or municipal committees of a political party.

4 "Masculine" includes the feminine, and the masculine pronoun
5 wherever used in this Title shall be construed to include the
6 feminine.

7 "Presidential year" means the year in which electors of President
8 and Vice-President of the United States are voted for at the general
9 election.

10 "Election district" means the territory within which or for which
11 there is a polling place or room for all voters in the territory to cast
12 their ballots at any election.

13 "District board" means the district board of registry and election
14 in an election district.

15 "County board" means the county board of elections in a county.

16 "Superintendent" means the superintendent of elections in
17 counties wherein the same shall have been appointed.

18 "Commissioner" means the commissioner of registration in
19 counties.

20 "File" or "filed" means deposited in the regularly maintained
21 office of the public official wherever said regularly maintained
22 office is designated by statute, ordinance or resolution.

23 (cf: P.L.2005, c.136, s.1)

24

25 2. R.S.19:2-1 is amended to read as follows:

26 19:2-1. **【Presidential primary】** Primary elections for delegates
27 and alternates to national conventions of political parties **【shall be**
28 held in each presidential year on the Tuesday next after the first
29 Monday in February.

30 Primary elections **】** and for the general election shall be held in
31 each year on the Tuesday next after the first Monday in June **【.**

32 All primary elections shall occur **】** between the hours of 6:00
33 A.M. and 8:00 P.M., Standard Time. Primary elections for special
34 elections shall be held not earlier than 30 nor later than 20 days
35 prior to the special elections.

36 (cf: P.L.2007, c.61, s.1)

37

38 3. R.S.19:3-3 is amended to read as follows:

39 19:3-3. Delegates and alternates to the national conventions of
40 the political parties **【held in each presidential year】** shall be elected
41 at the **【presidential】** primary election to be held on the Tuesday
42 next after the first Monday in **【February】** June in that year.

43 The members of State, county and municipal committees of the
44 political parties shall be chosen at the primary for the general
45 election as hereinafter provided.

46 (cf: P.L.2007, c.61, s.2)

1 4. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read
2 as follows:

3 6. a. No county board shall make division of an election
4 district in any year in the period commencing 75 days before the
5 **【presidential primary election in each presidential year or】** the
6 primary election for the general election, and the day of the general
7 election.

8 b. To facilitate the use of Federal decennial census populations
9 for apportionment and redistricting purposes and notwithstanding
10 the provisions of this or any other law, no election districts shall,
11 except with the prior approval of the **【Attorney General】** Secretary
12 of State, be created, abolished, divided or consolidated between
13 January 1 of any year whose last digit is 7 and December 1 of any
14 year whose last digit is 0.

15 (cf: P.L.2005, c.136, s.4)

16

17 5. R.S.19:6-2 is amended to read as follows:

18 19:6-2. a. The following persons may apply in writing to the
19 county board, on a form prepared and furnished by the county
20 board, for appointment as a member of a district board of any
21 municipality in the county in which he or she resides: (1) a legal
22 voter who is a member of a political party by virtue of having voted
23 in a party primary or who has filed a party declaration form for the
24 ensuing **【presidential primary or】** primary election for the general
25 election with the commissioner of the county in which the voter is
26 registered and who, for two years prior to making written
27 application, has not espoused the cause of another political party or
28 its candidates; (2) a legal voter who is not affiliated with a political
29 party; (3) a United States citizen and resident of this State who is 16
30 or 17 years of age, attends a secondary school and has the written
31 permission of his or her parent or guardian to serve as a member of
32 the board if appointed; or (4) a United States citizen and resident of
33 this State who is 16 or 17 years of age and has graduated from a
34 secondary school or has passed a general educational development
35 test, GED, and has the written permission of his or her parent or
36 guardian to serve as a member of the board if appointed.

37 b. The application, signed by the applicant under his or her
38 oath, shall state: (1) the applicant's name and address; (2) the
39 applicant's age, if the applicant is less than 18 years of age; (3) the
40 political party to which he or she belongs or, if the applicant is not
41 affiliated with a political party, the fact that the applicant is not so
42 affiliated; (4) that the applicant is of good moral character and has
43 not been convicted of any crime involving moral turpitude; and (5)
44 that the applicant possesses the following qualifications: eyesight,
45 with or without correction, sufficient to read nonpareil type; ability
46 to read the English language readily; ability to add and subtract
47 figures correctly; ability to write legibly with reasonable facility;
48 reasonable knowledge of the duties to be performed by the applicant

1 as an election officer under the election laws of this State; and
2 health sufficient to discharge his or her duties as an election officer.

3 c. If an applicant for appointment to a district board is 16 or 17
4 years of age, then the applicant shall provide to the county board,
5 along with the application provided under subsection b. of this
6 section: (1) a written document signed by the applicant's parent or
7 guardian giving the applicant permission to serve as a member of a
8 district board if appointed and (2) if an election, meeting or training
9 is scheduled to take place when school is in session, a written
10 document from his or her school that acknowledges the applicant's
11 application for appointment as a member of a district board and
12 excuses the applicant from school on the dates of service if
13 appointed, except that the requirement contained in subparagraph
14 (2) of this subsection shall not apply to a United States citizen and
15 resident of this State who is 16 or 17 years of age and has graduated
16 from a secondary school or has passed a general educational
17 development test, GED.

18 d. No person shall be precluded from applying to serve as a
19 member of a district board of any municipality for failure to vote in
20 any year such person was ineligible to vote by reason of age or
21 residence.

22 e. In no case shall a person 16 or 17 years of age be permitted
23 to serve as a member of a district board on the day of an election for
24 more than the number of hours permitted for such a person to work
25 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
26 supplemented.

27 (cf: P.L.2005, c.136, s.5)

28

29 6. R.S.19:6-3 is amended to read as follows:

30 19:6-3. a. (1) The county board shall, on or before [January 4
31 of each presidential year and on or before] April 1 [of every other
32 year], appoint the members of the district boards in the manner
33 prescribed by paragraph (2) of this subsection. The members of any
34 district board shall be equally apportioned between the two political
35 parties which at the last preceding general election held for the
36 election of all of the members of the General Assembly cast the
37 largest and next largest number of votes respectively in this State
38 for members of the General Assembly, except that if the county
39 board is unable to fill all of the positions of the members of a
40 particular district board from among qualified members of those
41 two political parties, the county board shall appoint to any such
42 unfilled position an otherwise qualified person who is unaffiliated
43 with any political party, but no such appointment of an unaffiliated
44 person shall be made prior to [January 9 of each presidential year
45 and prior to] March 25 [of every other year], and in no event shall
46 more than two such unaffiliated persons serve at the same time on
47 any district board.

1 (2) In making appointments of members of the several district
2 boards of the county, the county board shall consult with the
3 chairperson of the county committee of each of the two political
4 parties referred to in paragraph (1) of this subsection. On or before
5 **【December 20 of the year preceding each presidential year and on**
6 **or before】** March 15 of **【every other】** each year, the county board
7 shall transmit to each of those chairpersons a list of those positions
8 on the membership of the several district boards that are subject to
9 apportionment under that paragraph (1) to the political party of
10 which that chairperson is a member, and to which the county board
11 has been unable to make an appointment from among qualified
12 members of that political party. The county board shall include
13 with each such list a request that the chairperson to whom that list is
14 transmitted return to the board a list of the names of candidates for
15 those unfilled positions. On or before **【December 30 of the year**
16 **preceding each presidential year and on or before】** March 25 **【of**
17 **every other year】**, the county board shall, on the basis of the lists so
18 returned to it, fill as many of the remaining unfilled positions in the
19 membership of the several district boards as possible, and shall
20 assign or reassign appointees as necessary to ensure that the
21 membership of each district board within the county shall include at
22 least one member of each of the two political parties. The county
23 board shall then appoint to any unfilled position on a district board
24 an otherwise qualified person who is unaffiliated with any political
25 party.

26 b. In case the county board shall neglect, refuse or be unable to
27 appoint and certify the members of the district boards as herein
28 provided, the Assignment Judge of the Superior Court shall, before
29 **【January 15 of each presidential year or before】** April 10 of every
30 other year, make such appointments and certifications.

31 (cf: P.L.2007, c.61, s.3)

32

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

34 19:6-10. Each district board shall, on or before the second
35 Tuesday next preceding the **【presidential】** primary election **【in**
36 **those years when such an election is held or the primary election for**
37 **the general election in every other year】**, meet and organize by the
38 election of one of its members as judge, who shall be chairman of
39 the board, and another of its members as inspector. The judge and
40 inspector shall not be members or voters of the same political party.
41 In case of failure to elect a judge as herein provided, after balloting
42 or voting three times, the senior member of the board in respect to
43 length of continuous service as a member of such district board
44 shall become judge, and in case of failure to elect an inspector after
45 balloting or voting three times, the next senior member of the board
46 in respect to length of continuous service as a member of such
47 district board shall become inspector; provided, that both the

1 chairman and the inspector shall not be members or voters of the
2 same political party. The other members of the board shall be
3 clerks of election, and shall perform all the duties required by law
4 of the clerks of district boards.

5 (cf: P.L.2005, c.136, s.7)

6

7 8. R.S.19:6-18 is amended to read as follows:

8 19:6-18. During the 30-day period immediately preceding
9 **【November 25 of the year preceding each presidential year and】**
10 February 15 **【of every other】** in each year, the chairman and vice-
11 chairlady of each county committee and the State committeeman
12 and State committeewoman of each of such two political parties,
13 respectively shall meet and jointly, in writing, nominate one person
14 residing in the county of such county committee chairman, duly
15 qualified, for member of the county board in and for such county
16 **【for the succeeding year, in the case of the presidential year】**.

17 If more than two members are elected to the State committee of
18 any party from a county, the State committeeman and State
19 committeewoman who shall participate in the process of nomination
20 shall be those holding full votes who received the greatest number
21 of votes in their respective elections for members of the State
22 committee.

23 If nomination be so made, the said county committee chairman
24 shall certify the nomination so made to the State chairman and to
25 the Governor, and the Governor shall commission such appointees,
26 who shall be members of opposite parties, on or before **【December**
27 **20 of the year preceding each presidential year or on or before】**
28 **March 1 【in every other year, as the case may be】**. If nomination
29 be not so made on account of a tie vote in the said meeting of the
30 county committee chairman, county committee vice-chairlady, State
31 committeeman and State committeewoman, in respect to such
32 nomination, the said county committee chairman shall certify the
33 fact of such a tie vote to the State chairman, who shall have the
34 deciding vote and who shall certify, in writing, to the Governor, the
35 nomination made by his deciding vote. Appointees to county
36 boards of election pursuant to this section shall continue in office
37 for 2 years from **【either December 20 of the year preceding each**
38 **presidential year or】** **March 1 【, as the case may be,】** next after
39 their appointment.

40 The first appointment having been made pursuant to law for
41 terms of 1 and 2 years, respectively, the members subsequently
42 appointed each year shall fill the offices of the appointees whose
43 terms expire in that year.

44 (cf: P.L.2007, c.61, s.4)

1 9. R.S.19:6-22 is amended to read as follows:

2 19:6-22. a. (1) The county boards shall, at 10 a.m., on the [first
3 Tuesday in January of each presidential year and on the] second
4 Tuesday in March [of every other year], or on such other day as
5 they may agree on within the first [5 days in January or] 15 days in
6 March [, as the case may be,] in each year, meet at the courthouse,
7 or other place as provided for, in their respective counties, and,
8 subject to the provisions of paragraph (2) of this subsection,
9 organize by electing one of their number to be chairman and one to
10 be secretary; but the chairman and secretary shall not be members
11 of the same political party.

12 (2) In case of failure to elect a chairman after three ballots or
13 viva voce votes, the member having the greatest seniority on the
14 board shall be the chairman thereof, except that if the member
15 having the greatest seniority on the board so chooses, that member
16 shall instead be secretary of the board; in the event that that senior
17 member so chooses to become secretary, no election shall be held to
18 choose a secretary of the board, the board shall elect one of its
19 members who is not of the same political party as the secretary to
20 be the chairman of the board, and in the case of a failure again to
21 elect a chairman after three ballots or viva voce votes, the person
22 among those members having the greatest seniority on the board
23 shall be the chairman thereof.

24 In any case of failure to elect a chairman, if two or more
25 members of the board who are eligible to become chairman have
26 greatest and equal seniority on the board, then the board shall, not
27 later than the fifth day following the organization meeting, notify
28 the Governor of an inability to fill the position of chairman either
29 by election or on the basis of seniority, including in that notice a
30 certification of the names of those senior members of the board. In
31 addition, if the position of secretary has not otherwise been filled
32 under the foregoing provisions of this paragraph, the board shall
33 defer for the time being the election of a secretary. Not later than
34 the fifth day following receipt of the notice, the Governor shall
35 designate one of those senior members to be chairman of the board
36 and certify that designation to the board. If the position of secretary
37 was not filled at the initial meeting of the county board to organize,
38 then not later than the fifth day following receipt of that
39 certification, the board shall reconvene at the call of the chairman
40 so designated and shall elect a secretary of the board.

41 In case of failure to elect a secretary after three ballots or viva
42 voce votes, the member of the board having the greatest seniority
43 shall be secretary of the board, except that if that member has
44 become chairman because of election to that position or because of
45 designation as a result of the failure to elect a chairman, the
46 member with the next greatest seniority shall be secretary. In no

1 case, however, shall the chairman and secretary be members of the
2 same political party.

3 Seniority for the purposes of this section shall be determined by
4 the total amount of time that a person has served as a member of the
5 board, beginning from the date that that person took the oath of
6 office as a member.

7 b. The boards shall have power in their discretion to hold their
8 meetings for any purpose, except organization, in any part of their
9 respective counties. Meetings may be called by either the chairman
10 or the secretary of the board, or at the request of any two members.

11 (cf: P.L.2007, c.61, s.5)

12

13 10. R.S.19:7-2 is amended to read as follows:

14 19:7-2. A candidate who has filed a petition for an office to be
15 voted for at **[any]** the primary election, and a candidate for an
16 office whose name may appear upon the ballot to be used in any
17 election, may also act as a challenger as herein provided and may
18 likewise appoint 2 challengers for each district in which he is to be
19 voted for; but only 2 challengers shall be allowed for each election
20 district to represent all the candidates nominated in and by the same
21 original petition. The appointment of the challengers shall be in
22 writing under the hand of the person or persons making same and
23 shall specify the names and residences of the challengers and the
24 election districts for which they are severally appointed. Whenever
25 a public question shall appear on the ballot to be voted upon by the
26 voters of an election district and application has been made by the
27 proponents or opponents of such public question for the
28 appointment of challengers, the county board may in its discretion
29 appoint 2 challengers each to represent such proponents or
30 opponents. Such challengers shall be in addition to those provided
31 for in section 19:7-1 of this Title.

32 (cf: P.L.2005, c.136, s.10)

33

34 11. R.S.19:8-2 is amended to read as follows:

35 19:8-2. The clerk of every municipality, on or before **[January 4**
36 **of each presidential year and on or before]** April 1 **[of every other**
37 **year]** shall certify to the county board of every county wherein such
38 municipality is located a suggested list of places in the municipality
39 suitable for polling places. The county board shall select the
40 polling places for the election districts in the municipalities of the
41 county for all elections in the municipalities thereof, including all
42 commission government elections in the county. The county boards
43 shall not be obliged to select the polling places so suggested by the
44 municipal clerks, but may choose others where they may deem it
45 expedient. Preference in locations shall be given to schools and
46 public buildings where space shall be made available by the
47 authorities in charge, upon request, if same can be done without
48 detrimental interruption of school or the usual public services

1 thereof, and for which the authority in charge shall be reimbursed,
2 by agreement, for expenses of light, janitorial and other attending
3 services arising from such use. Each polling place selected shall be
4 accessible to individuals with disabilities and the elderly. A polling
5 place shall be considered accessible if it is in compliance with the
6 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
7 12101 et seq.). In no case shall the authorities in charge of a public
8 school or other public building deny the request of the county board
9 for the use, as a polling place, of any building they own or lease.

10 Where the county board shall fail to agree as to the selection of
11 the polling place or places for any election district, within five days
12 of an election, the county clerk shall select and designate the
13 polling place or places in any such election district.

14 The county board may select a polling place other than a
15 schoolhouse or public building outside of the district but such
16 polling place shall not be located more than 1,000 feet distant from
17 the boundary line of the district. The **【Attorney General】** Secretary
18 of State may, however, permit a polling place to be more than 1,000
19 feet distant from the boundary line of the district if there is no
20 suitable polling place accessible to individuals with disabilities and
21 the elderly within the district or 1,000 feet distant from the
22 boundary line of the district.

23 Whenever possible, the county board shall contact the managers
24 or owners of commercial or private buildings that the board deems
25 suitable to use as polling places, and are in or near an election
26 district lacking an accessible polling place, to determine whether a
27 portion of such a building may be used as a polling place on the day
28 of an election. Reimbursement for the use of a portion of such a
29 building shall be the same as provided by this section for schools
30 and public buildings.

31 Neither the owner nor operator of a facility designated as a
32 polling place by the county board is permitted or authorized to
33 relocate the polling place room in the building without the express
34 prior approval of the board.

35 (cf: P.L.2007, c.61, s.6)

36

37 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
38 as follows:

39 4. No later than **【January 15 of each presidential year and no**
40 **later than】** May 15 of every other year, beginning with May 15 next
41 following the enactment of P.L.2005, c.146, each Voting
42 Accessibility Advisory Committee, established pursuant to section
43 11 of P.L.1991, c.429 (C.19:8-3.7) shall report to the **【Attorney**
44 **General】** Secretary of State and the county board of elections, on
45 the form provided by the **【Attorney General】** Secretary of State, a
46 list of all polling places in the county, specifying any found
47 inaccessible. The committee shall indicate the reasons for

1 inaccessibility, according to guidelines established in the federal
2 "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et
3 seq.), and shall consult with the county board of elections to
4 determine the efforts made pursuant to P.L.1991, c.429 (C.19:8-3.1
5 et al.) to locate alternative polling places or the actions needed to
6 make the existing facilities accessible. Each county board of
7 elections shall notify the **【Attorney General】** Secretary of State and
8 the committee of any changes in polling place locations before the
9 next general election, including any changes required due to the
10 alteration of district boundaries.

11 (cf: P.L.2007, c.61, s.7)

12

13 13. R.S.19:8-4 is amended to read as follows:

14 19:8-4. The county board before **【January 15 of each**
15 **presidential year and】** May 15 **【of every other】** of each year shall
16 certify a list of polling places so selected to the sheriff and to the
17 clerk of the county and to the superintendent of elections of the
18 county if any there be and to each municipal clerk in the county.

19 (cf: P.L.2007, c.61, s.8)

20

21 14. R.S.19:9-2 is amended to read as follows:

22 19:9-2. The Director of the Division of Elections shall prepare
23 and distribute on or before **【January 4 of each presidential year and**
24 **on or before】** April 1 **【of every other】** in each year prior to the
25 primary election for the general election and the general election
26 such information as may be needed relative to election procedures
27 for the ensuing year.

28 The county board of elections shall prepare and distribute on or
29 before **【January 4 of each presidential year and on or before】** April
30 1 of **【every other】** in each year, registration and voting instructions
31 printed in at least 14-point type for conspicuous display at each
32 polling place at any election.

33 All other books, ballots, envelopes and other blank forms which
34 the county clerk is required to furnish under any other section of
35 this Title, stationery and supplies for the primary election for the
36 general election, the **【presidential】** primary election for delegates
37 and alternates to national conventions and the general election, shall
38 be furnished, prepared and distributed by the clerks of the various
39 counties; except that all books, blank forms, stationery and supplies,
40 articles and equipment which may be deemed necessary to be
41 furnished, used or issued by the county board or superintendent
42 shall be furnished, used or issued, prepared and distributed by such
43 county board or superintendent, as the case may be.

44 The county board shall furnish and deliver to the county clerk,
45 the municipal clerks and the district boards in municipalities having
46 more than one election district: a map or description of the district
47 lines of their respective election districts, together with the street

1 and house numbers where possible in such election districts and a
2 list or map of all of the polling places within the county to assist
3 any voter in identifying the correct location of the polling place at
4 which the voter should vote if that voter erroneously reports to the
5 municipal clerk or the wrong polling place.

6 Nothing in subtitle 2 of the Title, Municipalities and Counties
7 (R.S.40:16-1 et seq.), shall in any way be construed to affect,
8 restrict, or abridge the powers conferred on the county clerks,
9 county boards or superintendents by this Title.
10 (cf: P.L.2007, c.61, s.9)

11

12 15. R.S.19:12-1 is amended to read as follows:

13 19:12-1. The Secretary of State shall within thirty days after the
14 completion of the canvass by the board of State canvassers, certify
15 to each county clerk and county board the fact that at the next
16 preceding general election held for the election of all of the
17 members of the General Assembly ten per centum (10%) of the total
18 vote cast in the State for members of the General Assembly had
19 been cast for candidates having the same designation, thereby
20 creating, within the meaning of this Title, a political party, to be
21 known and recognized as such under the same designation as used
22 by the candidates for whom the required number of votes were cast.

23 The Secretary of State shall also not later than the sixtieth day
24 preceding the **【presidential】** primary election **【in each presidential**
25 **year】** for the general election in every year in which electors of
26 President and Vice-President of the United States **【are to be**
27 **selected, and not later than the sixtieth day preceding the primary**
28 **election for the general election in which】**, a representative of the
29 United States Senate, members of the House of Representatives, a
30 Governor, a Lieutenant Governor, or Senator, or member or
31 members of the General Assembly for any county, or any of them,
32 are to be elected or any public question is to be submitted to the
33 voters of the entire State, direct and cause to be delivered to the
34 clerk of the county and the county board wherein any such election
35 is to be held, a notice stating that such officer or officers are to be
36 elected and that such public question is to be submitted to the voters
37 of the entire State at the ensuing general election.

38 (cf: P.L.2009, c.66, s.2)

39

40 16. R.S.19:12-3 is amended to read as follows:

41 19:12-3. The clerk of each county shall immediately upon the
42 receipt of the certificate from the **【Attorney General】** Secretary of
43 State setting forth that a political party has been created, forward a
44 certified copy of such certificate to each municipal clerk of his
45 county.

46 He shall also, not later than the fiftieth day preceding the
47 **【presidential】** primary election **【in each presidential year and the**

1 primary election] for the general election in every [other] year,
2 cause a copy of the notice received from the [Attorney General]
3 Secretary of State of the officer or officers to be elected at the
4 ensuing general election, certified under his hand to be true and
5 correct, to be delivered to the clerk of each municipality in the
6 county.

7 (cf: P.L.2005, c.136, s.16)

8

9 17. R.S.19:12-5 is amended to read as follows:

10 19:12-5. The clerk of every county shall, not later than the
11 fiftieth day preceding the [presidential] primary election [in each
12 presidential year and the primary election] for the general election
13 [in every other year], immediately preceding the expiration of the
14 term of office of all other officers who are voted for by the voters of
15 the entire county or of more than one municipality within the
16 county, direct and cause to be delivered to the clerk of each
17 municipality and the county board in counties of the first class, a
18 notice that such officer or officers, as the case may be, will be
19 chosen at the ensuing general election.

20 (cf: P.L.2005, c.136, s.17)

21

22 18. R.S.19:12-6 is amended to read as follows:

23 19:12-6. All municipal clerks, not later than the fiftieth day
24 preceding the [presidential] primary election [in each presidential
25 year and the primary election] for the general election [in every
26 other year], shall make and certify under their hands and seals of
27 office and forward to the clerk of the county in which the
28 municipality is located a statement designating the public offices to
29 be filled at such election, and the number of persons to be voted for
30 each office. In counties of the first class such statement shall also
31 be forwarded to the county board.

32 (cf: P.L. 2005, c.136, s.18)

33

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

35 19:12-7. a. The county board in each county shall cause to be
36 published in a newspaper or newspapers which, singly or in
37 combination, are of general circulation throughout the county, a
38 notice containing the information specified in subsection b. hereof,
39 except for such of the contents as may be omitted pursuant to
40 subsection c. or d. hereof. Such notice shall be published once
41 during the 30 days next preceding the day fixed for the closing of
42 the registration books for the primary election, once during the
43 calendar week next preceding the week in which the [presidential]
44 primary election [or the primary election] for the general election
45 is held, [as the case may be,] once during the 30 days next
46 preceding the day fixed for the closing of the registration books for

1 the general election, and once during the calendar week next
2 preceding the week in which the general election is held.

3 b. Such notice shall set forth:

4 (1) For the primary election for the general election:

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

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

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

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

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

25 (f) In the case of the notice published during the calendar week
26 next preceding the week in which the primary election is held, that
27 a voter who, prior to the election, shall have moved within the same
28 county without (i) filing, on or before the 21st day preceding the
29 election, a notice of change of residence with the commissioner of
30 registration of the county or the municipal clerk of the municipality
31 in which the voter resides on the day of the election, (ii) returning
32 the confirmation notice sent to the voter by the commissioner of
33 registration of the county, if such a notice has been sent to the voter,
34 or (iii) otherwise notifying the commissioner of registration of the
35 voter's change of address within the county shall be permitted to
36 correct the voter's registration and to vote in the primary election by
37 provisional ballot at the polling place of the district in which the
38 voter resides on the day of the election. The notice shall further
39 provide that the voter may contact the county commissioner of
40 registration or municipal clerk to determine the proper polling place
41 location for the voter.

42 (2) For the general election:

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

45 (b) The place or places at which and hours during which a person
46 may register, the procedure for transfer of registration, and the date
47 on which the books are closed for registration or transfer of
48 registration.

1 (c) The several State, county and municipal offices to be filled
2 and, except as provided in R.S.19:14-33 of this Title as to
3 publication of notice of any Statewide proposition directed by the
4 Legislature to be submitted to the people, the State, county and
5 municipal public questions to be voted upon at such general
6 election.

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

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

14 (f) In the case of the notice published during the calendar week
15 next preceding the week in which the general election is held, that a
16 voter who, prior to the election, shall have moved within the same
17 county without (i) filing, on or before the 21st day preceding the
18 election, a notice of change of residence with the commissioner of
19 registration of the county or the municipal clerk of the municipality
20 in which the voter resides on the day of the election, (ii) returning
21 the confirmation notice sent to the voter by the commissioner of
22 registration of the county, if such a notice has been sent to the voter,
23 or (iii) otherwise notifying the commissioner of registration of the
24 voter's change of address within the county shall be permitted to
25 correct the voter's registration and to vote in the general election by
26 provisional ballot at the polling place of the district in which the
27 voter resides on the day of the election. The notice shall further
28 provide that the voter may contact the county commissioner of
29 registration or municipal clerk to determine the proper polling place
30 location for the voter.

31 (3) For a school election:

32 (a) The day, time and place thereof,

33 (b) The offices, if any, to be filled at the election,

34 (c) The substance of any public question to be submitted to the
35 voters thereat,

36 (d) That a voter who, prior to the election, shall have moved
37 within the same county without (i) filing, on or before the 21st day
38 preceding the election, a notice of change of residence with the
39 commissioner of registration of the county or the municipal clerk of
40 the municipality in which the voter resides on the day of the
41 election, (ii) returning the confirmation notice sent to the voter by
42 the commissioner of registration of the county, if such a notice has
43 been sent to the voter, or (iii) otherwise notifying the commissioner
44 of registration of the voter's change of address within the county
45 shall be permitted to correct the voter's registration and to vote in
46 the school election by provisional ballot at the polling place of the
47 district in which the voter resides on the day of the election,

- 1 (e) That if the voter has any questions as to where to vote on the
2 day of the election, the voter may contact the county commissioner
3 of registration or municipal clerk to determine the proper polling
4 place location for the voter; and
- 5 (f) Such other information as may be required by law.
- 6 **[(4) For the presidential primary election:**
- 7 (a) That a primary for the selection of delegates and alternates to
8 national conventions of political parties will be held on the day and
9 between the hours and at the places provided for pursuant to this
10 Title.
- 11 (b) The place or places at which and hours during which a person
12 may register, the procedure for the transfer of registration, and the
13 date on which the books are closed for registration or transfer of
14 registration.
- 15 (c) The existence of registration and voting aids, including: (i)
16 the availability of registration and voting instructions at places of
17 registration as provided under R.S.19:31-6; and (ii), if available, the
18 accessibility of voter information to the deaf by means of a
19 telecommunications device.
- 20 (d) The availability of assistance to a person unable to vote due
21 to blindness, disability or inability to read or write.]
- 22 c. If such publication is made in more than one newspaper, it
23 shall not be necessary to duplicate in the notice published in each
24 such newspaper all the information required under this section, so
25 long as:
- 26 (1) The municipal officers or party positions to be filled, or
27 nominations made, or municipal public questions to be voted upon
28 by the voters of any municipality, shall be set forth in at least one
29 newspaper having general circulation in such municipality;
- 30 (2) All offices to be filled, or nominations made therefor, or
31 public questions to be voted upon, by the voters of the entire State
32 or of the entire county shall be set forth in a newspaper or
33 newspapers which, singly or in combination, have general
34 circulation throughout the county;
- 35 (3) Information relating to nominations and elections in each
36 Legislative District comprised in whole or part in the county, shall
37 be published in at least a newspaper or newspapers which singly or
38 in combination, have general circulation in every municipality of
39 the county which is comprised in such legislative district.
- 40 d. Such part or parts of the original notices as published which
41 pertain to day of registration or primary election which has occurred
42 shall be eliminated from such notice in succeeding insertions.
- 43 e. (Deleted by amendment, P.L.1999, c.232.)
- 44 f. The cost of publishing the notices required by this section
45 shall be paid by the respective counties, unless otherwise provided
46 for by law.
- 47 g. Notices required to be published or posted pursuant to this
48 section shall set forth a general description of the contents of the

1 voter information notice provided for in section 1 of P.L.2005,
2 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
3 prior to the day of an election, and that the notice will be posted in
4 each polling place on the day of an election.
5 (cf: P.L.2005, c.149, s.2)

6

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

8 19:14-6. In each column, immediately below the six-point rule,
9 shall be printed the proper word or words to designate the column,
10 to be known as the "column designation."

11 In the columns at the extreme left shall be printed the name of
12 each of the political parties which made nominations at the next
13 preceding [presidential primary election, during the same year such
14 an election is held, and the next preceding] primary election [for
15 the general election] every year, directly under which shall appear
16 the words "to vote for any candidate whose name appears in the
17 column below, mark a cross x, plus + or check in the square at the
18 left of the name of such candidate. Do not vote for more candidates
19 than are to be elected to any office." Such columns shall be three
20 inches in width.

21 The column next to the right of such columns shall be designated
22 "personal choice, "under which shall appear the words" in the blank
23 column below, under the proper title of office, the voter may write
24 or paste the name of any person for whom he desires to vote, whose
25 name is not printed on this ballot, and shall mark a cross x, plus +
26 or check in the square at the left of such name. Do not vote for
27 more candidates than are to be elected to any office." There shall
28 also be the same instructions regarding electors of president and
29 vice-president which now appear at the head of all other columns.
30 This column shall be four inches in width.

31 The remaining column or columns, as the case may be, shall each
32 be designated "Nomination by Petition," under which shall be
33 printed the words "to vote for any candidate whose name appears in
34 the column below mark a cross x, plus + or check in the square at
35 the left of the name of such candidate. Do not vote for more
36 candidates than are to be elected to any office." These columns
37 shall be four inches in width.

38 Below the column designations and accompanying instructions
39 and not more than one and one-half inches below the six-point
40 diagram rule and parallel thereto, shall be printed a six-point
41 diagram rule extending across the entire ballot from one four point
42 rule to the other.

43 (cf: P.L.2005, c.136, s.22)

44

45 21. R.S.19:14-8 is amended to read as follows:

46 19:14-8. In the columns of each of the political parties which
47 made nominations at the next preceding primary election to the
48 general election and in the personal choice column, within the space

1 between the two-point hair line rules, there shall be printed the title
2 of each office to be filled at such election, except as hereinafter
3 provided.

4 Such titles of office shall be arranged in the following order:
5 electors of President and Vice-President of the United States;
6 member of the United States Senate; Governor; member of the
7 House of Representatives; member of the State Senate; members of
8 the General Assembly; county executive, in counties that have
9 adopted the county executive plan of the "Optional County Charter
10 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
11 surrogate; register of deeds and mortgages; county supervisor;
12 members of the board of chosen freeholders; coroners; mayor and
13 members of municipal governing bodies, and any other titles of
14 office. Above each of such titles of office, except the one at the
15 top, shall be printed a two-point diagram rule in place of the two-
16 point hair line rule. Below the titles of such offices shall be printed
17 the names of the candidates for the offices.

18 **【In the columns of each of the political parties which made**
19 **nominations at the next preceding presidential primary election and**
20 **in the personal choice column, within the space between the two-**
21 **point hair line rules, there shall be printed the title of office for**
22 **electors of President and Vice President of the United States.】**

23 The arrangement of the names of candidates for any office for
24 which more than one are to be elected shall be determined in the
25 manner hereinafter provided, as in the case of candidates nominated
26 by petition.

27 When no nomination for an office has been made the words "No
28 Nomination Made" in type large enough to fill the entire space or
29 spaces below the title of office shall be printed upon the ballot.

30 Immediately to the left of the name of each candidate, at the
31 extreme left of each column, including the personal choice column,
32 shall be printed a square, one-quarter of an inch in size, formed by
33 two-point diagram rules. In the personal choice column no names
34 of candidates shall be printed.

35 To the right of the title of each office in the party columns and
36 the personal choice column shall be printed the words "Vote for,"
37 inserting in words the number of persons to be elected to such
38 office.

39 (cf: P.L.2005, c.136, s.23)

40

41 22. R.S.19:14-12 is amended to read as follows:

42 19:14-12. The county clerk shall draw lots in his county to
43 determine which columns the political parties which made
44 nominations at the next preceding **【presidential】** primary election
45 **【in each presidential year and at the primary election for the general**
46 **election every year,】** shall occupy on the ballot in the county. The
47 name of the party first drawn shall occupy the first column at the

1 left of the ballot, and the name of the party next drawn shall occupy
2 the second column, and so forth.

3 The position which the names of candidates, and bracketed
4 groups of names of candidates nominated by petitions for all
5 offices, shall have upon the general election ballot, shall be
6 determined by the county clerks in their respective counties.

7 The manner of drawing the lots shall be as follows: paper slips
8 with the names of each political party written thereon, shall be
9 placed in capsules of the same size, shape, color and substance and
10 then placed in a covered box with an aperture in the top large
11 enough to admit a man's hand and to allow the capsules to be drawn
12 therefrom. The box shall be well shaken and turned over to
13 thoroughly intermingle the capsules. The county clerk or his deputy
14 shall at his office, draw from the box each capsule separately
15 without knowledge on his part as to which capsule he is drawing.

16 The person making the drawing shall open the capsule and shall
17 make public announcement at the drawing of each name, the order
18 in which name is drawn and the office for which the drawing is
19 made.

20 Where there is but one person to be elected to an office, the
21 names of the several candidates who have filed petitions for such
22 office shall be written upon paper slips and placed in separate
23 capsules of the same size, shape, color and substance. The capsules
24 shall be placed in a covered box with an aperture in the top large
25 enough to admit a man's hand and to allow the capsules to be drawn
26 therefrom. The box shall be turned and shaken thoroughly to mix
27 the capsules and the capsules shall be withdrawn one at a time.

28 When there is more than one person to be elected to an office
29 where petitions have designated that certain candidates shall be
30 bracketed, the position of such bracketed names on the ballot (each
31 bracketed group to be treated as a single name), together with
32 individuals who have filed petitions for such office, shall be
33 determined as above described.

34 Any legal voter of the county or municipality, as the case may
35 be, shall have the privilege of witnessing the drawing.

36 The name or names of the candidate or bracketed group of
37 candidates first drawn from the box shall be printed directly below
38 the proper title of the office for which they were nominated, and the
39 name or names of the candidate or bracketed group of candidates
40 next drawn shall be printed next in order, and so on, until the last
41 name or bracketed group of names shall be drawn from the box.

42 The arrangement of names of any bracketed group of candidates
43 for any office for which more than one are to be elected shall be
44 printed in the same order on the ballot as they were arranged on the
45 petition of nomination.

46 The drawing for the positions which the names of candidates and
47 bracketed groups of names of candidates, nominated by petition for
48 office, and for the columns which the political parties which made

1 nominations at the next preceding **【presidential】** primary election
2 and **【the preceding primary election】** for the general election shall
3 occupy upon the general election ballot, shall be held at 3 o'clock in
4 the afternoon of the eighty-fifth day prior to the day of the general
5 election.

6 (cf: P.L.2005, c.136, s.24)

7

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

9 19:23-1. The chairman of the State committee of a political
10 party shall, on or before March 1 in the year when a Governor is to
11 be elected, notify in writing the chairman of each county committee
12 of such party of the number of male or female members or members
13 with less than one full vote to be elected from the county at the
14 ensuing primary election for the general election, and each such
15 chairman shall, on or before April 1 of such year, send a copy of
16 such notice to the county clerk.

17 The chairman of each county committee shall also, on or before
18 **【January 4 of each presidential year and on or before】** April 1 **【of**
19 **every other】** in each year, file with the clerks of the several
20 municipalities the number of committeemen to be elected at the
21 ensuing primary for the general election to the county committee.

22 (cf: P.L.2007, c.61, s.10)

23

24 24. R.S.19:23-24 is amended to read as follows:

25 19:23-24. The position which the candidates and bracketed
26 groups of names of candidates for the primary for the general
27 election shall have upon the ballots used for the primary election for
28 the general election, in the case of candidates for nomination for
29 members of the United States Senate, Governor, members of the
30 House of Representatives, members of the State Senate, members of
31 the General Assembly, choice for President, delegates and
32 alternates-at-large to the national conventions of political parties,
33 district delegates and alternates to conventions of political parties,
34 candidates for party positions, and county offices or party positions
35 which are to be voted for by the voters of the entire county or a
36 portion thereof greater than a single municipality, including a
37 congressional district which is wholly within a single municipality,
38 shall be determined by the county clerks in their respective
39 counties; and, excepting in counties where R.S.19:49-2 applies, the
40 position on the ballot used for the primary election for the general
41 election in the case of candidates for nomination for office or party
42 position wherein the candidates for office or party position to be
43 filled are to be voted for by the voters of a municipality only, or a
44 subdivision thereof (excepting in the case of members of the House
45 of Representatives) shall be determined by the municipal clerk in
46 such municipalities, in the following manner: The county clerk, or
47 his deputy, or the municipal clerk or his deputy, as the case may be,
48 shall at his office on the 47th day prior to the primary election for

1 the general election at three o'clock in the afternoon draw from the
2 box, as hereinafter described, each card separately without
3 knowledge on his part as to which card he is drawing. Any legal
4 voter of the county or municipality, as the case may be, shall have
5 the privilege of witnessing such drawing. The person making the
6 drawing shall make public announcement at the drawing of each
7 name, the order in which same is drawn, and the office for which
8 the drawing is made. When there is to be but one person nominated
9 for the office, the names of the several candidates who have filed
10 petitions for such office shall be written upon cards (one name on a
11 card) of the same size, substance and thickness. The cards shall be
12 deposited in a box with an aperture in the cover of sufficient size to
13 admit a man's hand. The box shall be well shaken and turned over
14 to thoroughly mix the cards, and the cards shall then be withdrawn
15 one at a time. The first name drawn shall have first place, the
16 second name drawn, second place, and so on; the order of the
17 withdrawal of the cards from the box determining the order of
18 arrangement in which the names shall appear upon the primary
19 election ballot. Where there is more than one person to be
20 nominated to an office where petitions have designated that certain
21 candidates shall be bracketed, the position of such bracketed names
22 on the ballot (each bracket to be treated as a single name), together
23 with individuals who have filed petitions for nomination for such
24 office, shall be determined as above described. Where there is more
25 than one person to be nominated for an office and there are more
26 candidates who have filed petitions than there are persons to be
27 nominated, the order of the printing of such names upon the primary
28 election ballots shall be determined as above described.

29 The county clerk in certifying to the municipal clerk the offices
30 to be filled and the names of candidates to be printed upon the
31 ballots used for the primary election for the general election, shall
32 certify them in the order as drawn in accordance with the above
33 described procedure, and the municipal clerk shall print the names
34 upon the ballots as so certified and in addition shall print the names
35 of such candidates as have filed petitions with him in the order as
36 determined as a result of the drawing as above described.
37 Candidates for the office of the county executive in counties that
38 have adopted the county executive plan of the "Optional County
39 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
40 the candidates for other county offices for which there are
41 candidates on the ballot used for the primary election for the
42 general election.

43 (cf: P.L.2005, c.136, s.26)

44

45 25. R.S.19:23-40 is amended to read as follows:

46 19:23-40. **【The presidential primary election shall be held for all**
47 **political parties in each presidential year on the first Tuesday next**
48 **after the first Monday in February.】**

1 The primary election for the general election shall be held for all
2 political parties upon the Tuesday next after the first Monday in
3 June [.

4 All primary elections shall occur] between the hours of 6:00
5 A.M. and 8:00 P.M., Standard Time [and] .It shall be held for all
6 political parties in the same places as hereinbefore provided for the
7 ensuing general election.

8 (cf: P.L.2007, c.61, s.11)

9

10 26. R.S.19:23-42 is amended to read as follows:

11 19:23-42. The [presidential] primary election [and the
12 primary] for the general election shall be conducted by the district
13 boards substantially in the same manner as the general election,
14 except as herein otherwise provided.

15 Each district board may allow one member thereof at a time to be
16 absent from the polling place or room for a period not exceeding
17 one hour between the hours of one o'clock and five o'clock in the
18 afternoon or for such shorter time as it shall see fit; but at no time
19 from the opening of the polls to the completion of the canvass shall
20 there be less than a majority of the board present in the polling
21 room or place.

22 (cf: P.L.2005, c.136, s.28)

23

24 27. R.S.19:23-45 is amended to read as follows:

25 19:23-45. No voter shall be allowed to vote at [any] the primary
26 election unless his name appears in the signature copy register.

27 A voter who votes in a primary election of a political party or
28 who signs and files with the municipal clerk or the county
29 commissioner of registration a declaration that he desires to vote in
30 [any] the primary election of a political party, or who indicates on
31 a voter registration form the voter's choice of political party
32 affiliation and submits the form to the commissioner of registration
33 of the county wherein the voter resides, to the employees or agents
34 of a public agency, as defined in subsection a. of section 15 of
35 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
36 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
37 6.11), or to the [Attorney General] Secretary of State, shall be
38 deemed to be a member of that party until the voter signs and files
39 with the municipal clerk or the commissioner of registration a
40 declaration that he desires to vote in [a] the primary election of
41 another political party at which time he shall be deemed to be a
42 member of such other political party. The [Attorney General]
43 Secretary of State shall cause to be prepared political party
44 affiliation declaration forms and shall provide such forms to the
45 commissioners of registration of the several counties and to the
46 clerks of the municipalities within such counties.

1 No voter, except a newly registered voter at the first primary at
2 which he is eligible to vote, or a voter who has not previously voted
3 in a primary election, may vote in a primary election of a political
4 party unless he was deemed to be a member of that party on the
5 50th day next preceding such primary election.

6 A member of the county committee of a political party and a
7 public official or public employee holding any office or public
8 employment to which he has been elected or appointed as a member
9 of a political party shall be deemed a member of such political
10 party.

11 A voter may declare the voter's party affiliation or change the
12 voter's party affiliation, or declare that the voter is unaffiliated with
13 any party regardless of any previously declared party affiliation, by
14 so indicating on a political party declaration form filed with the
15 municipal clerk or the county commissioner of registration. A voter
16 may also indicate that the voter wishes to declare a political party
17 affiliation or that the voter does not want to declare a political party
18 affiliation on a voter registration form filed at the time of initial
19 registration.

20 Any person voting in the primary ballot box of any political
21 party in any primary election in contravention of the election law
22 shall be guilty of a disorderly persons offense, and any person who
23 aids or assists any such person in such violation by means of public
24 proclamation or order, or by means of any public or private
25 direction or suggestions, or by means of any help or assistance or
26 cooperation, shall likewise be guilty of a disorderly persons offense.
27 (cf: P.L.2005, c.154, s.6)

28

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

31 2. a. The county commissioner of registration in each of the
32 several counties shall cause a notice to be published in each
33 municipality of their respective counties in a newspaper or
34 newspapers circulating therein. The notice to be so published shall
35 be published once during each of the two calendar weeks next
36 preceding the week in which the 50th day next preceding **[any]** the
37 primary election of a political party occurs.

38 b. The notice required to be published by the preceding
39 paragraph shall inform the reader thereof that no voter, except a
40 newly registered voter at the first primary at which he is eligible to
41 vote, or a voter who has not previously voted in a primary election
42 may vote in a primary election of a political party unless he was
43 deemed to be a member of that party on the 50th day next preceding
44 such primary election. It shall further inform the reader thereof that
45 a voter who votes in **[any]** the primary election of a political party,
46 or who signs and files with the municipal clerk or the county
47 commissioner of registration a declaration that he desires to vote in
48 **[a]** the primary election of a political party, or who indicates on a

1 voter registration form the voter's choice of political party
2 affiliation and submits the form to the commissioner of registration
3 of the county wherein the voter resides, to the employees or agents
4 of a public agency, as defined in subsection a. of section 15 of
5 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
6 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
7 6.11) or to the **【Attorney General】** Secretary of State, shall be
8 deemed to be a member of that party until the voter signs and files
9 with the municipal clerk or the commissioner of registration a
10 declaration that he desires to vote in **【a】** the primary election of
11 another political party, at which time he shall be deemed to be a
12 member of such other political party, or that the voter chooses not
13 to be affiliated with any political party. The notice shall also state
14 the time and location where a person may obtain political party
15 affiliation declaration forms or voter registration forms.

16 (cf: P.L.2005, c.153, s.2)

17

18 29. R.S.19:23-46 is amended to read as follows:

19 19:23-46. Each voter offering to vote shall announce his name
20 and the party primary in which he wishes to vote. The district
21 board shall thereupon ascertain by reference to the signature copy
22 register or the primary election registry book required **【for either**
23 **the presidential primary or the primary election for the general**
24 **election】** by this title **【, as the case may be,】** and, in municipalities
25 not having permanent registration, if necessary by reference to the
26 primary party poll books of the preceding **【presidential primary**
27 **election or】** primary election for the general election, that such
28 voter is registered as required by this title and also that he is not
29 ineligible or otherwise disqualified by the provisions of section
30 19:23-45 of this title; in which event he shall be allowed to vote.

31 (cf: P.L.2005, c.136, s.31)

32

33 30. R.S.19:23-49 is amended to read as follows:

34 19:23-49. At the close of **【a presidential】** the primary election
35 **【and a primary election】** for the general election each district board
36 shall immediately proceed to count the votes cast at the election and
37 ascertain the results thereof for the candidates of each political
38 party holding such elections, proceeding in the manner indicated by
39 the statement hereinafter provided for, and as nearly as may be in
40 the manner herein required for the counting by the district board of
41 votes cast at the general election.

42 (cf: P.L.2005, c.136, s.32)

43

44 31. R.S.19:23-58 is amended to read as follows:

45 19:23-58. Any provisions of this title which pertain particularly
46 to any election or to the general election shall apply to the
47 **【presidential primary election or the】** primary election for the

1 general election [, as the case may be,] insofar as they are not
2 inconsistent with the special provisions of this title pertaining to the
3 [presidential primary election or the] primary election for the
4 general election.

5 (cf: P.L.2005, c.136, s.33)

6

7 32. R.S.19:24-1 is amended to read as follows:

8 19:24-1. In every year in which [presidential] primary elections
9 are to be held as herein provided for the election of delegates and
10 alternates to the national conventions of political parties, including
11 any national mid-term convention or conference of a political party,
12 the chairman of the State committee of each political party shall
13 notify the [Attorney General] Secretary of State, on or before
14 [December 20] March 1 of that [preceding] year, of the number of
15 delegates-at-large and the number of alternates-at-large to be
16 elected to the next national convention of such party by the voters
17 of the party throughout the State, and also of the number of
18 delegates and alternates to be chosen to such convention in the
19 respective congressional districts or other territorial subdivisions of
20 the State as mentioned in such notification.

21 If the State chairmen, or either of them, shall fail to file notice,
22 the [Attorney General] Secretary of State shall ascertain such facts
23 from the call for its national convention issued by the National or
24 State committee.

25 (cf: P.L.2007, c.61, s.12)

26

27 33. R.S.19:24-2 is amended to read as follows:

28 19:24-2. The [Attorney General] Secretary of State shall, on or
29 before [December 20] March 20 of [the] that year [preceding each
30 presidential election or January 1 of every other year, as the case
31 may be], certify to the county clerk and county board of each
32 county the number of delegates and alternates-at-large to be chosen
33 by each such party and the number of delegates and alternates to be
34 chosen in each congressional district or other territorial subdivision
35 of the State, composed in whole or in part of the county of such
36 county clerk.

37 Any provisions of this Title which pertain particularly to any
38 election or to the general election or to the primary election for the
39 general election shall apply to the [presidential] primary election
40 for delegates and alternates to national conventions insofar as they
41 are not inconsistent with the special provisions of this Title
42 pertaining to the [presidential] primary election for delegates and
43 alternates to national conventions.

44 Notwithstanding any provision of this Title, national and State
45 party rules shall govern the selection of delegates and alternates to
46 national party conventions, provided the State chairman of the
47 political party notifies the [Attorney General] Secretary of State

1 prior to [December 20 of the year preceding each presidential
2 election or January] March 1 of [every other] the year [, as the
3 case may be,] in which delegates and alternates are elected of the
4 applicable party rules governing the delegate selection process. The
5 [Attorney General] Secretary of State shall notify the county clerks
6 prior to [December 20] April 1 of the year [preceding each
7 presidential election or January 10 of every other year, as the case
8 may be,] in which delegates and alternates are elected of the
9 applicable party rules, if any, which apply to matters within their
10 jurisdiction. Pursuant to this section, the [Attorney General]
11 Secretary of State shall issue to the county clerks uniform
12 regulations governing the delegate selection process.
13 (cf: P.L.2007, c.61, s.13)
14

15 34. R.S.19:24-4 is amended to read as follows:

16 19:24-4. Not less than 100 members of each such political party
17 may file with the [Attorney General] Secretary of State at least 57
18 days prior to the [presidential] primary election for the general
19 election in any year of a national convention a petition requesting
20 that the name of a person therein indorsed shall be printed on the
21 [presidential] primary ticket of such political party as candidate for
22 the position of delegate-at-large or alternate-at-large, to be chosen
23 by the party voters throughout the State to the national convention
24 of that party, or as a delegate or alternate to be chosen to that
25 convention by the voters of any congressional district.

26 The signers to the petition for any delegate-at-large or alternate-
27 at-large shall be legal voters resident in the State; and the signers
28 for any delegate or alternate from any Congressional district shall
29 be voters of such district.

30 The [Attorney General] Secretary of State shall not later than
31 the 48th day preceding the [presidential] primary election for the
32 general election certify to each county clerk and county board such
33 nominations for delegates and alternates-at-large and the
34 nominations for delegate or alternate for any Congressional district.
35 (cf: P.L.2005, c.136, s.36)
36

37 35. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
38 follows:

39 1. Not less than one thousand voters of any political party may
40 file a petition with the [Attorney General] Secretary of State on or
41 before the 57th day before a [presidential] primary election in any
42 year in which a President of the United States is to be chosen,
43 requesting that the name of the person indorsed therein as a
44 candidate of such party for the office of President of the United
45 States shall be printed upon the official [presidential] primary

1 ballot of that party for the then ensuing election for delegates and
2 alternates to the national convention of such party.

3 The petition shall be prepared and filed in the form and manner
4 herein required for the indorsement of candidates to be voted for at
5 the primary election for the general election, except that the
6 candidate shall not be permitted to have a designation or slogan
7 following his name, and that it shall not be necessary to have the
8 consent of such candidate for President indorsed on the petition.

9 (cf: P.L.2005, c.136, s.37)

10

11 36. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
12 follows:

13 2. The **【Attorney General】** Secretary of State shall certify the
14 names so indorsed to the county clerk of each county not later than
15 the 48th day before such **【presidential】** primary election, but if any
16 person so indorsed shall on or before such date decline in writing,
17 filed in the office of the **【Attorney General】** Secretary of State, to
18 have his name printed upon the **【presidential】** primary election
19 ballot as a candidate for President, the **【Attorney General】**
20 Secretary of State shall not so certify such name.

21 (cf: P.L.2005, c.136, s.38)

22

23 37. R.S.19:26-1 is amended to read as follows:

24 19:26-1. At the close of all primary elections held according to
25 the provisions of this title, and after counting the ballots cast at such
26 primary and making the statements thereof as herein provided, each
27 district board shall place all ballots voted at the election and all
28 spoiled and unused ballots inside the ballot boxes used at such
29 election, and after locking and sealing the same, shall forthwith
30 deliver the ballot boxes to the municipal clerk and the keys thereof
31 to the county clerk. The signature copy register binders and the
32 current primary party poll books used at **【any】** the primary election
33 shall be returned by the district boards to the commissioner, not
34 later than noon of the day following the **【preceding】** primary
35 election for the general election.

36 The commissioner shall return the primary party poll books used
37 at **【any】** the primary election to the municipal clerks not later than
38 one month preceding the next primary election.

39 The county clerks, in counties other than counties of the first
40 class, shall, during the ten days next preceding the third registry day
41 deliver, at their offices or in any other way they may see fit, the
42 register of voters to the respective district boards.

43 The county clerks in counties of the first class shall deliver the
44 register of voters to the municipal clerks, who shall deliver such
45 register to the district boards at the same time and with the official
46 general election sample ballots.

47 (cf: P.L.2005, c.136, s.39)

1 38. R.S.19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy in any county or
3 municipal office, except for the office of a member of the board of
4 chosen freeholders, which vacancy shall occur after the 11th day
5 preceding the last day for filing petitions for nominations for the
6 primary election for the general election and on or before the 51st
7 day preceding the general election, each political party may select a
8 candidate for the office in question in the manner prescribed in
9 R.S.19:13-20 for selecting candidates to fill vacancies among
10 candidates nominated at primary elections **【to】** for the general
11 elections. A statement of such selection shall be filed with the
12 county clerk not later than the close of business of the 48th day
13 preceding the date of the general election.

14 Besides the selection of candidates by each political party as
15 before provided, candidates may also be nominated by petition in a
16 similar manner as herein provided for direct nomination by petition
17 for the general election but the petition shall be filed with the
18 county clerk at least 48 days prior to such general election.

19 When the vacancy occurs in a county office the county clerk
20 shall forthwith give notice thereof to the chairman of the county
21 committee of each political party and in counties of the first class to
22 the county board, and in case the vacancy occurs in a municipal
23 office the municipal clerk shall forthwith give notice thereof to the
24 county clerk, the chairman of the county committee of each political
25 party and in counties of the first class the county board.

26 The county clerk shall print on the ballots for the territory
27 affected, in the personal choice column, the title of office and leave
28 a proper space under such title of office; and print the title of office
29 and the names of such persons as have been duly nominated, in
30 their proper columns.

31 (cf: P.L.2005, c.136, s.40)

32

33 39. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
34 read as follows:

35 7. When any vacancy happens in the Legislature otherwise than
36 by expiration of term, it shall be filled by election for the unexpired
37 term only at the next general election occurring not less than 51
38 days after the occurrence of the vacancy, except that no such
39 vacancy shall be filled at the general election which immediately
40 precedes the expiration of the term in which the vacancy occurs. In
41 the event a vacancy eligible to be filled by election hereunder
42 occurs on or before the sixth day preceding the last day for filing
43 petitions for nomination for the primary election, such petitions
44 may be prepared and filed for nomination in that primary election in
45 the manner provided by article 3 of chapter 23 of this Title. In the
46 event the vacancy occurs after that sixth day preceding the last day
47 for filing petitions for nomination for the primary election for the
48 general election, a political party may select a candidate for the

1 office in question in the manner prescribed in subsections a. and b.
2 of R.S.19:13-20 for selecting candidates to fill vacancies among
3 candidates nominated at primary elections for the general elections.
4 A statement of such selection under R.S.19:13-20 shall be filed with
5 the **【Attorney General】** Secretary of State not later than the 48th
6 day preceding the date of the general election.

7 Besides the selection of candidates by each political party,
8 candidates may also be nominated by petition in a manner similar to
9 direct nomination by petition for the general election; but if the
10 candidate of any party to fill the vacancy will be chosen at a
11 primary election, such petition shall be filed with the **【Attorney**
12 **General】** Secretary of State at least 55 days prior to the primary
13 election; and if no candidate of any party will be chosen at a
14 primary election, such petition shall be filed with the Attorney
15 General not later than 12 o'clock noon of the day on which the first
16 selection meeting by any party is held under this section to select a
17 nominee to fill the vacancy.

18 When the vacancy occurs in the Senate or General Assembly, the
19 county clerk of each county which is comprised in whole or part in
20 the Senate or General Assembly district shall forthwith give notice
21 thereof to the chairman of the county committee of each political
22 party and in counties of the first class to the county board.

23 The county clerk shall print on the ballots for the territory
24 affected, in the personal choice column, the title of office and leave
25 a proper space under such title of office; and print the title of office
26 and the names of such persons as have been duly nominated, in
27 their proper columns.

28 (cf: P.L.2005, c.136, s.41)

29

30 40. R.S.19:29-3 is amended to read as follows:

31 19:29-3. The petition contesting any nomination to public office,
32 election to party office or position **【, election as a delegate or**
33 **alternate in a presidential primary】** or the proposal of any
34 proposition shall be filed not later than 10 days after the primary
35 election.

36 The petition contesting any election to public office or approval
37 or disapproval of any proposition shall be filed not later than 30
38 days after such election, unless the ground of action is discovered
39 from the statements, deposit slips or vouchers filed under this Title,
40 subsequent to such primary or other election, in which event such
41 petition may be filed 10 or 30 days respectively after such
42 statements, deposit slips or vouchers are filed.

43 Any petition of contest may be filed within 10 days after the
44 result of any recount has been determined or announced.

45 (cf: P.L.2005, c.136, s.42)

46

47 41. R.S.19:31-16 is amended to read as follows:

1 19:31-16. a. The health officer or other officer in charge of
2 records of death in each municipality shall file with the
3 commissioner of registration for the county in which the
4 municipality is located once each month, during the first five days
5 thereof, the age, date of death, and the names and addresses of all
6 persons 18 years of age or older who have died within such
7 municipality during the previous month. Within 30 days after the
8 receipt of such list, the commissioner shall make and complete such
9 investigation as is necessary to establish to his satisfaction that such
10 deceased person is registered as a voter in the county. If such fact
11 is so established, the commissioner shall cause the registration and
12 record of voting forms of the deceased registrant to be transferred to
13 the death file as soon as possible. If the deceased person was not so
14 registered in the county, but the person maintained a residence in
15 another county of this State, the officer in charge of records of
16 death in the municipality in which the decedent died shall forward a
17 copy of the notice of death to the officer in charge of records of
18 death in the municipality in which the decedent resided. That
19 officer having received the notice shall notify the commissioner of
20 the county in which that municipality is located of the death of the
21 person. Any commissioner who receives such notification shall
22 undertake the procedures prescribed herein with respect to the
23 registration in that county of the decedent.

24 b. The State registrar of vital statistics shall file with the
25 commissioner of registration of each county no later than [January
26 2 of each presidential year and no later than] May 1 of [every
27 other] each year an alphabetized list of the name, address, and date
28 of birth, if available, of each resident of the county 18 years of age
29 or older who died during the previous year. Within 30 days after
30 the receipt of the list the commissioner shall undertake and
31 complete such investigation as is necessary to establish that each
32 person on the list is not registered as a voter in the county. The
33 commissioner shall cause the registration and record of voting
34 forms of any deceased registrant found on the list to be transferred
35 to the death file as soon as possible.

36 (cf: P.L.2007, c.61, s.14)

37

38 42. R.S.19:31-20 is amended to read as follows:

39 19:31-20. On or before the eighth day preceding the [presidential
40 primary election, the] primary election for the general election and
41 the general election, respectively, the commissioner in counties not
42 having a superintendent of elections, shall deliver to the municipal
43 clerk in each municipality the signature copy registers for each
44 election district in such municipality and shall take a receipt for
45 same. The municipal clerk shall thereupon deliver at his office, or
46 in any other way he sees fit, such registers to a member or members
47 of the proper district boards at the same time and together with the

1 primary for the general election sample ballots or the general
2 election sample ballots, as the case may be. The registers shall be
3 used by the district boards on election days and for the purpose of
4 mailing the sample ballots. The commissioner in counties having a
5 superintendent of elections shall deliver such registers at his office,
6 or in any other way he may see fit, to the various district boards,
7 taking a receipt for same.

8 Before delivering the registers the commissioner shall cause to
9 be printed upon a separate sheet or sheets of paper, to be inserted
10 inside of the front cover of such registers in conspicuous type, such
11 instructions to election officers regarding the use and disposition of
12 the binders and forms as he deems necessary.

13 (cf: P.L.2005, c.139, s.18)

14

15 43. R.S.19:31-21 is amended to read as follows:

16 19:31-21. A person whose name appears in the signature copy
17 register and who upon applying for a ballot or voting authority shall
18 have given the information and signed the signature comparison
19 record as provided in this Title and whose signature in the signature
20 comparison record shall have been compared by a member of the
21 district board and in the presence and view of the challengers with
22 the signature of the applicant as recorded in the register shall be
23 eligible to receive a ballot or voting authority unless it be shown to
24 the satisfaction of a majority of the members of the district board
25 that he is not entitled to vote in the district or has otherwise become
26 disqualified.

27 No person shall be required to sign the signature comparison
28 record as a means of identification if he shall have been unable to
29 write his name when he registered, or if, having been able to write
30 his name when registered, he subsequently shall have lost his sight
31 or lost the hand with which he was accustomed to write or shall by
32 reason of disease or accident be unable to write his name when he
33 applies to vote, but each such person shall establish his identity in
34 the manner provided in this Title.

35 In addition to signing the signature comparison record and after
36 the comparison of the signature with the signature in the register, a
37 person offering to vote at **the presidential primary election or** the
38 primary election for the general election, as the case may be, shall
39 announce his name and the party primary in which he wishes to
40 vote.

41 After a person has voted the member of the district board having
42 charge of the signature copy registers shall place the number of the
43 person's ballot in the proper column on the record of voting form of
44 such person, which number shall constitute a record that the person
45 has voted. In the case of the **presidential primary election or the**
46 primary election for the general election such member of the district
47 board shall also place in the proper column on the record of voting

1 form the first three letters of the name of the political party whose
2 primary ballot such person has voted.

3 In the event that the duplicate permanent registration form of any
4 person cannot be found in the signature copy register at the time he
5 applies for a ballot or voting authority, a member of the district
6 board shall promptly ascertain from the commissioner or a duly
7 authorized clerk if such person is permanently registered. Upon
8 information that such is the fact, such member of the district board
9 shall require the person applying for a ballot or voting authority to
10 obtain an order from the commissioner authorizing him to receive a
11 ballot or voting authority. The commissioner shall specially
12 authorize and deputize clerks to issue such orders in municipalities
13 within his county. The commissioner or his clerk shall require the
14 voter to sign his name upon such order for the purpose of signature
15 comparison. The district board shall require the voter to again sign
16 his name on said order, in the presence of the board, and if the
17 signatures compare, to permit him to vote. At primary elections the
18 commissioner or his duly authorized clerk shall endorse on the
19 order the political party whose ballot such person voted at the last
20 preceding primary election. The order shall be returned to the
21 commissioner at the same time and along with the signature copy
22 registers.

23 (cf: P.L.2005, c.136, s.45)

24

25 44. R.S.19:31-22 is amended to read as follows:

26 19:31-22. Not later than noon of the day following the canvass
27 of the votes cast at the [presidential primary election, the] primary
28 election for the general election or the general election, the
29 signature copy registers shall be returned by each district board to
30 the commissioner at his office or in any other way as the
31 commissioner may see fit.

32 Upon receipt of the registers the commissioner shall inspect them
33 and verify from the party primary poll books and the general
34 election poll books, as the case may be, that the entries required to
35 be made on the record of voting forms in such registers by the
36 district boards have been made. If the commissioner shall ascertain
37 that such entries have not been made or have been improperly
38 made, he shall cause such entries and corrections to be made
39 forthwith and also notify the county board of such failure of duty
40 and the members of such district board who have so failed in their
41 duty and shall be ineligible for appointment as members of any
42 district board thereafter.

43 (cf: P.L.2005, c.136, s.46)

44

45 45. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to
46 read as follows:

47 9. On the day of every municipal, primary, [presidential
48 primary,] general, special or annual school election the

1 superintendent of elections in counties having a superintendent of
2 elections or the county board of elections in all other counties shall
3 provide to each polling place in the county sufficient numbers of a
4 form on which voters or persons attempting to vote may register
5 any complaint regarding the conduct of the election at the polling
6 place where they voted or attempted to vote. In counties in which
7 the primary language of 10% or more of the registered voters is
8 Spanish, the form for the complaint shall appear in both English and
9 Spanish. The form shall protect the anonymity of the complainant,
10 if that person so wishes, and shall be accompanied by an envelope
11 with the proper postage and the name and address of the
12 superintendent of elections of the county or the chairman of the
13 county board of elections, as the case may be. A complaint may be
14 used by the superintendent of elections or any other municipal or
15 State investigatory agency to conduct an investigation into possible
16 violation of the State election law. Copies of the form containing
17 the complaint shall be available from the superintendent of
18 elections or the county board of elections, as the case may be. The
19 original form of the complaint, or a copy, shall be kept on file with
20 the superintendent of elections or the county board of elections, as
21 the case may be, for two years after the election for which it was
22 filed.

23 (cf: P.L.2005, c.136, s.47)

24

25 46. R.S.19:45-6 is amended to read as follows:

26 19:45-6. The compensation of each member of the district
27 boards for all services performed by them under the provisions of
28 this Title shall be as follows:

29 In all counties, for all services rendered including the counting of
30 the votes, and in counties wherein voting machines are used, the
31 tabulation of the votes registered on the voting machines, and the
32 delivery of the returns, registry binders, ballot boxes and keys for
33 the voting machines to the proper election officials, \$200 each time
34 **[any]** the primary election, the general election or any special
35 election is held under this Title; provided, however, that:

36 a. (1) The member of the board charged with the duty of
37 obtaining and signing for the signature copy registers shall receive
38 an additional \$12.50 per election, such remuneration being limited
39 to only one board member per election, or \$6.25 to each of two
40 board members if they share such responsibility for the signature
41 copy registers, and (2) the member of the board charged with the
42 duty of returning the signature copy registers shall receive an
43 additional \$12.50 per election, such remuneration being limited to
44 only one board member per election, or \$6.25 to each of two board
45 members if they share such responsibility for the signature copy
46 registers;

47 b. In the case of any member of the board who is required
48 under R.S.19:50-1 to attend in a given year a training program for

1 district board members, but who fails to attend such a training
2 program in that year, that compensation shall be \$50.00 for each of
3 those elections;

4 c. In counties wherein voting machines are used no
5 compensation shall be paid for any services rendered at any special
6 election held at the same time as any primary or general election.
7 Such compensation shall be in lieu of all other fees and payments;
8 and

9 d. Compensation for district board members serving at a school
10 election shall be paid by the board of education of the school
11 district conducting the election at an hourly rate of \$5.77, except
12 that the board of education may compensate such district board
13 members at a pro-rated hourly rate consistent with the daily rate up
14 to a maximum of \$14.29. The provisions of subsections a., b., and
15 c. of this section shall also apply to district board members serving
16 at a school election, except that in the case of subsection b., the
17 compensation shall be at an hourly rate of \$3.85.

18 Compensation due each member shall be paid within 30 days but
19 not within 20 days after each election; provided, however, that no
20 compensation shall be paid to any member of any such district
21 board who may have been removed from office or application for
22 the removal of whom is pending under the provisions of R.S.19:6-4.
23 (cf: P.L.2005, c.136, s.48)

24
25 47. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to
26 read as follows:

27 1. In all counties wherein voting machines are used the county
28 board of elections shall furnish for use in each election district at
29 any election, a sufficient number of voting authorities in
30 substantially the following form:

31	City of	City of
32	Ward	District Ward
33	Election Held	Election Held
34	..... day of..... 20...	..... day of..... 20....
35	Voting Authority	Voting Authority
36	No.....	No.....
37	.....	.....
38	Signature of Voter.	.....
39		This certificate must be handed
40		to the election officer in charge
41		of the voting machines in order to
42		vote.
43		.....
44		County Board of Elections
45		Clerk.

46 The voting authorities shall be numbered consecutively, be
47 bound together in pads and shall be printed in two parts and
48 perforated so that one part may be given to the voter who shall

1 return the same to the district election officials in charge of the
2 operation of the voting machine in order that such official shall be
3 able to place the same in consecutive order on a string or wire. The
4 other part of the voting authority shall be signed by the voter in his
5 own handwriting before he be permitted to vote and shall remain
6 bound in the pad. All pads containing the portions of the voting
7 authorities on which the names of the persons who have voted have
8 been signed, together with that portion of the voting authority
9 which has been placed on a wire or string shall be returned to the
10 commissioner of registration of the county, who shall keep them for
11 a period of at least six months.

12 At any [presidential primary election or] primary election for
13 the general election, each voting authority shall be marked to
14 indicate the party primary in which the voter signing the same voted
15 and the used voting authorities shall be strung in such a manner so
16 that those used in one party primary shall remain separate from
17 those used in the other party primary.

18 (cf: P.L.2005, c.136, s.49)

19

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

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

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

41 b. The county clerk or the municipal clerk, in the case of a
42 municipal election, shall arrange for the preparation of the
43 envelope, affirmation statement, and written notice that is to
44 accompany each provisional ballot. The envelope shall be of
45 sufficient size to accommodate the provisional ballot, and the
46 affirmation statement shall be affixed thereto in a manner that
47 enables it to be detached once completed and verified by the county
48 commissioner of registration. The statement shall require the voter

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

38 The written notice shall contain information to be distributed to
39 each voter who votes by provisional ballot. The notice shall state
40 that, if the voter is a mail-in registrant voting for the first time in his
41 or her current county of residence following registration and was
42 given a provisional ballot because he or she did not provide
43 required personal identification information, the voter shall be
44 given until the close of business on the second day after the election
45 to provide identification to the applicable county commissioner of
46 registration, and the notice shall contain a telephone number at
47 which the commissioner may be contacted. The notice shall further
48 state that failure to provide the required personal identification

1 information within that time period shall result in the rejection of
2 the ballot. The notice shall state that pursuant to section 4 of
3 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional
4 ballot will be able to ascertain under a system established by the
5 State whether the ballot was accepted for counting, and if the vote
6 was not counted, the reason for the rejection of the ballot. The
7 notice shall include instructions on how to access such information.

8 c. For the primary for the general election, the provisional
9 ballots shall be printed in ink on paper of a color that matches the
10 color of the voting authority, which shall indicate the party primary
11 of the voter. The provisional ballots shall be uniform in size, quality
12 and type and of a thickness that the printing thereon cannot be
13 distinguished from the back of the paper, and without any mark,
14 device or figure on the front or back other than as provided in
15 P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall
16 include near the top thereof and in large type the designation
17 PROVISIONAL BALLOT. In all other respects, the provisional
18 ballots shall conform generally to the other ballots to be used in the
19 election district for the primary election.

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

28 d. For the general election the provisional ballots shall be
29 printed in ink. The provisional ballots shall be uniform in size,
30 quality and type and of a thickness that the printing thereon cannot
31 be distinguished from the back of the paper, and without any mark,
32 device or figure on the front or back other than as provided in this
33 act. Each such ballot shall include near the top thereof and in large
34 type the designation PROVISIONAL BALLOT. In all other
35 respects, the provisional ballots shall conform generally to the other
36 ballots to be used in the election district for the general election.

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

44 e. For a school election the provisional ballots shall be printed
45 in ink. The provisional ballots shall be uniform in size, quality and
46 type and of a thickness that the printing thereon cannot be
47 distinguished from the back of the paper, and without any mark,
48 device or figure on the front or back other than as provided in this

1 act. Each such ballot shall include near the top thereof and in large
2 type the designation PROVISIONAL BALLOT. In all other
3 respects, the provisional ballots shall conform generally to the other
4 ballots to be used in the election district for the school election.

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

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

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

28 The clerk of the county or municipality shall arrange for the
29 preparation of each provisional ballot package with an appropriate
30 number of provisional ballots for each political party and a
31 corresponding number of envelopes with affirmation statements.
32 Additional provisional ballots and envelopes shall be available for
33 delivery to that election district on the day of the election, if
34 necessary. **】** (Deleted by amendment, P.L. , c.) (pending before
35 the Legislature as this bill)

36 (cf: P.L.2009, c.79, s.33)

37

38 49. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read
39 as follows:

40 2. a. Except as otherwise provided pursuant to subsection c. of
41 this section, the board of education of a type II district may call a
42 special election of the legal voters of the district on only the fourth
43 Tuesday in January **【**other than in a year when a presidential
44 primary election occurs, in which case no such election on that date
45 may be called**】**, the second Tuesday in March, the last Tuesday in
46 September, or the second Tuesday in December when in its
47 judgment the interests of the schools require such an election. The
48 board of education shall give the municipal clerk or clerks, as the

1 case may be, and the county board of elections no less than 60 days'
2 notice, in writing, of its intention to hold a special election.

3 b. No business shall be transacted at any special election except
4 such as shall have been set forth in the notices by which the election
5 was called.

6 c. The Commissioner of Education may change in any school
7 year any date authorized for a special school election pursuant to
8 subsection a. of this section if that date coincides with a period of
9 religious observance that limits significantly the usual activities of
10 the followers of a particular religion or that would result in
11 significant religious consequences for such followers. The
12 commissioner shall inform local school boards, county clerks, and
13 boards of election of the adjustment no later than the first working
14 day in January of the year in which the adjustments are to occur.

15 As used in this section "a period of religious observance" means
16 any day or portion thereof on which a religious observance imposes
17 a substantial burden on an individual's ability to vote.

18 (cf: P.L.2008, c.129, s.2)

19

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

22 2. As used in this act, unless otherwise indicated by the
23 context:

24 "Election," "general election," "primary election for the general
25 election," ["presidential primary election,"] "municipal election,"
26 "school election," and "special election" mean, respectively, such
27 elections as defined in R.S.19:1-1 et seq.

28 "Family member" means an adult who is a spouse, parent, child,
29 grandparent, grandchild or sibling of a voter, whether by adoption
30 or natural relationship. It shall also include any adult occupant
31 regularly living with a voter in any residential building or part of a
32 building intended for the use of no more than one family.

33 "Mail-in ballot" means any ballot used by a mail-in voter to vote
34 by mail in any election.

35 "Mail-in voter" means any qualified and registered voter of this
36 State who wants to vote in any election using a mail-in ballot under
37 the provisions of this act.

38 (cf: P.L.2009, c.79, s.2)

39

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

42 6. a. The county clerk, in the case of any Statewide election,
43 countywide election, or school election in a regional or other school
44 district comprising more than one municipality; the municipal clerk,
45 in the case of any municipal election or school election in a school
46 district comprising a single municipality; and the commissioners or
47 other governing or administrative body of the district, in the case of
48 any election to be held in any fire district or other special district,

1 other than a municipality, created for specified public purposes
2 within one or more municipalities, shall publish the following
3 notice in substantially the following form:

4 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

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

23 No mail-in ballot will be provided to any applicant who submits
24 a request therefor by mail unless the request is received at least
25 seven days before the election and contains the requested
26 information. A voter may, however, request an application in
27 person from the county clerk up to 3 p.m. of the day before the
28 election.

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

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

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

1 Dated.....
2
3 (signature and title of county clerk)
4
5 (address of county clerk)
6
7 (telephone no. of county clerk)

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

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

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

44 d. The notice provided for in subsection a. of this section shall
45 be published before the 50th day immediately preceding the holding
46 of any election.

47 Notices relating to any Statewide or countywide election shall be
48 published in at least two newspapers published in each county. All

1 officials charged with the duty of publishing such notices shall
2 publish the same in at least one newspaper published in each
3 municipality or district in which the election is to be held, or if no
4 newspaper is published in the municipality or district, then in a
5 newspaper published in the county and circulating in the
6 municipality or district. All such notices shall be display
7 advertisements.

8 (cf: P.L.2009, c.79, s.6)

9
10 52. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended to read
11 as follows:

12 7. a. Each county clerk shall have printed sufficient mail-in
13 ballots for each [presidential primary election,] primary election
14 for the general election, and for the general election. Along with
15 such ballots the clerk shall also furnish inner and outer envelopes
16 and printed directions for the preparation and transmitting of such
17 ballots used in the election in the county.

18 b. The mail-in ballots shall be printed on paper of a different
19 color from that used for any primary or general election ballot, but
20 in all other respects, shall be as nearly as possible facsimiles of the
21 election ballot to be voted at the election.

22 (cf: P.L.2009, c.79, s.7)

23
24 53. Section 11 of P.L.2009, c.79 (C.19:63-11) is amended to
25 read as follows:

26 11. a. Each mail-in ballot to be used at any election shall
27 conform generally to the ballot to be used at the election in the
28 voter's district but the ballots shall be clearly marked "Official
29 Mail-In Ballot."

30 At the top of every mail-in ballot there shall be printed or
31 stamped in a prominent size the following:

32 To protect your vote:

33 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
34 THE VOTER TO MARK OR INSPECT THIS BALLOT.

35 However, a family member may assist you in doing so.

36 b. Each mail-in ballot to be used pursuant to this act shall be
37 printed entirely in black ink. In addition to conforming generally to
38 the ballot used in the election, the mail-in ballot shall be so
39 prepared that the voter may indicate on it the voter's choice of the
40 candidates for the offices to be filled, and the public questions to be
41 voted on at the election by the voters of the entire State, county or
42 municipality in which the voter is a resident, as known on the 48th
43 day preceding the election. Sufficient space shall be provided on
44 the ballot for the voter to write in the name of and vote for any
45 candidate for, or the voter's personal choice for, any public office to
46 be voted for at the election in the voter's election district. A list of
47 the candidates for the offices to be filled in each election district in
48 the county, whose names are known on the day on which the ballot

1 is forwarded but do not appear on the ballot, with a statement of the
2 office for which each is a candidate, shall be forwarded with such
3 ballot.

4 When mail-in ballots are prepared, the name of any candidate
5 who has been nominated for any office shall be placed on the ballot
6 to be used in the general election to be held in the year in each
7 election district in which he is a candidate, whether or not such
8 candidate has accepted nomination prior to when the ballot was
9 prepared, provided that the candidate has not declined the
10 nomination before the ballot was prepared.

11 c. Each mail-in ballot to be used at any [presidential primary
12 election or] primary election for the general election shall, except
13 as otherwise provided, conform to the ballot to be used at the
14 election in the voter's election district and to the form herein
15 prescribed for mail-in ballots to be used in such general elections.
16 It shall be prepared so that the voter may indicate the voter's choice
17 of the candidates of one political party for each of the officers to be
18 voted on at the election by the voters of the election district and
19 shall be separated into party ballots, which shall be printed upon
20 one sheet when the voting system so allows.

21 Each such mail-in ballot shall be plainly marked to indicate that
22 only one party ballot is to be voted by each voter and that the party
23 ballot voted by the voter must conform to the name of the political
24 party indicated by the county clerk.

25 If the county clerk has determined by investigating a voter's
26 registration record that the voter is qualified to vote only in the
27 primary of a particular party, the clerk shall so note on the primary
28 ballot the party primary in which the voter is entitled to vote.

29 In the case where the county clerk has ascertained through
30 investigating the voter's registration record that such applicant is
31 requesting a ballot to vote in the first primary for which the voter is
32 eligible after registration, the clerk shall note on the primary ballot
33 that the voter can vote in the primary of any political party.

34 d. Any county may adopt a system of electronic scanning, or
35 other mechanical or electronic device if the system has been
36 approved previously by the Secretary of State to count or canvass
37 mail-in ballots. The county clerk in any county adopting such a
38 system may prepare and use mail-in ballots that do not conform
39 generally to the ballot to be used at the election to the extent that
40 such nonconformance is necessary in the operation of the electronic
41 or mechanical canvassing system.

42 (cf: P.L.2009, c.79, s.11)

43

44 54. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to
45 read as follows:

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

1 CERTIFICATE OF MAIL-IN VOTER

2 I,, whose home address is

3 (print your name clearly) (street

4, DO HEREBY CERTIFY,

5 address or R.D. number) (municipality)

6 Subject to the penalties for fraudulent voting, that I am the person
7 who applied for the enclosed ballot. I MARKED AND SEALED
8 THIS BALLOT AND CERTIFICATE IN SECRET. However, a
9 family member may assist me in doing so.

10

11 (signature of voter)

12 Any person providing assistance shall complete the following:

13 I do hereby certify that I am the person who provided assistance
14 to this voter and declare that I will maintain the secrecy of this
15 ballot.

16

17 (signature of person providing
18 assistance)

19

20 (printed name of person providing
21 assistance)

22

23

24 (address of person providing
25 assistance)

26 b. On the margin of the flap on the inner envelope forwarded
27 with any mail-in ballot intended to be voted in any [presidential
28 primary election or] primary election for the general election, as the
29 case may be, there shall be printed a certificate in the following
30 form:

31 CERTIFICATE OF MAIL-IN VOTER

32 I,....., whose home address is.....

33 (print your name clearly) (street address or R.D.
34 number) (municipality)

35, DO HEREBY CERTIFY,

36 subject to the penalties for fraudulent voting, that I am the person
37 who applied for the enclosed ballot for the primary election. I
38 MARKED AND SEALED THIS BALLOT AND CERTIFICATE
39 IN SECRET. However, a family member may assist me in doing
40 so.

41

42 (signature of voter)

43 Any person providing assistance shall complete the following:

44 I do hereby certify that I am the person who provided assistance
45 to this voter and declare that I will maintain the secrecy of this
46 ballot.

47

48 (signature of person providing

1 assistance)
2
3 (printed name of person
4 providing assistance)
5
6
7 (address of person providing
8 assistance)
9 (cf: P.L.2009, c.79, s.13)

10

11 55. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to
12 read as follows:

13 16. a. A mail-in voter shall be entitled to mark any mail-in
14 ballot forwarded to the voter for voting at any election by indicating
15 the voter's choice of candidates for the offices named, and as to
16 public questions, if any, stated thereon, in accordance with current
17 law. In the case of ballots to be voted for any [presidential primary
18 election or] primary election for the general election, as the case
19 may be, the voter's choice shall be limited to the candidates of the
20 voter's political party or to any person or persons whose names are
21 written thereon by the voter. When so marked, such ballot shall be
22 placed in the inner envelope, which shall then be sealed, and the
23 voter shall then fill in the form of certificate attached to the inner
24 envelope, at the end of which the voter shall sign and print the
25 voter's name. The inner envelope with the certificate shall then be
26 placed in the outer envelope, which shall then be sealed.

27 b. No mail-in voter shall permit any person in any way, except
28 as provided by this act, to unseal, mark or inspect the voter's ballot,
29 interfere with the secrecy of the voter's vote, complete or sign the
30 certificate, or seal the inner or outer envelope, nor shall any person
31 do so.

32 c. A mail-in voter shall be entitled to assistance from a family
33 member in performing any of the actions provided for in this
34 section. The family member or other person providing such
35 assistance shall certify that he or she assisted the voter and will
36 maintain the secrecy of the vote by both printing and signing his or
37 her name in the space provided on the certificate. In no event may a
38 candidate for election provide such assistance, nor may any person,
39 at the time of providing such assistance, campaign or electioneer on
40 behalf of any candidate.

41 d. (1) The sealed outer envelope with the inner envelope and
42 the ballot enclosed therein shall then either be mailed to the county
43 board of elections to which it is addressed or delivered personally
44 by the voter or a bearer designated by the voter to the board. To be
45 counted, the ballot must be received by the board or its designee
46 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the
47 closing of the polls, as may be appropriate, on the day of an
48 election.

1 (2) Whenever a person delivers a ballot to the county board, that
2 person shall sign a record maintained by the county of all mail-in
3 ballots personally delivered to it.

4 (3) No person shall serve as an authorized messenger for more
5 than 10 qualified voters in an election. No person who is a
6 candidate in the election for which the voter requests a mail-in
7 ballot shall be permitted to serve as an authorized messenger or
8 bearer. The bearer, by signing the certification provided for in
9 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
10 received a mail-in ballot directly from the voter, and no other
11 person, and is authorized to deliver the ballot to the appropriate
12 board of election or designee on behalf of the voter.
13 (cf: P.L.2009, c.79, s.16)

14

15 56. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
16 read as follows:

17 17. The county board of elections shall, promptly after receiving
18 each mail-in ballot, remove the inner envelope containing the ballot
19 from the outer envelope and shall compare the signature and the
20 information contained on the flap of the inner envelope with the
21 signature and information contained in the respective requests for
22 mail-in ballots. In addition, as to mail-in ballots issued less than
23 seven days prior to an election, the county board of elections shall
24 also check to establish that the mail-in voter did not vote in person.
25 The county board shall reject such a ballot if it is not satisfied,
26 pursuant to a comparison with the Statewide voter registration
27 system, that the voter is legally entitled to vote and that the ballot
28 conforms with the requirements of this act.

29 In the case of a mail-in ballot to be voted at a [presidential
30 primary election or a] primary election for the general election, the
31 ballot shall be rejected if the mail-in voter has indicated in the
32 certificate the voter's intention to vote in a primary election of any
33 political party in which the voter is not entitled to vote according to
34 the Statewide voter registration system, and if it shall appear from
35 the record that the voter is not entitled to vote in a primary election
36 of the political party which has been so indicated.

37 Any mail-in ballot which is received by a county board of
38 elections shall be rejected if both the inner and outer envelopes are
39 unsealed or if either envelope has a seal that has been tampered
40 with.

41 Disputes about the qualifications of a mail-in voter to vote or
42 about whether or not or how any mail-in ballot shall be counted in
43 such election shall be referred to the Superior Court for
44 determination.

45 After such investigation, the county board of elections shall
46 detach or separate the certificate from the inner envelope containing
47 the mail-in ballot, unless it has been rejected by it or by the
48 Superior Court, marking the envelope so as to identify the election

1 district in which the ballot contained therein is to be voted as
2 indicated by the voter's home address appearing on the certificate
3 attached to or accompanying the inner envelope and, in the case of
4 ballots to be voted at a primary election for a general election, so as
5 to identify the political party in the primary election of which it is
6 to be voted.

7 The location at which a county board of elections determines
8 whether a mail-in ballot shall be accepted or rejected shall be
9 considered an election district for the purposes of appointment of
10 challengers.

11 (cf: P.L.2009, c.79, s.17)

12

13 57. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
14 read as follows:

15 22. On the day of each election each county board of elections
16 shall open in the presence of the commissioner of registration, or
17 the designee thereof, the inner envelopes that contain the mail-in
18 ballots with the votes cast for the election. The inner envelopes
19 containing the ballots that the board or the Superior Court has
20 rejected shall not be so opened, but shall be retained as provided for
21 by this act. The board shall then proceed to canvass the votes cast
22 on the mail-in ballots, but no such ballot shall be counted in any
23 [presidential primary election or] primary election for the general
24 election if the ballot of the political party marked for voting thereon
25 differs from the designation of the political party in the primary
26 election of which such ballot is intended to be voted as marked on
27 the envelope by the county board of elections.

28 Immediately after the canvass is completed, the respective
29 county boards of election shall certify the result of the canvass to
30 the county clerk or the municipal or district clerk or other
31 appropriate officer, as the case may be, showing the result of the
32 canvass by municipality and ward. The votes thus canvassed shall
33 be counted in determining the result of the election.

34 The county board of elections shall, immediately after the
35 canvass is completed for any primary election, certify the results of
36 the votes cast for members of the county committees to the
37 respective municipal clerks, and those votes shall be counted in
38 determining the result of the election.

39 (cf: P.L.2009, c.79, s.22)

40

41 58. Section 23 of P.L.2009, c.79 (C.19:63-23) is amended to
42 read as follows:

43 23. As soon as practicable after each election, the board of
44 elections shall mark in the Statewide voter registration system and
45 all duplicate voting records to show that mail-in ballots were
46 delivered or forwarded to the respective registered voters. For each
47 mail-in ballot that has been voted, received and counted, the board
48 of elections shall also, by reference to the certificates removed from

1 the inner envelopes of such ballots, place the word "Voted" in the
2 space provided in the Statewide voter registration system and
3 duplicate voting record for recording the ballot number of the
4 voter's ballot in the election. In the case of [a presidential primary
5 election or] the primary election for the general election, the board
6 shall also cause to be noted in the proper space of the Statewide
7 voter registration system or other record of voting form the first
8 three letters of the name of the political party primary in which such
9 ballot was voted. The record contained in the Statewide voter
10 registration system and of voting forms in the original permanent
11 registration binders shall be conformed to the foregoing entries in
12 the duplicate forms.

13 (cf: P.L.2009, c.79, s.23)

14

15 59. R.S.40:20-9 is amended to read as follows:

16 40:20-9. The election provided for in section 40:20-8 of this title
17 shall be deemed, so far as the question of the acceptance or
18 rejection of sections 40:20-2 to 40:20-19 of this title is concerned,
19 to be a special election, and shall be conducted by the county and
20 district boards of registry and election in the same manner as other
21 elections.

22 Notice of the election shall be given at the time and in the
23 manner required for the primary election held on the same day, and
24 the same boxes shall be used for the purposes of this election as are
25 to be used for the purposes of the primary election, except that
26 there shall be provided in each polling place, in addition to the
27 boxes provided by law, a box to be known as the "nonpartisan
28 box" .

29 Any person entitled to vote at the [presidential] primary election
30 for the general election, and any person who would be entitled to
31 vote at the [presidential] primary if he were a member of one of
32 the two political parties for which primary boxes are provided, may
33 vote hereunder on that day.

34 Transfers shall be issued as provided by the laws relating to
35 elections.

36 (cf: R.S.40:20-9)

37

38 60. R.S.40:20-18 is amended to read as follows:

39 40:20-18. The district boards of registry and elections shall
40 make returns of the election held under sections 40:20-8 to 40:20-
41 13 of this Title in the case of elections held on [presidential]
42 primary election for the general election day, in the manner
43 provided by law for making returns in cases of special elections,
44 and in the case of elections held on the day of a general election, in
45 the manner provided by law for making returns of general
46 elections.

1 The statements of the results of each election held hereunder
2 shall be transmitted by the district boards of registry and elections
3 to the officers designated by law for the purpose, and the votes shall
4 be canvassed and determined by the county board of elections in the
5 manner provided by law, and it shall certify the result to the county
6 clerk.

7 (cf: P.L.1948, c.5, s.2)

8

9 61. Section 11 of P.L.2007, c.62 (C.40A:4-45.46) is amended to
10 read as follows:

11 11. a. (Deleted by amendment, P.L.2009, c.44)

12 b. (1) The governing body of a local unit may request approval,
13 through a public question submitted to the legal voters residing in
14 its territory to increase the amount to be raised by taxation by more
15 than the allowable adjusted tax levy. Approval shall be by an
16 affirmative vote of in excess of 50 percent of the people voting on
17 the question at the election. The local unit budget proposing the
18 increase shall be introduced and approved in the manner otherwise
19 provided for budgets of that local unit at least 20 days prior to the
20 date on which the referendum is to be held, and shall be published
21 in the manner otherwise provided for budgets of the local unit at
22 least 12 days prior to the referendum date, unless otherwise directed
23 by the Director of the Division of Local Government Services in the
24 Department of Community Affairs.

25 (2) The public question to be submitted to the voters at the
26 referendum shall state only the amount by which the adjusted tax
27 levy shall be increased by more than the otherwise allowable
28 adjusted tax levy, and the percentage rate of increase which that
29 amount represents over the allowable adjusted tax levy. The public
30 question shall include an accompanying explanatory statement that
31 identifies the changes in appropriations or revenues that warranted
32 the governing body's decision to ask the public question; or, in the
33 alternative and subject to the approval of the Director of the
34 Division of Local Government Services in the Department of
35 Community Affairs, a clear and concise narrative explanation of the
36 circumstances for the increased adjusted tax levy being proposed.

37 (3) Unless otherwise provided pursuant to section 1 of P.L.1989,
38 c.31 (C.40A:4-5.1), a referendum conducted pursuant to this
39 subsection shall be held:

40 (a) for calendar year budgets only on the fourth Tuesday in
41 January and the second Tuesday in March other than in a year when
42 a **[presidential]** primary election for the general election occurs, in
43 which case no such election on that date may be called; and

44 (b) for fiscal year budgets, only the last Tuesday in September,
45 or the second Tuesday in December;
46 provided, however, that no referendum shall be held on the same
47 day as a referendum to exceed the school district levy cap.

1 (4) Any decision of the voters rejecting an increase to the tax
2 levy cap under this subsection shall be final and conclusive, and no
3 appeal or review shall be taken therefrom and no waiver application
4 shall be made to the Local Finance Board.

5 (5) The director is authorized to act as necessary in order to
6 consolidate ballot questions and procedures when a governing body
7 elects to hold a referendum under both this section and section 9 of
8 P.L.1983, c.49 (C.40A:4-45.16).

9 c. (Deleted by amendment, P.L.2010, c.44)

10 d. The adjusted tax levy shall be increased or decreased
11 accordingly whenever the responsibility and associated cost of an
12 activity performed by a local unit is transferred to or from a local
13 unit, other government entity, or other service provider.

14 (cf: P.L.2010, c.44, s.10)

15

16 62. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to
17 read as follows:

18 8. Within 2 weeks immediately following the filing of the
19 certified report by the ward commissioners, the municipal clerk
20 shall cause to be published at least once in at least one newspaper
21 generally circulating in the municipality a notice of the ward
22 boundaries as fixed and determined in the report.

23 Upon completion of the publication, the former wards, if any,
24 shall be superseded, and thereafter all officers elected or appointed
25 in the municipality for or representing the wards thereof shall be
26 elected from, or appointed for, the wards fixed and determined by
27 the ward commissioners; except that, in municipalities wherein
28 municipal officers are elected at the general election held on the
29 first Tuesday after the first Monday in November, if the publication
30 shall be completed in a year in which municipal officers are elected
31 during the period between the date [165] 75 days before the
32 primary election for the general election and the date of the general
33 election, the wards so fixed and determined shall take effect on the
34 day following the holding of that general election; and, in
35 municipalities wherein municipal officers are elected at a regular
36 municipal election held on the second Tuesday in May, if the
37 publication shall be completed in a year in which municipal officers
38 are elected during the period between the date 75 days before the
39 regular municipal election and the date of the election, the wards so
40 fixed and determined shall take effect on the day following the
41 holding of that regular municipal election.

42 (cf: P.L.2005, c.136, s.63)

43

44 63. This act shall take effect immediately.

1 STATEMENT

2

3 This bill eliminates the separate presidential primary election
4 held in February of presidential election years. It provides, instead,
5 that delegates and alternates to national conventions of political
6 parties will be elected at the regular June primary election, which
7 was the practice prior to the enactment of P.L.2005, c.136. This
8 change would save the State between \$8 million and \$10 million
9 every four years.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3777

STATE OF NEW JERSEY

DATED: MAY 5, 2011

The Assembly State Government Committee reports favorably Assembly, No. 3777.

This bill eliminates the separate presidential primary election held in February of presidential election years. It provides, instead, that delegates and alternates to national conventions of political parties will be elected at the regular June primary election, which was the practice prior to the enactment of P.L.2005, c.136.

FISCAL NOTE
ASSEMBLY, No. 3777
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: MAY 13, 2011

SUMMARY

- Synopsis:** Eliminates separate presidential primary election; provides for delegates and alternates to political party national conventions to be elected at regular June primary election.
- Type of Impact:** Expenditure Reduction – State General Fund
Expenditure Reduction – Local Government Funds
- Agencies Affected:** Department of State; Counties and Municipalities

Executive Estimate

Fiscal Impact	<u>FY 2012</u>
State Savings	See comments below
Local Savings	See comments below
Total	\$12,000,000

- The Office of Legislative Services **concurs** with the Executive estimate.
- Eliminates the separate presidential primary election held every four years on the last Tuesday in February. The presidential primary would be held, instead, at the same time as the regular primary election on the first Tuesday after the first Monday in June.
- The Executive Branch estimate is based on the actual expenditures for the presidential primary election held in FY2008, which were \$11.8 million.

BILL DESCRIPTION

Assembly Bill No. 3777 of 2011 eliminates the separate presidential primary election held in February of presidential election years. It provides, instead, that delegates and alternates to national conventions of political parties will be elected at the regular June primary election, which was the practice prior to the enactment of P.L.2005, c.136.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive Branch estimates that the elimination of the presidential primary election on the last Tuesday in February 2012 would result in a saving to the State General Fund and to local government entities of approximately \$12 million. This estimate is based on the actual expenditures for the presidential primary held in this State in 2008, which were \$11.8 million.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate and notes that it is in line with a fiscal note the OLS prepared in 2005 for Assembly, No. 30 ACS. When enacted as P.L.2005, c.136, that substitute bill established the separate presidential primary on the last Tuesday in February. The OLS estimate projected that the cost for the presidential primary election in FY 2012 would cost approximately \$11 million.

The Executive estimate did not specify the areas where the expenditure reductions for the State or for local governments would occur, or how much money each would save. It is likely, however, that money would be saved primarily in two areas: the expenses of the counties and municipalities which administer the election and the salaries of poll workers conducting the election. Specifically, reductions would be realized in the costs for ballot printing and postage, processing, legal advertising, polling place rental and voting machine delivery. The cost of poll workers' salaries would be also be eliminated because there would be no need for four poll workers at each polling place or to pay their salaries. Pursuant to current law, such salary costs are divided between the counties and the State, with the former paying \$75 of each poll worker's salary and the latter paying \$125 of each poll worker's salary.

Section: State Government
Analyst: Frank J. Parisi
Principal Research Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3777

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2011

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Assembly, No. 3777.

This bill eliminates the separate presidential primary election held in February of presidential election years. It provides, instead, that delegates and alternates to national conventions of political parties will be elected at the regular June primary election, which was the practice prior to the enactment of P.L.2005, c.136.

As amended by the committee, the bill: 1) contains several sections that have been updated due to the enactment of P.L.2011, c.37 on March 2, 2011, which changed the date by which mail-in ballots must be ready to be transmitted to the voters; and 2) clarifies that for municipalities with calendar year budgets, cap elections could occur only on the fourth Tuesday in January and the second Tuesday in March, irrespective of the date of the primary election.

This bill is identical to Senate Bill No. 2883 of 2011.

COMMITTEE AMENDMENTS

The committee amended the bill to: 1) update the text of several sections of the bill due to the enactment of P.L.2011, c.37 on March 2, 2011, which changed the date by which mail-in ballots must be ready to be transmitted to the voters; and 2) clarify that for municipalities with calendar year budgets, cap elections could occur only on the fourth Tuesday in January and the second Tuesday in March, irrespective of the date of the primary election.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3777

STATE OF NEW JERSEY

DATED: JUNE 27, 2011

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3777 (1R).

This bill eliminates the separate presidential primary election held in February of presidential election years. The presidential primary would be held, instead, at the same time as the regular primary election on the first Tuesday after the first Monday in June, which was the practice prior to the enactment of P.L.2005, c.136.

As reported, this bill is identical to Senate Bill No. 2883 (1R), as also reported by the committee.

FISCAL IMPACT:

In the Fiscal Note on the bill as introduced, the Executive estimates that the elimination of the presidential primary election on the last Tuesday in February 2012 would result in a saving to the State General Fund and to local government entities of approximately \$12 million. This estimate is based on the actual expenditures for the presidential primary held in this State in 2008, which were \$11.8 million. The Office of Legislative Services (OLS) concurs with the Executive estimate.

The Executive estimate did not specify the areas where the expenditure reductions for the State or for local governments would occur, or how much money each would save. The OLS notes that it is likely that savings may be primarily in two areas: (1) the expenses of the counties and municipalities which administer the election, and (2) the salaries of poll workers conducting the election. Specifically, reductions would be realized in the costs for ballot printing and postage, processing, legal advertising, polling place rental and voting machine delivery. Also, the cost of poll workers' salaries would be eliminated because there would be no need for four poll workers at each polling place. Pursuant to current law, such salary costs are divided between the counties and the State, with counties paying \$75 of each poll worker's salary and the State paying \$125 of each poll worker's salary.

SENATE, No. 2883

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 19, 2011

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Eliminates separate presidential primary election; provides for delegates and alternates to political party national conventions to be elected at regular June primary election.

CURRENT VERSION OF TEXT

As introduced.



S2883 NORCROSS

2

1 AN ACT eliminating the separate presidential primary election and
2 amending various parts of the statutory law.

3

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

6

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

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this
10 State or any political subdivision thereof elect persons to fill public
11 office or pass on public questions.

12 "General election" means the annual election to be held on the
13 first Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any
16 political subdivision thereof nominate candidates to be voted for at
17 general elections, or elect persons to fill party offices.

18 **["Presidential primary election" means the procedure whereby
19 the members of a political party in this State or any political
20 subdivision thereof elect persons to serve as delegates and
21 alternates to national conventions.]**

22 "Municipal election" means an election to be held in and for a
23 single municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal, school
27 and special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this
34 State or any of its political subdivisions filled at elections by the
35 electors of the State or political subdivision.

36 "Public question" includes any question, proposition or
37 referendum required by the legislative or governing body of this
38 State or any of its political subdivisions to be submitted by
39 referendum procedure to the voters of the State or political
40 subdivision for decision at elections.

41 "Political party" means a party which, at the election held for all
42 of the members of the General Assembly next preceding the holding
43 of any primary election held pursuant to this Title, polled for
44 members of the General Assembly at least 10% of the total vote cast
45 in this State.

**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.

S2883 NORCROSS

1 "Party office" means the office of delegate or alternate to the
2 national convention of a political party or member of the State,
3 county or municipal committees of a political party.

4 "Masculine" includes the feminine, and the masculine pronoun
5 wherever used in this Title shall be construed to include the
6 feminine.

7 "Presidential year" means the year in which electors of President
8 and Vice-President of the United States are voted for at the general
9 election.

10 "Election district" means the territory within which or for which
11 there is a polling place or room for all voters in the territory to cast
12 their ballots at any election.

13 "District board" means the district board of registry and election
14 in an election district.

15 "County board" means the county board of elections in a county.

16 "Superintendent" means the superintendent of elections in
17 counties wherein the same shall have been appointed.

18 "Commissioner" means the commissioner of registration in
19 counties.

20 "File" or "filed" means deposited in the regularly maintained
21 office of the public official wherever said regularly maintained
22 office is designated by statute, ordinance or resolution.

23 (cf: P.L.2005, c.136, s.1)

24

25 2. R.S.19:2-1 is amended to read as follows:

26 19:2-1. **【Presidential primary】** Primary elections for delegates
27 and alternates to national conventions of political parties **【shall be**
28 held in each presidential year on the Tuesday next after the first
29 Monday in February.

30 **Primary elections】** and for the general election shall be held in
31 each year on the Tuesday next after the first Monday in June **【.**

32 All primary elections shall occur**】** between the hours of 6:00
33 A.M. and 8:00 P.M., Standard Time. Primary elections for special
34 elections shall be held not earlier than 30 nor later than 20 days
35 prior to the special elections.

36 (cf: P.L.2007, c.61, s.1)

37

38 3. R.S.19:3-3 is amended to read as follows:

39 19:3-3. Delegates and alternates to the national conventions of
40 the political parties **【held in each presidential year】** shall be elected
41 at the **【presidential】** primary election to be held on the Tuesday
42 next after the first Monday in **【February】** June in that year.

43 The members of State, county and municipal committees of the
44 political parties shall be chosen at the primary for the general
45 election as hereinafter provided.

46 (cf: P.L.2007, c.61, s.2)

S2883 NORCROSS

1 4. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read
2 as follows:

3 6. a. No county board shall make division of an election
4 district in any year in the period commencing 75 days before the
5 **【presidential primary election in each presidential year or】** the
6 primary election for the general election, and the day of the general
7 election.

8 b. To facilitate the use of Federal decennial census populations
9 for apportionment and redistricting purposes and notwithstanding
10 the provisions of this or any other law, no election districts shall,
11 except with the prior approval of the **【Attorney General】** Secretary
12 of State, be created, abolished, divided or consolidated between
13 January 1 of any year whose last digit is 7 and December 1 of any
14 year whose last digit is 0.

15 (cf: P.L.2005, c.136, s.4)

16

17 5. R.S.19:6-2 is amended to read as follows:

18 19:6-2. a. The following persons may apply in writing to the
19 county board, on a form prepared and furnished by the county
20 board, for appointment as a member of a district board of any
21 municipality in the county in which he or she resides: (1) a legal
22 voter who is a member of a political party by virtue of having voted
23 in a party primary or who has filed a party declaration form for the
24 ensuing **【presidential primary or】** primary election for the general
25 election with the commissioner of the county in which the voter is
26 registered and who, for two years prior to making written
27 application, has not espoused the cause of another political party or
28 its candidates; (2) a legal voter who is not affiliated with a political
29 party; (3) a United States citizen and resident of this State who is 16
30 or 17 years of age, attends a secondary school and has the written
31 permission of his or her parent or guardian to serve as a member of
32 the board if appointed; or (4) a United States citizen and resident of
33 this State who is 16 or 17 years of age and has graduated from a
34 secondary school or has passed a general educational development
35 test, GED, and has the written permission of his or her parent or
36 guardian to serve as a member of the board if appointed.

37 b. The application, signed by the applicant under his or her
38 oath, shall state: (1) the applicant's name and address; (2) the
39 applicant's age, if the applicant is less than 18 years of age; (3) the
40 political party to which he or she belongs or, if the applicant is not
41 affiliated with a political party, the fact that the applicant is not so
42 affiliated; (4) that the applicant is of good moral character and has
43 not been convicted of any crime involving moral turpitude; and (5)
44 that the applicant possesses the following qualifications: eyesight,
45 with or without correction, sufficient to read nonpareil type; ability
46 to read the English language readily; ability to add and subtract
47 figures correctly; ability to write legibly with reasonable facility;
48 reasonable knowledge of the duties to be performed by the applicant

1 as an election officer under the election laws of this State; and
2 health sufficient to discharge his or her duties as an election officer.

3 c. If an applicant for appointment to a district board is 16 or 17
4 years of age, then the applicant shall provide to the county board,
5 along with the application provided under subsection b. of this
6 section: (1) a written document signed by the applicant's parent or
7 guardian giving the applicant permission to serve as a member of a
8 district board if appointed and (2) if an election, meeting or training
9 is scheduled to take place when school is in session, a written
10 document from his or her school that acknowledges the applicant's
11 application for appointment as a member of a district board and
12 excuses the applicant from school on the dates of service if
13 appointed, except that the requirement contained in subparagraph
14 (2) of this subsection shall not apply to a United States citizen and
15 resident of this State who is 16 or 17 years of age and has graduated
16 from a secondary school or has passed a general educational
17 development test, GED.

18 d. No person shall be precluded from applying to serve as a
19 member of a district board of any municipality for failure to vote in
20 any year such person was ineligible to vote by reason of age or
21 residence.

22 e. In no case shall a person 16 or 17 years of age be permitted
23 to serve as a member of a district board on the day of an election for
24 more than the number of hours permitted for such a person to work
25 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
26 supplemented.

27 (cf: P.L.2005, c.136, s.5)

28

29 6. R.S.19:6-3 is amended to read as follows:

30 19:6-3. a. (1) The county board shall, on or before [January 4
31 of each presidential year and on or before] April 1 [of every other
32 year], appoint the members of the district boards in the manner
33 prescribed by paragraph (2) of this subsection. The members of any
34 district board shall be equally apportioned between the two political
35 parties which at the last preceding general election held for the
36 election of all of the members of the General Assembly cast the
37 largest and next largest number of votes respectively in this State
38 for members of the General Assembly, except that if the county
39 board is unable to fill all of the positions of the members of a
40 particular district board from among qualified members of those
41 two political parties, the county board shall appoint to any such
42 unfilled position an otherwise qualified person who is unaffiliated
43 with any political party, but no such appointment of an unaffiliated
44 person shall be made prior to [January 9 of each presidential year
45 and prior to] March 25 [of every other year], and in no event shall
46 more than two such unaffiliated persons serve at the same time on
47 any district board.

1 (2) In making appointments of members of the several district
2 boards of the county, the county board shall consult with the
3 chairperson of the county committee of each of the two political
4 parties referred to in paragraph (1) of this subsection. On or before
5 **【December 20 of the year preceding each presidential year and on**
6 **or before】** March 15 of **【every other】** each year, the county board
7 shall transmit to each of those chairpersons a list of those positions
8 on the membership of the several district boards that are subject to
9 apportionment under that paragraph (1) to the political party of
10 which that chairperson is a member, and to which the county board
11 has been unable to make an appointment from among qualified
12 members of that political party. The county board shall include
13 with each such list a request that the chairperson to whom that list is
14 transmitted return to the board a list of the names of candidates for
15 those unfilled positions. On or before **【December 30 of the year**
16 **preceding each presidential year and on or before】** March 25 **【of**
17 **every other year】**, the county board shall, on the basis of the lists so
18 returned to it, fill as many of the remaining unfilled positions in the
19 membership of the several district boards as possible, and shall
20 assign or reassign appointees as necessary to ensure that the
21 membership of each district board within the county shall include at
22 least one member of each of the two political parties. The county
23 board shall then appoint to any unfilled position on a district board
24 an otherwise qualified person who is unaffiliated with any political
25 party.

26 b. In case the county board shall neglect, refuse or be unable to
27 appoint and certify the members of the district boards as herein
28 provided, the Assignment Judge of the Superior Court shall, before
29 **【January 15 of each presidential year or before】** April 10 of every
30 other year, make such appointments and certifications.

31 (cf: P.L.2007, c.61, s.3)

32

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

34 19:6-10. Each district board shall, on or before the second
35 Tuesday next preceding the **【presidential】** primary election **【in**
36 **those years when such an election is held or the primary election for**
37 **the general election in every other year】**, meet and organize by the
38 election of one of its members as judge, who shall be chairman of
39 the board, and another of its members as inspector. The judge and
40 inspector shall not be members or voters of the same political party.
41 In case of failure to elect a judge as herein provided, after balloting
42 or voting three times, the senior member of the board in respect to
43 length of continuous service as a member of such district board
44 shall become judge, and in case of failure to elect an inspector after
45 balloting or voting three times, the next senior member of the board
46 in respect to length of continuous service as a member of such
47 district board shall become inspector; provided, that both the

1 chairman and the inspector shall not be members or voters of the
2 same political party. The other members of the board shall be
3 clerks of election, and shall perform all the duties required by law
4 of the clerks of district boards.

5 (cf: P.L.2005, c.136, s.7)

6
7 8. R.S.19:6-18 is amended to read as follows:

8 19:6-18. During the 30-day period immediately preceding
9 **【November 25 of the year preceding each presidential year and】**
10 February 15 **【of every other】** in each year, the chairman and vice-
11 chairlady of each county committee and the State committeeman
12 and State committeewoman of each of such two political parties,
13 respectively shall meet and jointly, in writing, nominate one person
14 residing in the county of such county committee chairman, duly
15 qualified, for member of the county board in and for such county
16 **【for the succeeding year, in the case of the presidential year】**.

17 If more than two members are elected to the State committee of
18 any party from a county, the State committeeman and State
19 committeewoman who shall participate in the process of nomination
20 shall be those holding full votes who received the greatest number
21 of votes in their respective elections for members of the State
22 committee.

23 If nomination be so made, the said county committee chairman
24 shall certify the nomination so made to the State chairman and to
25 the Governor, and the Governor shall commission such appointees,
26 who shall be members of opposite parties, on or before **【December**
27 **20 of the year preceding each presidential year or on or before】**
28 **March 1 【in every other year, as the case may be】**. If nomination
29 be not so made on account of a tie vote in the said meeting of the
30 county committee chairman, county committee vice-chairlady, State
31 committeeman and State committeewoman, in respect to such
32 nomination, the said county committee chairman shall certify the
33 fact of such a tie vote to the State chairman, who shall have the
34 deciding vote and who shall certify, in writing, to the Governor, the
35 nomination made by his deciding vote. Appointees to county
36 boards of election pursuant to this section shall continue in office
37 for 2 years from **【either December 20 of the year preceding each**
38 **presidential year or】** March 1 **【, as the case may be,】** next after
39 their appointment.

40 The first appointment having been made pursuant to law for
41 terms of 1 and 2 years, respectively, the members subsequently
42 appointed each year shall fill the offices of the appointees whose
43 terms expire in that year.

44 (cf: P.L.2007, c.61, s.4)

45
46 9. R.S.19:6-22 is amended to read as follows:

S2883 NORCROSS

1 19:6-22. a. (1) The county boards shall, at 10 a.m., on the [first
2 Tuesday in January of each presidential year and on the] second
3 Tuesday in March [of every other year], or on such other day as
4 they may agree on within the first [5 days in January or] 15 days in
5 March [, as the case may be,] in each year, meet at the courthouse,
6 or other place as provided for, in their respective counties, and,
7 subject to the provisions of paragraph (2) of this subsection,
8 organize by electing one of their number to be chairman and one to
9 be secretary; but the chairman and secretary shall not be members
10 of the same political party.

11 (2) In case of failure to elect a chairman after three ballots or
12 viva voce votes, the member having the greatest seniority on the
13 board shall be the chairman thereof, except that if the member
14 having the greatest seniority on the board so chooses, that member
15 shall instead be secretary of the board; in the event that that senior
16 member so chooses to become secretary, no election shall be held to
17 choose a secretary of the board, the board shall elect one of its
18 members who is not of the same political party as the secretary to
19 be the chairman of the board, and in the case of a failure again to
20 elect a chairman after three ballots or viva voce votes, the person
21 among those members having the greatest seniority on the board
22 shall be the chairman thereof.

23 In any case of failure to elect a chairman, if two or more
24 members of the board who are eligible to become chairman have
25 greatest and equal seniority on the board, then the board shall, not
26 later than the fifth day following the organization meeting, notify
27 the Governor of an inability to fill the position of chairman either
28 by election or on the basis of seniority, including in that notice a
29 certification of the names of those senior members of the board. In
30 addition, if the position of secretary has not otherwise been filled
31 under the foregoing provisions of this paragraph, the board shall
32 defer for the time being the election of a secretary. Not later than
33 the fifth day following receipt of the notice, the Governor shall
34 designate one of those senior members to be chairman of the board
35 and certify that designation to the board. If the position of secretary
36 was not filled at the initial meeting of the county board to organize,
37 then not later than the fifth day following receipt of that
38 certification, the board shall reconvene at the call of the chairman
39 so designated and shall elect a secretary of the board.

40 In case of failure to elect a secretary after three ballots or viva
41 voce votes, the member of the board having the greatest seniority
42 shall be secretary of the board, except that if that member has
43 become chairman because of election to that position or because of
44 designation as a result of the failure to elect a chairman, the
45 member with the next greatest seniority shall be secretary. In no
46 case, however, shall the chairman and secretary be members of the
47 same political party.

1 Seniority for the purposes of this section shall be determined by
2 the total amount of time that a person has served as a member of the
3 board, beginning from the date that that person took the oath of
4 office as a member.

5 b. The boards shall have power in their discretion to hold their
6 meetings for any purpose, except organization, in any part of their
7 respective counties. Meetings may be called by either the chairman
8 or the secretary of the board, or at the request of any two members.
9 (cf: P.L.2007, c.61, s.5)

10

11 10. R.S.19:7-2 is amended to read as follows:

12 19:7-2. A candidate who has filed a petition for an office to be
13 voted for at **[any]** the primary election, and a candidate for an
14 office whose name may appear upon the ballot to be used in any
15 election, may also act as a challenger as herein provided and may
16 likewise appoint 2 challengers for each district in which he is to be
17 voted for; but only 2 challengers shall be allowed for each election
18 district to represent all the candidates nominated in and by the same
19 original petition. The appointment of the challengers shall be in
20 writing under the hand of the person or persons making same and
21 shall specify the names and residences of the challengers and the
22 election districts for which they are severally appointed. Whenever
23 a public question shall appear on the ballot to be voted upon by the
24 voters of an election district and application has been made by the
25 proponents or opponents of such public question for the
26 appointment of challengers, the county board may in its discretion
27 appoint 2 challengers each to represent such proponents or
28 opponents. Such challengers shall be in addition to those provided
29 for in section 19:7-1 of this Title.

30 (cf: P.L.2005, c.136, s.10)

31

32 11. R.S.19:8-2 is amended to read as follows:

33 19:8-2. The clerk of every municipality, on or before **[January 4**
34 **of each presidential year and on or before]** April 1 **[of every other**
35 **year]** shall certify to the county board of every county wherein such
36 municipality is located a suggested list of places in the municipality
37 suitable for polling places. The county board shall select the
38 polling places for the election districts in the municipalities of the
39 county for all elections in the municipalities thereof, including all
40 commission government elections in the county. The county boards
41 shall not be obliged to select the polling places so suggested by the
42 municipal clerks, but may choose others where they may deem it
43 expedient. Preference in locations shall be given to schools and
44 public buildings where space shall be made available by the
45 authorities in charge, upon request, if same can be done without
46 detrimental interruption of school or the usual public services
47 thereof, and for which the authority in charge shall be reimbursed,
48 by agreement, for expenses of light, janitorial and other attending

1 services arising from such use. Each polling place selected shall be
2 accessible to individuals with disabilities and the elderly. A polling
3 place shall be considered accessible if it is in compliance with the
4 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
5 12101 et seq.). In no case shall the authorities in charge of a public
6 school or other public building deny the request of the county board
7 for the use, as a polling place, of any building they own or lease.

8 Where the county board shall fail to agree as to the selection of
9 the polling place or places for any election district, within five days
10 of an election, the county clerk shall select and designate the
11 polling place or places in any such election district.

12 The county board may select a polling place other than a
13 schoolhouse or public building outside of the district but such
14 polling place shall not be located more than 1,000 feet distant from
15 the boundary line of the district. The **【Attorney General】** Secretary
16 of State may, however, permit a polling place to be more than 1,000
17 feet distant from the boundary line of the district if there is no
18 suitable polling place accessible to individuals with disabilities and
19 the elderly within the district or 1,000 feet distant from the
20 boundary line of the district.

21 Whenever possible, the county board shall contact the managers
22 or owners of commercial or private buildings that the board deems
23 suitable to use as polling places, and are in or near an election
24 district lacking an accessible polling place, to determine whether a
25 portion of such a building may be used as a polling place on the day
26 of an election. Reimbursement for the use of a portion of such a
27 building shall be the same as provided by this section for schools
28 and public buildings.

29 Neither the owner nor operator of a facility designated as a
30 polling place by the county board is permitted or authorized to
31 relocate the polling place room in the building without the express
32 prior approval of the board.

33 (cf: P.L.2007, c.61, s.6)

34

35 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
36 as follows:

37 4. No later than **【January 15 of each presidential year and no**
38 **later than】** May 15 of every other year, beginning with May 15 next
39 following the enactment of P.L.2005, c.146, each Voting
40 Accessibility Advisory Committee, established pursuant to section
41 11 of P.L.1991, c.429 (C.19:8-3.7) shall report to the **【Attorney**
42 **General】** Secretary of State and the county board of elections, on
43 the form provided by the **【Attorney General】** Secretary of State, a
44 list of all polling places in the county, specifying any found
45 inaccessible. The committee shall indicate the reasons for
46 inaccessibility, according to guidelines established in the federal
47 "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et

1 seq.), and shall consult with the county board of elections to
2 determine the efforts made pursuant to P.L.1991, c.429 (C.19:8-3.1
3 et al.) to locate alternative polling places or the actions needed to
4 make the existing facilities accessible. Each county board of
5 elections shall notify the **【Attorney General】** Secretary of State and
6 the committee of any changes in polling place locations before the
7 next general election, including any changes required due to the
8 alteration of district boundaries.

9 (cf: P.L.2007, c.61, s.7)

10

11 13. R.S.19:8-4 is amended to read as follows:

12 19:8-4. The county board before **【January 15 of each**
13 **presidential year and】** May 15 **【of every other】** of each year shall
14 certify a list of polling places so selected to the sheriff and to the
15 clerk of the county and to the superintendent of elections of the
16 county if any there be and to each municipal clerk in the county.

17 (cf: P.L.2007, c.61, s.8)

18

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

20 19:9-2. The Director of the Division of Elections shall prepare
21 and distribute on or before **【January 4 of each presidential year and**
22 **on or before】** April 1 **【of every other】** in each year prior to the
23 primary election for the general election and the general election
24 such information as may be needed relative to election procedures
25 for the ensuing year.

26 The county board of elections shall prepare and distribute on or
27 before **【January 4 of each presidential year and on or before】** April
28 1 of **【every other】** in each year, registration and voting instructions
29 printed in at least 14-point type for conspicuous display at each
30 polling place at any election.

31 All other books, ballots, envelopes and other blank forms which
32 the county clerk is required to furnish under any other section of
33 this Title, stationery and supplies for the primary election for the
34 general election, the **【presidential】** primary election for delegates
35 and alternates to national conventions and the general election, shall
36 be furnished, prepared and distributed by the clerks of the various
37 counties; except that all books, blank forms, stationery and supplies,
38 articles and equipment which may be deemed necessary to be
39 furnished, used or issued by the county board or superintendent
40 shall be furnished, used or issued, prepared and distributed by such
41 county board or superintendent, as the case may be.

42 The county board shall furnish and deliver to the county clerk,
43 the municipal clerks and the district boards in municipalities having
44 more than one election district: a map or description of the district
45 lines of their respective election districts, together with the street
46 and house numbers where possible in such election districts and a
47 list or map of all of the polling places within the county to assist

1 any voter in identifying the correct location of the polling place at
2 which the voter should vote if that voter erroneously reports to the
3 municipal clerk or the wrong polling place.

4 Nothing in subtitle 2 of the Title, Municipalities and Counties
5 (R.S.40:16-1 et seq.), shall in any way be construed to affect,
6 restrict, or abridge the powers conferred on the county clerks,
7 county boards or superintendents by this Title.

8 (cf: P.L.2007, c.61, s.9)

9

10 15. R.S.19:12-1 is amended to read as follows:

11 19:12-1. The Secretary of State shall within thirty days after the
12 completion of the canvass by the board of State canvassers, certify
13 to each county clerk and county board the fact that at the next
14 preceding general election held for the election of all of the
15 members of the General Assembly ten per centum (10%) of the total
16 vote cast in the State for members of the General Assembly had
17 been cast for candidates having the same designation, thereby
18 creating, within the meaning of this Title, a political party, to be
19 known and recognized as such under the same designation as used
20 by the candidates for whom the required number of votes were cast.

21 The Secretary of State shall also not later than the sixtieth day
22 preceding the **【presidential】** primary election **【in each presidential**
23 **year】** for the general election in every year in which electors of
24 President and Vice-President of the United States **【are to be**
25 **selected, and not later than the sixtieth day preceding the primary**
26 **election for the general election in which】**, a representative of the
27 United States Senate, members of the House of Representatives, a
28 Governor, a Lieutenant Governor, or Senator, or member or
29 members of the General Assembly for any county, or any of them,
30 are to be elected or any public question is to be submitted to the
31 voters of the entire State, direct and cause to be delivered to the
32 clerk of the county and the county board wherein any such election
33 is to be held, a notice stating that such officer or officers are to be
34 elected and that such public question is to be submitted to the voters
35 of the entire State at the ensuing general election.

36 (cf: P.L.2009, c.66, s.2)

37

38 16. R.S.19:12-3 is amended to read as follows:

39 19:12-3. The clerk of each county shall immediately upon the
40 receipt of the certificate from the **【Attorney General】** Secretary of
41 State setting forth that a political party has been created, forward a
42 certified copy of such certificate to each municipal clerk of his
43 county.

44 He shall also, not later than the fiftieth day preceding the
45 **【presidential】** primary election **【in each presidential year and the**
46 **primary election】** for the general election in every **【other】** year,
47 cause a copy of the notice received from the **【Attorney General】**

1 Secretary of State of the officer or officers to be elected at the
2 ensuing general election, certified under his hand to be true and
3 correct, to be delivered to the clerk of each municipality in the
4 county.

5 (cf: P.L.2005, c.136, s.16)

6

7 17. R.S.19:12-5 is amended to read as follows:

8 19:12-5. The clerk of every county shall, not later than the
9 fiftieth day preceding the **【presidential】** primary election **【in each**
10 **presidential year and the primary election】** for the general election
11 **【in every other year】**, immediately preceding the expiration of the
12 term of office of all other officers who are voted for by the voters of
13 the entire county or of more than one municipality within the
14 county, direct and cause to be delivered to the clerk of each
15 municipality and the county board in counties of the first class, a
16 notice that such officer or officers, as the case may be, will be
17 chosen at the ensuing general election.

18 (cf: P.L.2005, c.136, s.17)

19

20 18. R.S.19:12-6 is amended to read as follows:

21 19:12-6. All municipal clerks, not later than the fiftieth day
22 preceding the **【presidential】** primary election **【in each presidential**
23 **year and the primary election】** for the general election **【in every**
24 **other year】**, shall make and certify under their hands and seals of
25 office and forward to the clerk of the county in which the
26 municipality is located a statement designating the public offices to
27 be filled at such election, and the number of persons to be voted for
28 each office. In counties of the first class such statement shall also
29 be forwarded to the county board.

30 (cf: P.L. 2005, c.136, s.18)

31

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

33 19:12-7. a. The county board in each county shall cause to be
34 published in a newspaper or newspapers which, singly or in
35 combination, are of general circulation throughout the county, a
36 notice containing the information specified in subsection b. hereof,
37 except for such of the contents as may be omitted pursuant to
38 subsection c. or d. hereof. Such notice shall be published once
39 during the 30 days next preceding the day fixed for the closing of
40 the registration books for the primary election, once during the
41 calendar week next preceding the week in which the **【presidential】**
42 primary election **【or the primary election】** for the general election
43 is held, **【as the case may be,】** once during the 30 days next
44 preceding the day fixed for the closing of the registration books for
45 the general election, and once during the calendar week next
46 preceding the week in which the general election is held.

47 b. Such notice shall set forth:

1 (1) For the primary election for the general election:

2 (a) That a primary election for making nominations for the
3 general election **[and]** , for the selection of members of the county
4 committees of each political party, and in each presidential year for
5 the selection of delegates and alternates to national conventions of
6 political parties, will be held on the day and between the hours and
7 at the places provided for by or pursuant 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 registration,
10 and the date on which the books are closed for registration or
11 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 of
17 registration as provided under R.S.19:31-6; and (ii), if available, the
18 accessibility of voter information to the deaf by means of a
19 telecommunications device.

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

22 (f) In the case of the notice published during the calendar week
23 next preceding the week in which the primary election is held, that
24 a voter who, prior to the election, shall have moved within the same
25 county without (i) filing, on or before the 21st day preceding the
26 election, a notice of change of residence with the commissioner of
27 registration of the county or the municipal clerk of the municipality
28 in which the voter resides on the day of the election, (ii) returning
29 the confirmation notice sent to the voter by the commissioner of
30 registration of the county, if such a notice has been sent to the voter,
31 or (iii) otherwise notifying the commissioner of registration of the
32 voter's change of address within the county shall be permitted to
33 correct the voter's registration and to vote in the primary election by
34 provisional ballot at the polling place of the district in which the
35 voter resides on the day of the election. The notice shall further
36 provide that the voter may contact the county commissioner of
37 registration or municipal clerk to determine the proper polling place
38 location for the voter.

39 (2) For the general election:

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

42 (b) The place or places at which and hours during which a
43 person may register, the procedure for transfer of registration, and
44 the date on which the books are closed for registration or transfer of
45 registration.

46 (c) The several State, county and municipal offices to be filled
47 and, except as provided in R.S.19:14-33 of this Title as to
48 publication of notice of any Statewide proposition directed by the

S2883 NORCROSS

15

1 Legislature to be submitted to the people, the State, county and
2 municipal public questions to be voted upon at such general
3 election.

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

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

11 (f) In the case of the notice published during the calendar week
12 next preceding the week in which the general election is held, that a
13 voter who, prior to the election, shall have moved within the same
14 county without (i) filing, on or before the 21st day preceding the
15 election, a notice of change of residence with the commissioner of
16 registration of the county or the municipal clerk of the municipality
17 in which the voter resides on the day of the election, (ii) returning
18 the confirmation notice sent to the voter by the commissioner of
19 registration of the county, if such a notice has been sent to the voter,
20 or (iii) otherwise notifying the commissioner of registration of the
21 voter's change of address within the county shall be permitted to
22 correct the voter's registration and to vote in the general election by
23 provisional ballot at the polling place of the district in which the
24 voter resides on the day of the election. The notice shall further
25 provide that the voter may contact the county commissioner of
26 registration or municipal clerk to determine the proper polling place
27 location for the voter.

28 (3) For a school election:

29 (a) The day, time and place thereof,

30 (b) The offices, if any, to be filled at the election,

31 (c) The substance of any public question to be submitted to the
32 voters thereat,

33 (d) That a voter who, prior to the election, shall have moved
34 within the same county without (i) filing, on or before the 21st day
35 preceding the election, a notice of change of residence with the
36 commissioner of registration of the county or the municipal clerk of
37 the municipality in which the voter resides on the day of the
38 election, (ii) returning the confirmation notice sent to the voter by
39 the commissioner of registration of the county, if such a notice has
40 been sent to the voter, or (iii) otherwise notifying the commissioner
41 of registration of the voter's change of address within the county
42 shall be permitted to correct the voter's registration and to vote in
43 the school election by provisional ballot at the polling place of the
44 district in which the voter resides on the day of the election,

45 (e) That if the voter has any questions as to where to vote on the
46 day of the election, the voter may contact the county commissioner
47 of registration or municipal clerk to determine the proper polling
48 place location for the voter; and

- 1 (f) Such other information as may be required by law.
- 2 [(4) For the presidential primary election:
- 3 (a) That a primary for the selection of delegates and alternates
4 to national conventions of political parties will be held on the day
5 and between the hours and at the places provided for pursuant to
6 this Title.
- 7 (b) The place or places at which and hours during which a
8 person may register, the procedure for the transfer of registration,
9 and the date on which the books are closed for registration or
10 transfer of registration.
- 11 (c) The existence of registration and voting aids, including: (i)
12 the availability of registration and voting instructions at places of
13 registration as provided under R.S.19:31-6; and (ii), if available, the
14 accessibility of voter information to the deaf by means of a
15 telecommunications device.
- 16 (d) The availability of assistance to a person unable to vote due
17 to blindness, disability or inability to read or write.】
- 18 c. If such publication is made in more than one newspaper, it
19 shall not be necessary to duplicate in the notice published in each
20 such newspaper all the information required under this section, so
21 long as:
- 22 (1) The municipal officers or party positions to be filled, or
23 nominations made, or municipal public questions to be voted upon
24 by the voters of any municipality, shall be set forth in at least one
25 newspaper having general circulation in such municipality;
- 26 (2) All offices to be filled, or nominations made therefor, or
27 public questions to be voted upon, by the voters of the entire State
28 or of the entire county shall be set forth in a newspaper or
29 newspapers which, singly or in combination, have general
30 circulation throughout the county;
- 31 (3) Information relating to nominations and elections in each
32 Legislative District comprised in whole or part in the county, shall
33 be published in at least a newspaper or newspapers which singly or
34 in combination, have general circulation in every municipality of
35 the county which is comprised in such legislative district.
- 36 d. Such part or parts of the original notices as published which
37 pertain to day of registration or primary election which has occurred
38 shall be eliminated from such notice in succeeding insertions.
- 39 e. (Deleted by amendment, P.L.1999, c.232.)
- 40 f. The cost of publishing the notices required by this section
41 shall be paid by the respective counties, unless otherwise provided
42 for by law.
- 43 g. Notices required to be published or posted pursuant to this
44 section shall set forth a general description of the contents of the
45 voter information notice provided for in section 1 of P.L.2005,
46 c.149 (C.19:12-7.1), how the notice may be viewed or obtained

S2883 NORCROSS

17

1 prior to the day of an election, and that the notice will be posted in
2 each polling place on the day of an election.

3 (cf: P.L.2005, c.149, s.2)

4

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

6 19:14-6. In each column, immediately below the six-point rule,
7 shall be printed the proper word or words to designate the column,
8 to be known as the "column designation."

9 In the columns at the extreme left shall be printed the name of
10 each of the political parties which made nominations at the next
11 preceding [presidential primary election, during the same year such
12 an election is held, and the next preceding] primary election [for
13 the general election] every year, directly under which shall appear
14 the words "to vote for any candidate whose name appears in the
15 column below, mark a cross x, plus + or check in the square at the
16 left of the name of such candidate. Do not vote for more candidates
17 than are to be elected to any office." Such columns shall be three
18 inches in width.

19 The column next to the right of such columns shall be designated
20 "personal choice, "under which shall appear the words" in the blank
21 column below, under the proper title of office, the voter may write
22 or paste the name of any person for whom he desires to vote, whose
23 name is not printed on this ballot, and shall mark a cross x, plus +
24 or check in the square at the left of such name. Do not vote for
25 more candidates than are to be elected to any office." There shall
26 also be the same instructions regarding electors of president and
27 vice-president which now appear at the head of all other columns.
28 This column shall be four inches in width.

29 The remaining column or columns, as the case may be, shall each
30 be designated "Nomination by Petition," under which shall be
31 printed the words "to vote for any candidate whose name appears in
32 the column below mark a cross x, plus + or check in the square at
33 the left of the name of such candidate. Do not vote for more
34 candidates than are to be elected to any office." These columns
35 shall be four inches in width.

36 Below the column designations and accompanying instructions
37 and not more than one and one-half inches below the six-point
38 diagram rule and parallel thereto, shall be printed a six-point
39 diagram rule extending across the entire ballot from one four point
40 rule to the other.

41 (cf: P.L.2005, c.136, s.22)

42

43 21. R.S.19:14-8 is amended to read as follows:

44 19:14-8. In the columns of each of the political parties which
45 made nominations at the next preceding primary election to the
46 general election and in the personal choice column, within the space
47 between the two-point hair line rules, there shall be printed the title

1 of each office to be filled at such election, except as hereinafter
2 provided.

3 Such titles of office shall be arranged in the following order:
4 electors of President and Vice-President of the United States;
5 member of the United States Senate; Governor; member of the
6 House of Representatives; member of the State Senate; members of
7 the General Assembly; county executive, in counties that have
8 adopted the county executive plan of the "Optional County Charter
9 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
10 surrogate; register of deeds and mortgages; county supervisor;
11 members of the board of chosen freeholders; coroners; mayor and
12 members of municipal governing bodies, and any other titles of
13 office. Above each of such titles of office, except the one at the
14 top, shall be printed a two-point diagram rule in place of the two-
15 point hair line rule. Below the titles of such offices shall be printed
16 the names of the candidates for the offices.

17 **【In the columns of each of the political parties which made**
18 **nominations at the next preceding presidential primary election and**
19 **in the personal choice column, within the space between the two-**
20 **point hair line rules, there shall be printed the title of office for**
21 **electors of President and Vice President of the United States.】**

22 The arrangement of the names of candidates for any office for
23 which more than one are to be elected shall be determined in the
24 manner hereinafter provided, as in the case of candidates nominated
25 by petition.

26 When no nomination for an office has been made the words "No
27 Nomination Made" in type large enough to fill the entire space or
28 spaces below the title of office shall be printed upon the ballot.

29 Immediately to the left of the name of each candidate, at the
30 extreme left of each column, including the personal choice column,
31 shall be printed a square, one-quarter of an inch in size, formed by
32 two-point diagram rules. In the personal choice column no names
33 of candidates shall be printed.

34 To the right of the title of each office in the party columns and
35 the personal choice column shall be printed the words "Vote for,"
36 inserting in words the number of persons to be elected to such
37 office.

38 (cf: P.L.2005, c.136, s.23)

39

40 22. R.S.19:14-12 is amended to read as follows:

41 19:14-12. The county clerk shall draw lots in his county to
42 determine which columns the political parties which made
43 nominations at the next preceding **【presidential】** primary election
44 **【in each presidential year and at the primary election for the general**
45 **election every year,】** shall occupy on the ballot in the county. The
46 name of the party first drawn shall occupy the first column at the

S2883 NORCROSS

1 left of the ballot, and the name of the party next drawn shall occupy
2 the second column, and so forth.

3 The position which the names of candidates, and bracketed
4 groups of names of candidates nominated by petitions for all
5 offices, shall have upon the general election ballot, shall be
6 determined by the county clerks in their respective counties.

7 The manner of drawing the lots shall be as follows: paper slips
8 with the names of each political party written thereon, shall be
9 placed in capsules of the same size, shape, color and substance and
10 then placed in a covered box with an aperture in the top large
11 enough to admit a man's hand and to allow the capsules to be drawn
12 therefrom. The box shall be well shaken and turned over to
13 thoroughly intermingle the capsules. The county clerk or his deputy
14 shall at his office, draw from the box each capsule separately
15 without knowledge on his part as to which capsule he is drawing.

16 The person making the drawing shall open the capsule and shall
17 make public announcement at the drawing of each name, the order
18 in which name is drawn and the office for which the drawing is
19 made.

20 Where there is but one person to be elected to an office, the
21 names of the several candidates who have filed petitions for such
22 office shall be written upon paper slips and placed in separate
23 capsules of the same size, shape, color and substance. The capsules
24 shall be placed in a covered box with an aperture in the top large
25 enough to admit a man's hand and to allow the capsules to be drawn
26 therefrom. The box shall be turned and shaken thoroughly to mix
27 the capsules and the capsules shall be withdrawn one at a time.

28 When there is more than one person to be elected to an office
29 where petitions have designated that certain candidates shall be
30 bracketed, the position of such bracketed names on the ballot (each
31 bracketed group to be treated as a single name), together with
32 individuals who have filed petitions for such office, shall be
33 determined as above described.

34 Any legal voter of the county or municipality, as the case may
35 be, shall have the privilege of witnessing the drawing.

36 The name or names of the candidate or bracketed group of
37 candidates first drawn from the box shall be printed directly below
38 the proper title of the office for which they were nominated, and the
39 name or names of the candidate or bracketed group of candidates
40 next drawn shall be printed next in order, and so on, until the last
41 name or bracketed group of names shall be drawn from the box.

42 The arrangement of names of any bracketed group of candidates
43 for any office for which more than one are to be elected shall be
44 printed in the same order on the ballot as they were arranged on the
45 petition of nomination.

46 The drawing for the positions which the names of candidates and
47 bracketed groups of names of candidates, nominated by petition for
48 office, and for the columns which the political parties which made

1 nominations at the next preceding **【presidential】** primary election
2 and **【the preceding primary election】** for the general election shall
3 occupy upon the general election ballot, shall be held at 3 o'clock in
4 the afternoon of the eighty-fifth day prior to the day of the general
5 election.

6 (cf: P.L.2005, c.136, s.24)

7

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

9 19:23-1. The chairman of the State committee of a political
10 party shall, on or before March 1 in the year when a Governor is to
11 be elected, notify in writing the chairman of each county committee
12 of such party of the number of male or female members or members
13 with less than one full vote to be elected from the county at the
14 ensuing primary election for the general election, and each such
15 chairman shall, on or before April 1 of such year, send a copy of
16 such notice to the county clerk.

17 The chairman of each county committee shall also, on or before
18 **【January 4 of each presidential year and on or before】** April 1 **【of**
19 **every other】** in each year, file with the clerks of the several
20 municipalities the number of committeemen to be elected at the
21 ensuing primary for the general election to the county committee.

22 (cf: P.L.2007, c.61, s.10)

23

24 24. R.S.19:23-24 is amended to read as follows:

25 19:23-24. The position which the candidates and bracketed
26 groups of names of candidates for the primary for the general
27 election shall have upon the ballots used for the primary election for
28 the general election, in the case of candidates for nomination for
29 members of the United States Senate, Governor, members of the
30 House of Representatives, members of the State Senate, members of
31 the General Assembly, choice for President, delegates and
32 alternates-at-large to the national conventions of political parties,
33 district delegates and alternates to conventions of political parties,
34 candidates for party positions, and county offices or party positions
35 which are to be voted for by the voters of the entire county or a
36 portion thereof greater than a single municipality, including a
37 congressional district which is wholly within a single municipality,
38 shall be determined by the county clerks in their respective
39 counties; and, excepting in counties where R.S.19:49-2 applies, the
40 position on the ballot used for the primary election for the general
41 election in the case of candidates for nomination for office or party
42 position wherein the candidates for office or party position to be
43 filled are to be voted for by the voters of a municipality only, or a
44 subdivision thereof (excepting in the case of members of the House
45 of Representatives) shall be determined by the municipal clerk in
46 such municipalities, in the following manner: The county clerk, or
47 his deputy, or the municipal clerk or his deputy, as the case may be,
48 shall at his office on the 47th day prior to the primary election for

1 the general election at three o'clock in the afternoon draw from the
2 box, as hereinafter described, each card separately without
3 knowledge on his part as to which card he is drawing. Any legal
4 voter of the county or municipality, as the case may be, shall have
5 the privilege of witnessing such drawing. The person making the
6 drawing shall make public announcement at the drawing of each
7 name, the order in which same is drawn, and the office for which
8 the drawing is made. When there is to be but one person nominated
9 for the office, the names of the several candidates who have filed
10 petitions for such office shall be written upon cards (one name on a
11 card) of the same size, substance and thickness. The cards shall be
12 deposited in a box with an aperture in the cover of sufficient size to
13 admit a man's hand. The box shall be well shaken and turned over
14 to thoroughly mix the cards, and the cards shall then be withdrawn
15 one at a time. The first name drawn shall have first place, the
16 second name drawn, second place, and so on; the order of the
17 withdrawal of the cards from the box determining the order of
18 arrangement in which the names shall appear upon the primary
19 election ballot. Where there is more than one person to be
20 nominated to an office where petitions have designated that certain
21 candidates shall be bracketed, the position of such bracketed names
22 on the ballot (each bracket to be treated as a single name), together
23 with individuals who have filed petitions for nomination for such
24 office, shall be determined as above described. Where there is more
25 than one person to be nominated for an office and there are more
26 candidates who have filed petitions than there are persons to be
27 nominated, the order of the printing of such names upon the primary
28 election ballots shall be determined as above described.

29 The county clerk in certifying to the municipal clerk the offices
30 to be filled and the names of candidates to be printed upon the
31 ballots used for the primary election for the general election, shall
32 certify them in the order as drawn in accordance with the above
33 described procedure, and the municipal clerk shall print the names
34 upon the ballots as so certified and in addition shall print the names
35 of such candidates as have filed petitions with him in the order as
36 determined as a result of the drawing as above described.
37 Candidates for the office of the county executive in counties that
38 have adopted the county executive plan of the "Optional County
39 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
40 the candidates for other county offices for which there are
41 candidates on the ballot used for the primary election for the
42 general election.

43 (cf: P.L.2005, c.136, s.26)

44

45 25. R.S.19:23-40 is amended to read as follows:

46 19:23-40. **【The presidential primary election shall be held for all**
47 **political parties in each presidential year on the first Tuesday next**
48 **after the first Monday in February.】**

1 The primary election for the general election shall be held for all
2 political parties upon the Tuesday next after the first Monday in
3 June [.

4 All primary elections shall occur] between the hours of 6:00
5 A.M. and 8:00 P.M., Standard Time [and] .It shall be held for all
6 political parties in the same places as hereinbefore provided for the
7 ensuing general election.

8 (cf: P.L.2007, c.61, s.11)

9

10 26. R.S.19:23-42 is amended to read as follows:

11 19:23-42. The [presidential] primary election [and the
12 primary] for the general election shall be conducted by the district
13 boards substantially in the same manner as the general election,
14 except as herein otherwise provided.

15 Each district board may allow one member thereof at a time to be
16 absent from the polling place or room for a period not exceeding
17 one hour between the hours of one o'clock and five o'clock in the
18 afternoon or for such shorter time as it shall see fit; but at no time
19 from the opening of the polls to the completion of the canvass shall
20 there be less than a majority of the board present in the polling
21 room or place.

22 (cf: P.L.2005, c.136, s.28)

23

24 27. R.S.19:23-45 is amended to read as follows:

25 19:23-45. No voter shall be allowed to vote at [any] the primary
26 election unless his name appears in the signature copy register.

27 A voter who votes in a primary election of a political party or
28 who signs and files with the municipal clerk or the county
29 commissioner of registration a declaration that he desires to vote in
30 [any] the primary election of a political party, or who indicates on
31 a voter registration form the voter's choice of political party
32 affiliation and submits the form to the commissioner of registration
33 of the county wherein the voter resides, to the employees or agents
34 of a public agency, as defined in subsection a. of section 15 of
35 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
36 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
37 6.11), or to the [Attorney General] Secretary of State, shall be
38 deemed to be a member of that party until the voter signs and files
39 with the municipal clerk or the commissioner of registration a
40 declaration that he desires to vote in [a] the primary election of
41 another political party at which time he shall be deemed to be a
42 member of such other political party. The [Attorney General]
43 Secretary of State shall cause to be prepared political party
44 affiliation declaration forms and shall provide such forms to the
45 commissioners of registration of the several counties and to the
46 clerks of the municipalities within such counties.

1 No voter, except a newly registered voter at the first primary at
2 which he is eligible to vote, or a voter who has not previously voted
3 in a primary election, may vote in a primary election of a political
4 party unless he was deemed to be a member of that party on the
5 50th day next preceding such primary election.

6 A member of the county committee of a political party and a
7 public official or public employee holding any office or public
8 employment to which he has been elected or appointed as a member
9 of a political party shall be deemed a member of such political
10 party.

11 A voter may declare the voter's party affiliation or change the
12 voter's party affiliation, or declare that the voter is unaffiliated with
13 any party regardless of any previously declared party affiliation, by
14 so indicating on a political party declaration form filed with the
15 municipal clerk or the county commissioner of registration. A voter
16 may also indicate that the voter wishes to declare a political party
17 affiliation or that the voter does not want to declare a political party
18 affiliation on a voter registration form filed at the time of initial
19 registration.

20 Any person voting in the primary ballot box of any political
21 party in any primary election in contravention of the election law
22 shall be guilty of a disorderly persons offense, and any person who
23 aids or assists any such person in such violation by means of public
24 proclamation or order, or by means of any public or private
25 direction or suggestions, or by means of any help or assistance or
26 cooperation, shall likewise be guilty of a disorderly persons offense.
27 (cf: P.L.2005, c.154, s.6)

28

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

31 2. a. The county commissioner of registration in each of the
32 several counties shall cause a notice to be published in each
33 municipality of their respective counties in a newspaper or
34 newspapers circulating therein. The notice to be so published shall
35 be published once during each of the two calendar weeks next
36 preceding the week in which the 50th day next preceding **[any]** the
37 primary election of a political party occurs.

38 b. The notice required to be published by the preceding
39 paragraph shall inform the reader thereof that no voter, except a
40 newly registered voter at the first primary at which he is eligible to
41 vote, or a voter who has not previously voted in a primary election
42 may vote in a primary election of a political party unless he was
43 deemed to be a member of that party on the 50th day next preceding
44 such primary election. It shall further inform the reader thereof that
45 a voter who votes in **[any]** the primary election of a political party,
46 or who signs and files with the municipal clerk or the county
47 commissioner of registration a declaration that he desires to vote in
48 **[a]** the primary election of a political party, or who indicates on a

1 voter registration form the voter's choice of political party
2 affiliation and submits the form to the commissioner of registration
3 of the county wherein the voter resides, to the employees or agents
4 of a public agency, as defined in subsection a. of section 15 of
5 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
6 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
7 6.11) or to the **【Attorney General】** Secretary of State, shall be
8 deemed to be a member of that party until the voter signs and files
9 with the municipal clerk or the commissioner of registration a
10 declaration that he desires to vote in **【a】** the primary election of
11 another political party, at which time he shall be deemed to be a
12 member of such other political party, or that the voter chooses not
13 to be affiliated with any political party. The notice shall also state
14 the time and location where a person may obtain political party
15 affiliation declaration forms or voter registration forms.

16 (cf: P.L.2005, c.153, s.2)

17

18 29. R.S.19:23-46 is amended to read as follows:

19 19:23-46. Each voter offering to vote shall announce his name
20 and the party primary in which he wishes to vote. The district
21 board shall thereupon ascertain by reference to the signature copy
22 register or the primary election registry book required **【for either**
23 **the presidential primary or the primary election for the general**
24 **election】** by this title **【, as the case may be,】** and, in municipalities
25 not having permanent registration, if necessary by reference to the
26 primary party poll books of the preceding **【presidential primary**
27 **election or】** primary election for the general election, that such
28 voter is registered as required by this title and also that he is not
29 ineligible or otherwise disqualified by the provisions of section
30 19:23-45 of this title; in which event he shall be allowed to vote.

31 (cf: P.L.2005, c.136, s.31)

32

33 30. R.S.19:23-49 is amended to read as follows:

34 19:23-49. At the close of **【a presidential】** the primary election
35 **【and a primary election】** for the general election each district board
36 shall immediately proceed to count the votes cast at the election and
37 ascertain the results thereof for the candidates of each political
38 party holding such elections, proceeding in the manner indicated by
39 the statement hereinafter provided for, and as nearly as may be in
40 the manner herein required for the counting by the district board of
41 votes cast at the general election.

42 (cf: P.L.2005, c.136, s.32)

43

44 31. R.S.19:23-58 is amended to read as follows:

45 19:23-58. Any provisions of this title which pertain particularly
46 to any election or to the general election shall apply to the
47 **【presidential primary election or the】** primary election for the

1 general election [, as the case may be,] insofar as they are not
2 inconsistent with the special provisions of this title pertaining to the
3 [presidential primary election or the] primary election for the
4 general election.

5 (cf: P.L.2005, c.136, s.33)

6

7 32. R.S.19:24-1 is amended to read as follows:

8 19:24-1. In every year in which [presidential] primary elections
9 are to be held as herein provided for the election of delegates and
10 alternates to the national conventions of political parties, including
11 any national mid-term convention or conference of a political party,
12 the chairman of the State committee of each political party shall
13 notify the [Attorney General] Secretary of State, on or before
14 [December 20] March 1 of that [preceding] year, of the number of
15 delegates-at-large and the number of alternates-at-large to be
16 elected to the next national convention of such party by the voters
17 of the party throughout the State, and also of the number of
18 delegates and alternates to be chosen to such convention in the
19 respective congressional districts or other territorial subdivisions of
20 the State as mentioned in such notification.

21 If the State chairmen, or either of them, shall fail to file notice,
22 the [Attorney General] Secretary of State shall ascertain such facts
23 from the call for its national convention issued by the National or
24 State committee.

25 (cf: P.L.2007, c.61, s.12)

26

27 33. R.S.19:24-2 is amended to read as follows:

28 19:24-2. The [Attorney General] Secretary of State shall, on or
29 before [December 20] March 20 of [the] that year [preceding each
30 presidential election or January 1 of every other year, as the case
31 may be], certify to the county clerk and county board of each
32 county the number of delegates and alternates-at-large to be chosen
33 by each such party and the number of delegates and alternates to be
34 chosen in each congressional district or other territorial subdivision
35 of the State, composed in whole or in part of the county of such
36 county clerk.

37 Any provisions of this Title which pertain particularly to any
38 election or to the general election or to the primary election for the
39 general election shall apply to the [presidential] primary election
40 for delegates and alternates to national conventions insofar as they
41 are not inconsistent with the special provisions of this Title
42 pertaining to the [presidential] primary election for delegates and
43 alternates to national conventions.

44 Notwithstanding any provision of this Title, national and State
45 party rules shall govern the selection of delegates and alternates to
46 national party conventions, provided the State chairman of the
47 political party notifies the [Attorney General] Secretary of State

1 prior to [December 20 of the year preceding each presidential
2 election or January] March 1 of [every other] the year [, as the
3 case may be,] in which delegates and alternates are elected of the
4 applicable party rules governing the delegate selection process. The
5 [Attorney General] Secretary of State shall notify the county clerks
6 prior to [December 20] April 1 of the year [preceding each
7 presidential election or January 10 of every other year, as the case
8 may be,] in which delegates and alternates are elected of the
9 applicable party rules, if any, which apply to matters within their
10 jurisdiction. Pursuant to this section, the [Attorney General]
11 Secretary of State shall issue to the county clerks uniform
12 regulations governing the delegate selection process.
13 (cf: P.L.2007, c.61, s.13)
14

15 34. R.S.19:24-4 is amended to read as follows:

16 19:24-4. Not less than 100 members of each such political party
17 may file with the [Attorney General] Secretary of State at least 57
18 days prior to the [presidential] primary election for the general
19 election in any year of a national convention a petition requesting
20 that the name of a person therein indorsed shall be printed on the
21 [presidential] primary ticket of such political party as candidate for
22 the position of delegate-at-large or alternate-at-large, to be chosen
23 by the party voters throughout the State to the national convention
24 of that party, or as a delegate or alternate to be chosen to that
25 convention by the voters of any congressional district.

26 The signers to the petition for any delegate-at-large or alternate-
27 at-large shall be legal voters resident in the State; and the signers
28 for any delegate or alternate from any Congressional district shall
29 be voters of such district.

30 The [Attorney General] Secretary of State shall not later than
31 the 48th day preceding the [presidential] primary election for the
32 general election certify to each county clerk and county board such
33 nominations for delegates and alternates-at-large and the
34 nominations for delegate or alternate for any Congressional district.
35 (cf: P.L.2005, c.136, s.36)
36

37 35. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
38 follows:

39 1. Not less than one thousand voters of any political party may
40 file a petition with the [Attorney General] Secretary of State on or
41 before the 57th day before a [presidential] primary election in any
42 year in which a President of the United States is to be chosen,
43 requesting that the name of the person indorsed therein as a
44 candidate of such party for the office of President of the United
45 States shall be printed upon the official [presidential] primary

1 ballot of that party for the then ensuing election for delegates and
2 alternates to the national convention of such party.

3 The petition shall be prepared and filed in the form and manner
4 herein required for the indorsement of candidates to be voted for at
5 the primary election for the general election, except that the
6 candidate shall not be permitted to have a designation or slogan
7 following his name, and that it shall not be necessary to have the
8 consent of such candidate for President indorsed on the petition.

9 (cf: P.L.2005, c.136, s.37)

10

11 36. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
12 follows:

13 2. The **【Attorney General】** Secretary of State shall certify the
14 names so indorsed to the county clerk of each county not later than
15 the 48th day before such **【presidential】** primary election, but if any
16 person so indorsed shall on or before such date decline in writing,
17 filed in the office of the **【Attorney General】** Secretary of State, to
18 have his name printed upon the **【presidential】** primary election
19 ballot as a candidate for President, the **【Attorney General】**
20 Secretary of State shall not so certify such name.

21 (cf: P.L.2005, c.136, s.38)

22

23 37. R.S.19:26-1 is amended to read as follows:

24 19:26-1. At the close of all primary elections held according to
25 the provisions of this title, and after counting the ballots cast at such
26 primary and making the statements thereof as herein provided, each
27 district board shall place all ballots voted at the election and all
28 spoiled and unused ballots inside the ballot boxes used at such
29 election, and after locking and sealing the same, shall forthwith
30 deliver the ballot boxes to the municipal clerk and the keys thereof
31 to the county clerk. The signature copy register binders and the
32 current primary party poll books used at **【any】** the primary election
33 shall be returned by the district boards to the commissioner, not
34 later than noon of the day following the **【preceding】** primary
35 election for the general election.

36 The commissioner shall return the primary party poll books used
37 at **【any】** the primary election to the municipal clerks not later than
38 one month preceding the next primary election.

39 The county clerks, in counties other than counties of the first
40 class, shall, during the ten days next preceding the third registry day
41 deliver, at their offices or in any other way they may see fit, the
42 register of voters to the respective district boards.

43 The county clerks in counties of the first class shall deliver the
44 register of voters to the municipal clerks, who shall deliver such
45 register to the district boards at the same time and with the official
46 general election sample ballots.

47 (cf: P.L.2005, c.136, s.39)

1 38. R.S.19:27-11 is amended to read as follows:

2 19:27-11. In the event of any vacancy in any county or
3 municipal office, except for the office of a member of the board of
4 chosen freeholders, which vacancy shall occur after the 11th day
5 preceding the last day for filing petitions for nominations for the
6 primary election for the general election and on or before the 51st
7 day preceding the general election, each political party may select a
8 candidate for the office in question in the manner prescribed in
9 R.S.19:13-20 for selecting candidates to fill vacancies among
10 candidates nominated at primary elections **[to]** for the general
11 elections. A statement of such selection shall be filed with the
12 county clerk not later than the close of business of the 48th day
13 preceding the date of the general election.

14 Besides the selection of candidates by each political party as
15 before provided, candidates may also be nominated by petition in a
16 similar manner as herein provided for direct nomination by petition
17 for the general election but the petition shall be filed with the
18 county clerk at least 48 days prior to such general election.

19 When the vacancy occurs in a county office the county clerk
20 shall forthwith give notice thereof to the chairman of the county
21 committee of each political party and in counties of the first class to
22 the county board, and in case the vacancy occurs in a municipal
23 office the municipal clerk shall forthwith give notice thereof to the
24 county clerk, the chairman of the county committee of each political
25 party and in counties of the first class the county board.

26 The county clerk shall print on the ballots for the territory
27 affected, in the personal choice column, the title of office and leave
28 a proper space under such title of office; and print the title of office
29 and the names of such persons as have been duly nominated, in
30 their proper columns.

31 (cf: P.L.2005, c.136, s.40)

32

33 39. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
34 read as follows:

35 7. When any vacancy happens in the Legislature otherwise than
36 by expiration of term, it shall be filled by election for the unexpired
37 term only at the next general election occurring not less than 51
38 days after the occurrence of the vacancy, except that no such
39 vacancy shall be filled at the general election which immediately
40 precedes the expiration of the term in which the vacancy occurs. In
41 the event a vacancy eligible to be filled by election hereunder
42 occurs on or before the sixth day preceding the last day for filing
43 petitions for nomination for the primary election, such petitions
44 may be prepared and filed for nomination in that primary election in
45 the manner provided by article 3 of chapter 23 of this Title. In the
46 event the vacancy occurs after that sixth day preceding the last day
47 for filing petitions for nomination for the primary election for the
48 general election, a political party may select a candidate for the

1 office in question in the manner prescribed in subsections a. and b.
2 of R.S.19:13-20 for selecting candidates to fill vacancies among
3 candidates nominated at primary elections for the general elections.
4 A statement of such selection under R.S.19:13-20 shall be filed with
5 the **【Attorney General】** Secretary of State not later than the 48th
6 day preceding the date of the general election.

7 Besides the selection of candidates by each political party,
8 candidates may also be nominated by petition in a manner similar to
9 direct nomination by petition for the general election; but if the
10 candidate of any party to fill the vacancy will be chosen at a
11 primary election, such petition shall be filed with the **【Attorney**
12 **General】** Secretary of State at least 55 days prior to the primary
13 election; and if no candidate of any party will be chosen at a
14 primary election, such petition shall be filed with the Attorney
15 General not later than 12 o'clock noon of the day on which the first
16 selection meeting by any party is held under this section to select a
17 nominee to fill the vacancy.

18 When the vacancy occurs in the Senate or General Assembly, the
19 county clerk of each county which is comprised in whole or part in
20 the Senate or General Assembly district shall forthwith give notice
21 thereof to the chairman of the county committee of each political
22 party and in counties of the first class to the county board.

23 The county clerk shall print on the ballots for the territory
24 affected, in the personal choice column, the title of office and leave
25 a proper space under such title of office; and print the title of office
26 and the names of such persons as have been duly nominated, in
27 their proper columns.

28 (cf: P.L.2005, c.136, s.41)

29

30 40. R.S.19:29-3 is amended to read as follows:

31 19:29-3. The petition contesting any nomination to public office,
32 election to party office or position **【, election as a delegate or**
33 **alternate in a presidential primary】** or the proposal of any
34 proposition shall be filed not later than 10 days after the primary
35 election.

36 The petition contesting any election to public office or approval
37 or disapproval of any proposition shall be filed not later than 30
38 days after such election, unless the ground of action is discovered
39 from the statements, deposit slips or vouchers filed under this Title,
40 subsequent to such primary or other election, in which event such
41 petition may be filed 10 or 30 days respectively after such
42 statements, deposit slips or vouchers are filed.

43 Any petition of contest may be filed within 10 days after the
44 result of any recount has been determined or announced.

45 (cf: P.L.2005, c.136, s.42)

46

47 41. R.S.19:31-16 is amended to read as follows:

1 19:31-16. a. The health officer or other officer in charge of
2 records of death in each municipality shall file with the
3 commissioner of registration for the county in which the
4 municipality is located once each month, during the first five days
5 thereof, the age, date of death, and the names and addresses of all
6 persons 18 years of age or older who have died within such
7 municipality during the previous month. Within 30 days after the
8 receipt of such list, the commissioner shall make and complete such
9 investigation as is necessary to establish to his satisfaction that such
10 deceased person is registered as a voter in the county. If such fact
11 is so established, the commissioner shall cause the registration and
12 record of voting forms of the deceased registrant to be transferred to
13 the death file as soon as possible. If the deceased person was not so
14 registered in the county, but the person maintained a residence in
15 another county of this State, the officer in charge of records of
16 death in the municipality in which the decedent died shall forward a
17 copy of the notice of death to the officer in charge of records of
18 death in the municipality in which the decedent resided. That
19 officer having received the notice shall notify the commissioner of
20 the county in which that municipality is located of the death of the
21 person. Any commissioner who receives such notification shall
22 undertake the procedures prescribed herein with respect to the
23 registration in that county of the decedent.

24 b. The State registrar of vital statistics shall file with the
25 commissioner of registration of each county no later than [January
26 2 of each presidential year and no later than] May 1 of [every
27 other] each year an alphabetized list of the name, address, and date
28 of birth, if available, of each resident of the county 18 years of age
29 or older who died during the previous year. Within 30 days after
30 the receipt of the list the commissioner shall undertake and
31 complete such investigation as is necessary to establish that each
32 person on the list is not registered as a voter in the county. The
33 commissioner shall cause the registration and record of voting
34 forms of any deceased registrant found on the list to be transferred
35 to the death file as soon as possible.

36 (cf: P.L.2007, c.61, s.14)

37

38 42. R.S.19:31-20 is amended to read as follows:

39 19:31-20. On or before the eighth day preceding the [presidential
40 primary election, the] primary election for the general election and
41 the general election, respectively, the commissioner in counties not
42 having a superintendent of elections, shall deliver to the municipal
43 clerk in each municipality the signature copy registers for each
44 election district in such municipality and shall take a receipt for
45 same. The municipal clerk shall thereupon deliver at his office, or
46 in any other way he sees fit, such registers to a member or members
47 of the proper district boards at the same time and together with the

1 primary for the general election sample ballots or the general
2 election sample ballots, as the case may be. The registers shall be
3 used by the district boards on election days and for the purpose of
4 mailing the sample ballots. The commissioner in counties having a
5 superintendent of elections shall deliver such registers at his office,
6 or in any other way he may see fit, to the various district boards,
7 taking a receipt for same.

8 Before delivering the registers the commissioner shall cause to
9 be printed upon a separate sheet or sheets of paper, to be inserted
10 inside of the front cover of such registers in conspicuous type, such
11 instructions to election officers regarding the use and disposition of
12 the binders and forms as he deems necessary.

13 (cf: P.L.2005, c.139, s.18)

14

15 43. R.S.19:31-21 is amended to read as follows:

16 19:31-21. A person whose name appears in the signature copy
17 register and who upon applying for a ballot or voting authority shall
18 have given the information and signed the signature comparison
19 record as provided in this Title and whose signature in the signature
20 comparison record shall have been compared by a member of the
21 district board and in the presence and view of the challengers with
22 the signature of the applicant as recorded in the register shall be
23 eligible to receive a ballot or voting authority unless it be shown to
24 the satisfaction of a majority of the members of the district board
25 that he is not entitled to vote in the district or has otherwise become
26 disqualified.

27 No person shall be required to sign the signature comparison
28 record as a means of identification if he shall have been unable to
29 write his name when he registered, or if, having been able to write
30 his name when registered, he subsequently shall have lost his sight
31 or lost the hand with which he was accustomed to write or shall by
32 reason of disease or accident be unable to write his name when he
33 applies to vote, but each such person shall establish his identity in
34 the manner provided in this Title.

35 In addition to signing the signature comparison record and after
36 the comparison of the signature with the signature in the register, a
37 person offering to vote at **the presidential primary election or** the
38 primary election for the general election, as the case may be, shall
39 announce his name and the party primary in which he wishes to
40 vote.

41 After a person has voted the member of the district board having
42 charge of the signature copy registers shall place the number of the
43 person's ballot in the proper column on the record of voting form of
44 such person, which number shall constitute a record that the person
45 has voted. In the case of the **presidential primary election or the**
46 primary election for the general election such member of the district
47 board shall also place in the proper column on the record of voting

1 form the first three letters of the name of the political party whose
2 primary ballot such person has voted.

3 In the event that the duplicate permanent registration form of any
4 person cannot be found in the signature copy register at the time he
5 applies for a ballot or voting authority, a member of the district
6 board shall promptly ascertain from the commissioner or a duly
7 authorized clerk if such person is permanently registered. Upon
8 information that such is the fact, such member of the district board
9 shall require the person applying for a ballot or voting authority to
10 obtain an order from the commissioner authorizing him to receive a
11 ballot or voting authority. The commissioner shall specially
12 authorize and deputize clerks to issue such orders in municipalities
13 within his county. The commissioner or his clerk shall require the
14 voter to sign his name upon such order for the purpose of signature
15 comparison. The district board shall require the voter to again sign
16 his name on said order, in the presence of the board, and if the
17 signatures compare, to permit him to vote. At primary elections the
18 commissioner or his duly authorized clerk shall endorse on the
19 order the political party whose ballot such person voted at the last
20 preceding primary election. The order shall be returned to the
21 commissioner at the same time and along with the signature copy
22 registers.

23 (cf: P.L.2005, c.136, s.45)

24

25 44. R.S.19:31-22 is amended to read as follows:

26 19:31-22. Not later than noon of the day following the canvass
27 of the votes cast at the [presidential primary election, the] primary
28 election for the general election or the general election, the
29 signature copy registers shall be returned by each district board to
30 the commissioner at his office or in any other way as the
31 commissioner may see fit.

32 Upon receipt of the registers the commissioner shall inspect them
33 and verify from the party primary poll books and the general
34 election poll books, as the case may be, that the entries required to
35 be made on the record of voting forms in such registers by the
36 district boards have been made. If the commissioner shall ascertain
37 that such entries have not been made or have been improperly
38 made, he shall cause such entries and corrections to be made
39 forthwith and also notify the county board of such failure of duty
40 and the members of such district board who have so failed in their
41 duty and shall be ineligible for appointment as members of any
42 district board thereafter.

43 (cf: P.L.2005, c.136, s.46)

44

45 45. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to
46 read as follows:

47 9. On the day of every municipal, primary, [presidential
48 primary,] general, special or annual school election the

1 superintendent of elections in counties having a superintendent of
2 elections or the county board of elections in all other counties shall
3 provide to each polling place in the county sufficient numbers of a
4 form on which voters or persons attempting to vote may register
5 any complaint regarding the conduct of the election at the polling
6 place where they voted or attempted to vote. In counties in which
7 the primary language of 10% or more of the registered voters is
8 Spanish, the form for the complaint shall appear in both English and
9 Spanish. The form shall protect the anonymity of the complainant,
10 if that person so wishes, and shall be accompanied by an envelope
11 with the proper postage and the name and address of the
12 superintendent of elections of the county or the chairman of the
13 county board of elections, as the case may be. A complaint may be
14 used by the superintendent of elections or any other municipal or
15 State investigatory agency to conduct an investigation into possible
16 violation of the State election law. Copies of the form containing
17 the complaint shall be available from the superintendent of
18 elections or the county board of elections, as the case may be. The
19 original form of the complaint, or a copy, shall be kept on file with
20 the superintendent of elections or the county board of elections, as
21 the case may be, for two years after the election for which it was
22 filed.

23 (cf: P.L.2005, c.136, s.47)

24

25 46. R.S.19:45-6 is amended to read as follows:

26 19:45-6. The compensation of each member of the district
27 boards for all services performed by them under the provisions of
28 this Title shall be as follows:

29 In all counties, for all services rendered including the counting of
30 the votes, and in counties wherein voting machines are used, the
31 tabulation of the votes registered on the voting machines, and the
32 delivery of the returns, registry binders, ballot boxes and keys for
33 the voting machines to the proper election officials, \$200 each time
34 **[any]** the primary election, the general election or any special
35 election is held under this Title; provided, however, that:

36 a. (1) The member of the board charged with the duty of
37 obtaining and signing for the signature copy registers shall receive
38 an additional \$12.50 per election, such remuneration being limited
39 to only one board member per election, or \$6.25 to each of two
40 board members if they share such responsibility for the signature
41 copy registers, and (2) the member of the board charged with the
42 duty of returning the signature copy registers shall receive an
43 additional \$12.50 per election, such remuneration being limited to
44 only one board member per election, or \$6.25 to each of two board
45 members if they share such responsibility for the signature copy
46 registers;

47 b. In the case of any member of the board who is required
48 under R.S.19:50-1 to attend in a given year a training program for

1 district board members, but who fails to attend such a training
2 program in that year, that compensation shall be \$50.00 for each of
3 those elections;

4 c. In counties wherein voting machines are used no
5 compensation shall be paid for any services rendered at any special
6 election held at the same time as any primary or general election.
7 Such compensation shall be in lieu of all other fees and payments;
8 and

9 d. Compensation for district board members serving at a school
10 election shall be paid by the board of education of the school
11 district conducting the election at an hourly rate of \$5.77, except
12 that the board of education may compensate such district board
13 members at a pro-rated hourly rate consistent with the daily rate up
14 to a maximum of \$14.29. The provisions of subsections a., b., and
15 c. of this section shall also apply to district board members serving
16 at a school election, except that in the case of subsection b., the
17 compensation shall be at an hourly rate of \$3.85.

18 Compensation due each member shall be paid within 30 days but
19 not within 20 days after each election; provided, however, that no
20 compensation shall be paid to any member of any such district
21 board who may have been removed from office or application for
22 the removal of whom is pending under the provisions of R.S.19:6-4.
23 (cf: P.L.2005, c.136, s.48)
24

25 47. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to
26 read as follows:

27 1. In all counties wherein voting machines are used the county
28 board of elections shall furnish for use in each election district at
29 any election, a sufficient number of voting authorities in
30 substantially the following form:

31	City of	City of
32	Ward	District Ward
33	Election Held	Election Held
34	..... day of..... 20...	..... day of..... 20....
35	Voting Authority	Voting Authority
36	No.....	No.....
37	.....	.....
38	Signature of Voter.	.....
39		This certificate must be handed
40		to the election officer in charge
41		of the voting machines in order to
42		vote.
43		.....
44		County Board of Elections
45		Clerk.

46 The voting authorities shall be numbered consecutively, be
47 bound together in pads and shall be printed in two parts and
48 perforated so that one part may be given to the voter who shall

1 return the same to the district election officials in charge of the
2 operation of the voting machine in order that such official shall be
3 able to place the same in consecutive order on a string or wire. The
4 other part of the voting authority shall be signed by the voter in his
5 own handwriting before he be permitted to vote and shall remain
6 bound in the pad. All pads containing the portions of the voting
7 authorities on which the names of the persons who have voted have
8 been signed, together with that portion of the voting authority
9 which has been placed on a wire or string shall be returned to the
10 commissioner of registration of the county, who shall keep them for
11 a period of at least six months.

12 At any [presidential primary election or] primary election for
13 the general election, each voting authority shall be marked to
14 indicate the party primary in which the voter signing the same voted
15 and the used voting authorities shall be strung in such a manner so
16 that those used in one party primary shall remain separate from
17 those used in the other party primary.

18 (cf: P.L.2005, c.136, s.49)

19

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

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

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

41 b. The county clerk or the municipal clerk, in the case of a
42 municipal election, shall arrange for the preparation of the
43 envelope, affirmation statement, and written notice that is to
44 accompany each provisional ballot. The envelope shall be of
45 sufficient size to accommodate the provisional ballot, and the
46 affirmation statement shall be affixed thereto in a manner that
47 enables it to be detached once completed and verified by the county
48 commissioner of registration. The statement shall require the voter

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

38 The written notice shall contain information to be distributed to
39 each voter who votes by provisional ballot. The notice shall state
40 that, if the voter is a mail-in registrant voting for the first time in his
41 or her current county of residence following registration and was
42 given a provisional ballot because he or she did not provide
43 required personal identification information, the voter shall be
44 given until the close of business on the second day after the election
45 to provide identification to the applicable county commissioner of
46 registration, and the notice shall contain a telephone number at
47 which the commissioner may be contacted. The notice shall further
48 state that failure to provide the required personal identification

1 information within that time period shall result in the rejection of
2 the ballot. The notice shall state that pursuant to section 4 of
3 P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional
4 ballot will be able to ascertain under a system established by the
5 State whether the ballot was accepted for counting, and if the vote
6 was not counted, the reason for the rejection of the ballot. The
7 notice shall include instructions on how to access such information.

8 c. For the primary for the general election, the provisional
9 ballots shall be printed in ink on paper of a color that matches the
10 color of the voting authority, which shall indicate the party primary
11 of the voter. The provisional ballots shall be uniform in size, quality
12 and type and of a thickness that the printing thereon cannot be
13 distinguished from the back of the paper, and without any mark,
14 device or figure on the front or back other than as provided in
15 P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall
16 include near the top thereof and in large type the designation
17 PROVISIONAL BALLOT. In all other respects, the provisional
18 ballots shall conform generally to the other ballots to be used in the
19 election district for the primary election.

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

28 d. For the general election the provisional ballots shall be
29 printed in ink. The provisional ballots shall be uniform in size,
30 quality and type and of a thickness that the printing thereon cannot
31 be distinguished from the back of the paper, and without any mark,
32 device or figure on the front or back other than as provided in this
33 act. Each such ballot shall include near the top thereof and in large
34 type the designation PROVISIONAL BALLOT. In all other
35 respects, the provisional ballots shall conform generally to the other
36 ballots to be used in the election district for the general election.

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

44 e. For a school election the provisional ballots shall be printed
45 in ink. The provisional ballots shall be uniform in size, quality and
46 type and of a thickness that the printing thereon cannot be
47 distinguished from the back of the paper, and without any mark,
48 device or figure on the front or back other than as provided in this

1 act. Each such ballot shall include near the top thereof and in large
2 type the designation PROVISIONAL BALLOT. In all other
3 respects, the provisional ballots shall conform generally to the other
4 ballots to be used in the election district for the school election.

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

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

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

28 The clerk of the county or municipality shall arrange for the
29 preparation of each provisional ballot package with an appropriate
30 number of provisional ballots for each political party and a
31 corresponding number of envelopes with affirmation statements.
32 Additional provisional ballots and envelopes shall be available for
33 delivery to that election district on the day of the election, if
34 necessary. **】** (Deleted by amendment, P.L. , c.) (pending before
35 the Legislature as this bill)

36 (cf: P.L.2009, c.79, s.33)

37

38 49. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read
39 as follows:

40 2. a. Except as otherwise provided pursuant to subsection c. of
41 this section, the board of education of a type II district may call a
42 special election of the legal voters of the district on only the fourth
43 Tuesday in January **【**other than in a year when a presidential
44 primary election occurs, in which case no such election on that date
45 may be called**】**, the second Tuesday in March, the last Tuesday in
46 September, or the second Tuesday in December when in its
47 judgment the interests of the schools require such an election. The
48 board of education shall give the municipal clerk or clerks, as the

1 case may be, and the county board of elections no less than 60 days'
2 notice, in writing, of its intention to hold a special election.

3 b. No business shall be transacted at any special election except
4 such as shall have been set forth in the notices by which the election
5 was called.

6 c. The Commissioner of Education may change in any school
7 year any date authorized for a special school election pursuant to
8 subsection a. of this section if that date coincides with a period of
9 religious observance that limits significantly the usual activities of
10 the followers of a particular religion or that would result in
11 significant religious consequences for such followers. The
12 commissioner shall inform local school boards, county clerks, and
13 boards of election of the adjustment no later than the first working
14 day in January of the year in which the adjustments are to occur.

15 As used in this section "a period of religious observance" means
16 any day or portion thereof on which a religious observance imposes
17 a substantial burden on an individual's ability to vote.

18 (cf: P.L.2008, c.129, s.2)

19

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

22 2. As used in this act, unless otherwise indicated by the
23 context:

24 "Election," "general election," "primary election for the general
25 election," ["presidential primary election,"] "municipal election,"
26 "school election," and "special election" mean, respectively, such
27 elections as defined in R.S.19:1-1 et seq.

28 "Family member" means an adult who is a spouse, parent, child,
29 grandparent, grandchild or sibling of a voter, whether by adoption
30 or natural relationship. It shall also include any adult occupant
31 regularly living with a voter in any residential building or part of a
32 building intended for the use of no more than one family.

33 "Mail-in ballot" means any ballot used by a mail-in voter to vote
34 by mail in any election.

35 "Mail-in voter" means any qualified and registered voter of this
36 State who wants to vote in any election using a mail-in ballot under
37 the provisions of this act.

38 (cf: P.L.2009, c.79, s.2)

39

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

42 6. a. The county clerk, in the case of any Statewide election,
43 countywide election, or school election in a regional or other school
44 district comprising more than one municipality; the municipal clerk,
45 in the case of any municipal election or school election in a school
46 district comprising a single municipality; and the commissioners or
47 other governing or administrative body of the district, in the case of
48 any election to be held in any fire district or other special district,

1 other than a municipality, created for specified public purposes
2 within one or more municipalities, shall publish the following
3 notice in substantially the following form:

4 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

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

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

23 No mail-in ballot will be provided to any applicant who submits
24 a request therefor by mail unless the request is received at least
25 seven days before the election and contains the requested
26 information. A voter may, however, request an application in
27 person from the county clerk up to 3 p.m. of the day before the
28 election.

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

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

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

1 Dated.....
2
3 (signature and title of county clerk)
4
5 (address of county clerk)
6
7 (telephone no. of county clerk)

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

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

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

44 d. The notice provided for in subsection a. of this section shall
45 be published before the 50th day immediately preceding the holding
46 of any election.

47 Notices relating to any Statewide or countywide election shall be
48 published in at least two newspapers published in each county. All

1 officials charged with the duty of publishing such notices shall
2 publish the same in at least one newspaper published in each
3 municipality or district in which the election is to be held, or if no
4 newspaper is published in the municipality or district, then in a
5 newspaper published in the county and circulating in the
6 municipality or district. All such notices shall be display
7 advertisements.

8 (cf: P.L.2009, c.79, s.6)

9

10 52. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended to read
11 as follows:

12 7. a. Each county clerk shall have printed sufficient mail-in
13 ballots for each [presidential primary election,] primary election
14 for the general election, and for the general election. Along with
15 such ballots the clerk shall also furnish inner and outer envelopes
16 and printed directions for the preparation and transmitting of such
17 ballots used in the election in the county.

18 b. The mail-in ballots shall be printed on paper of a different
19 color from that used for any primary or general election ballot, but
20 in all other respects, shall be as nearly as possible facsimiles of the
21 election ballot to be voted at the election.

22 (cf: P.L.2009, c.79, s.7)

23

24 53. Section 11 of P.L.2009, c.79 (C.19:63-11) is amended to
25 read as follows:

26 11. a. Each mail-in ballot to be used at any election shall
27 conform generally to the ballot to be used at the election in the
28 voter's district but the ballots shall be clearly marked "Official
29 Mail-In Ballot."

30 At the top of every mail-in ballot there shall be printed or
31 stamped in a prominent size the following:

32 To protect your vote:

33 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
34 THE VOTER TO MARK OR INSPECT THIS BALLOT.

35 However, a family member may assist you in doing so.

36 b. Each mail-in ballot to be used pursuant to this act shall be
37 printed entirely in black ink. In addition to conforming generally to
38 the ballot used in the election, the mail-in ballot shall be so
39 prepared that the voter may indicate on it the voter's choice of the
40 candidates for the offices to be filled, and the public questions to be
41 voted on at the election by the voters of the entire State, county or
42 municipality in which the voter is a resident, as known on the 48th
43 day preceding the election. Sufficient space shall be provided on
44 the ballot for the voter to write in the name of and vote for any
45 candidate for, or the voter's personal choice for, any public office to
46 be voted for at the election in the voter's election district. A list of
47 the candidates for the offices to be filled in each election district in
48 the county, whose names are known on the day on which the ballot

1 is forwarded but do not appear on the ballot, with a statement of the
2 office for which each is a candidate, shall be forwarded with such
3 ballot.

4 When mail-in ballots are prepared, the name of any candidate
5 who has been nominated for any office shall be placed on the ballot
6 to be used in the general election to be held in the year in each
7 election district in which he is a candidate, whether or not such
8 candidate has accepted nomination prior to when the ballot was
9 prepared, provided that the candidate has not declined the
10 nomination before the ballot was prepared.

11 c. Each mail-in ballot to be used at any [presidential primary
12 election or] primary election for the general election shall, except
13 as otherwise provided, conform to the ballot to be used at the
14 election in the voter's election district and to the form herein
15 prescribed for mail-in ballots to be used in such general elections.
16 It shall be prepared so that the voter may indicate the voter's choice
17 of the candidates of one political party for each of the officers to be
18 voted on at the election by the voters of the election district and
19 shall be separated into party ballots, which shall be printed upon
20 one sheet when the voting system so allows.

21 Each such mail-in ballot shall be plainly marked to indicate that
22 only one party ballot is to be voted by each voter and that the party
23 ballot voted by the voter must conform to the name of the political
24 party indicated by the county clerk.

25 If the county clerk has determined by investigating a voter's
26 registration record that the voter is qualified to vote only in the
27 primary of a particular party, the clerk shall so note on the primary
28 ballot the party primary in which the voter is entitled to vote.

29 In the case where the county clerk has ascertained through
30 investigating the voter's registration record that such applicant is
31 requesting a ballot to vote in the first primary for which the voter is
32 eligible after registration, the clerk shall note on the primary ballot
33 that the voter can vote in the primary of any political party.

34 d. Any county may adopt a system of electronic scanning, or
35 other mechanical or electronic device if the system has been
36 approved previously by the Secretary of State to count or canvass
37 mail-in ballots. The county clerk in any county adopting such a
38 system may prepare and use mail-in ballots that do not conform
39 generally to the ballot to be used at the election to the extent that
40 such nonconformance is necessary in the operation of the electronic
41 or mechanical canvassing system.

42 (cf: P.L.2009, c.79, s.11)

43

44 54. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to
45 read as follows:

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

S2883 NORCROSS

1 CERTIFICATE OF MAIL-IN VOTER

2 I,, whose home address is

3 (print your name clearly) (street

4, DO HEREBY CERTIFY,

5 address or R.D. number) (municipality)

6 Subject to the penalties for fraudulent voting, that I am the person
7 who applied for the enclosed ballot. I MARKED AND SEALED
8 THIS BALLOT AND CERTIFICATE IN SECRET. However, a
9 family member may assist me in doing so.

10

11 (signature of voter)

12 Any person providing assistance shall complete the following:

13 I do hereby certify that I am the person who provided assistance
14 to this voter and declare that I will maintain the secrecy of this
15 ballot.

16

17 (signature of person providing
18 assistance)

19

20 (printed name of person providing
21 assistance)

22

23

24 (address of person providing
25 assistance)

26 b. On the margin of the flap on the inner envelope forwarded
27 with any mail-in ballot intended to be voted in any [presidential
28 primary election or] primary election for the general election, as the
29 case may be, there shall be printed a certificate in the following
30 form:

31 CERTIFICATE OF MAIL-IN VOTER

32 I,....., whose home address is.....

33 (print your name clearly) (street address or R.D.
34 number) (municipality)

35, DO HEREBY CERTIFY,

36 subject to the penalties for fraudulent voting, that I am the person
37 who applied for the enclosed ballot for the primary election. I
38 MARKED AND SEALED THIS BALLOT AND CERTIFICATE
39 IN SECRET. However, a family member may assist me in doing
40 so.

41

42 (signature of voter)

1 Any person providing assistance shall complete the following:

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

5
6 (signature of person providing
7 assistance)

8
9 (printed name of person
10 providing assistance)

11
12
13 (address of person providing
14 assistance)

15 (cf: P.L.2009, c.79, s.13)

16
17 55. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to
18 read as follows:

19 16. a. A mail-in voter shall be entitled to mark any mail-in
20 ballot forwarded to the voter for voting at any election by indicating
21 the voter's choice of candidates for the offices named, and as to
22 public questions, if any, stated thereon, in accordance with current
23 law. In the case of ballots to be voted for any [presidential primary
24 election or] primary election for the general election, as the case
25 may be, the voter's choice shall be limited to the candidates of the
26 voter's political party or to any person or persons whose names are
27 written thereon by the voter. When so marked, such ballot shall be
28 placed in the inner envelope, which shall then be sealed, and the
29 voter shall then fill in the form of certificate attached to the inner
30 envelope, at the end of which the voter shall sign and print the
31 voter's name. The inner envelope with the certificate shall then be
32 placed in the outer envelope, which shall then be sealed.

33 b. No mail-in voter shall permit any person in any way, except
34 as provided by this act, to unseal, mark or inspect the voter's ballot,
35 interfere with the secrecy of the voter's vote, complete or sign the
36 certificate, or seal the inner or outer envelope, nor shall any person
37 do so.

38 c. A mail-in voter shall be entitled to assistance from a family
39 member in performing any of the actions provided for in this
40 section. The family member or other person providing such
41 assistance shall certify that he or she assisted the voter and will
42 maintain the secrecy of the vote by both printing and signing his or
43 her name in the space provided on the certificate. In no event may a
44 candidate for election provide such assistance, nor may any person,
45 at the time of providing such assistance, campaign or electioneer on
46 behalf of any candidate.

47 d. (1) The sealed outer envelope with the inner envelope and
48 the ballot enclosed therein shall then either be mailed to the county

1 board of elections to which it is addressed or delivered personally
2 by the voter or a bearer designated by the voter to the board. To be
3 counted, the ballot must be received by the board or its designee
4 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the
5 closing of the polls, as may be appropriate, on the day of an
6 election.

7 (2) Whenever a person delivers a ballot to the county board, that
8 person shall sign a record maintained by the county of all mail-in
9 ballots personally delivered to it.

10 (3) No person shall serve as an authorized messenger for more
11 than 10 qualified voters in an election. No person who is a
12 candidate in the election for which the voter requests a mail-in
13 ballot shall be permitted to serve as an authorized messenger or
14 bearer. The bearer, by signing the certification provided for in
15 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
16 received a mail-in ballot directly from the voter, and no other
17 person, and is authorized to deliver the ballot to the appropriate
18 board of election or designee on behalf of the voter.

19 (cf: P.L.2009, c.79, s.16)

20

21 56. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
22 read as follows:

23 17. The county board of elections shall, promptly after receiving
24 each mail-in ballot, remove the inner envelope containing the ballot
25 from the outer envelope and shall compare the signature and the
26 information contained on the flap of the inner envelope with the
27 signature and information contained in the respective requests for
28 mail-in ballots. In addition, as to mail-in ballots issued less than
29 seven days prior to an election, the county board of elections shall
30 also check to establish that the mail-in voter did not vote in person.
31 The county board shall reject such a ballot if it is not satisfied,
32 pursuant to a comparison with the Statewide voter registration
33 system, that the voter is legally entitled to vote and that the ballot
34 conforms with the requirements of this act.

35 In the case of a mail-in ballot to be voted at a [presidential
36 primary election or a] primary election for the general election, the
37 ballot shall be rejected if the mail-in voter has indicated in the
38 certificate the voter's intention to vote in a primary election of any
39 political party in which the voter is not entitled to vote according to
40 the Statewide voter registration system, and if it shall appear from
41 the record that the voter is not entitled to vote in a primary election
42 of the political party which has been so indicated.

43 Any mail-in ballot which is received by a county board of
44 elections shall be rejected if both the inner and outer envelopes are
45 unsealed or if either envelope has a seal that has been tampered
46 with.

47 Disputes about the qualifications of a mail-in voter to vote or
48 about whether or not or how any mail-in ballot shall be counted in

1 such election shall be referred to the Superior Court for
2 determination.

3 After such investigation, the county board of elections shall
4 detach or separate the certificate from the inner envelope containing
5 the mail-in ballot, unless it has been rejected by it or by the
6 Superior Court, marking the envelope so as to identify the election
7 district in which the ballot contained therein is to be voted as
8 indicated by the voter's home address appearing on the certificate
9 attached to or accompanying the inner envelope and, in the case of
10 ballots to be voted at a primary election for a general election, so as
11 to identify the political party in the primary election of which it is
12 to be voted.

13 The location at which a county board of elections determines
14 whether a mail-in ballot shall be accepted or rejected shall be
15 considered an election district for the purposes of appointment of
16 challengers.

17 (cf: P.L.2009, c.79, s.17)

18

19 57. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
20 read as follows:

21 22. On the day of each election each county board of elections
22 shall open in the presence of the commissioner of registration, or
23 the designee thereof, the inner envelopes that contain the mail-in
24 ballots with the votes cast for the election. The inner envelopes
25 containing the ballots that the board or the Superior Court has
26 rejected shall not be so opened, but shall be retained as provided for
27 by this act. The board shall then proceed to canvass the votes cast
28 on the mail-in ballots, but no such ballot shall be counted in any
29 **【presidential primary election or】** primary election for the general
30 election if the ballot of the political party marked for voting thereon
31 differs from the designation of the political party in the primary
32 election of which such ballot is intended to be voted as marked on
33 the envelope by the county board of elections.

34 Immediately after the canvass is completed, the respective
35 county boards of election shall certify the result of the canvass to
36 the county clerk or the municipal or district clerk or other
37 appropriate officer, as the case may be, showing the result of the
38 canvass by municipality and ward. The votes thus canvassed shall
39 be counted in determining the result of the election.

40 The county board of elections shall, immediately after the
41 canvass is completed for any primary election, certify the results of
42 the votes cast for members of the county committees to the
43 respective municipal clerks, and those votes shall be counted in
44 determining the result of the election.

45 (cf: P.L.2009, c.79, s.22)

46

47 58. Section 23 of P.L.2009, c.79 (C.19:63-23) is amended to
48 read as follows:

1 23. As soon as practicable after each election, the board of
2 elections shall mark in the Statewide voter registration system and
3 all duplicate voting records to show that mail-in ballots were
4 delivered or forwarded to the respective registered voters. For each
5 mail-in ballot that has been voted, received and counted, the board
6 of elections shall also, by reference to the certificates removed from
7 the inner envelopes of such ballots, place the word "Voted" in the
8 space provided in the Statewide voter registration system and
9 duplicate voting record for recording the ballot number of the
10 voter's ballot in the election. In the case of **[a presidential primary**
11 **election or]** the primary election for the general election, the board
12 shall also cause to be noted in the proper space of the Statewide
13 voter registration system or other record of voting form the first
14 three letters of the name of the political party primary in which such
15 ballot was voted. The record contained in the Statewide voter
16 registration system and of voting forms in the original permanent
17 registration binders shall be conformed to the foregoing entries in
18 the duplicate forms.

19 (cf: P.L.2009, c.79, s.23)

20

21 59. R.S.40:20-9 is amended to read as follows:

22 40:20-9. The election provided for in section 40:20-8 of this title
23 shall be deemed, so far as the question of the acceptance or
24 rejection of sections 40:20-2 to 40:20-19 of this title is concerned,
25 to be a special election, and shall be conducted by the county and
26 district boards of registry and election in the same manner as other
27 elections.

28 Notice of the election shall be given at the time and in the
29 manner required for the primary election held on the same day, and
30 the same boxes shall be used for the purposes of this election as are
31 to be used for the purposes of the primary election, except that
32 there shall be provided in each polling place, in addition to the
33 boxes provided by law, a box to be known as the "nonpartisan
34 box" .

35 Any person entitled to vote at the **[presidential]** primary election
36 for the general election, and any person who would be entitled to
37 vote at the **[presidential]** primary if he were a member of one of
38 the two political parties for which primary boxes are provided, may
39 vote hereunder on that day.

40 Transfers shall be issued as provided by the laws relating to
41 elections.

42 (cf: R.S.40:20-9)

43

44 60. R.S.40:20-18 is amended to read as follows:

45 40:20-18. The district boards of registry and elections shall
46 make returns of the election held under sections 40:20-8 to 40:20-
47 13 of this Title in the case of elections held on **[presidential]**

1 primary election for the general election day, in the manner
2 provided by law for making returns in cases of special elections,
3 and in the case of elections held on the day of a general election, in
4 the manner provided by law for making returns of general
5 elections.

6 The statements of the results of each election held hereunder
7 shall be transmitted by the district boards of registry and elections
8 to the officers designated by law for the purpose, and the votes shall
9 be canvassed and determined by the county board of elections in the
10 manner provided by law, and it shall certify the result to the county
11 clerk.

12 (cf: P.L.1948, c.5, s.2)

13

14 61. Section 11 of P.L.2007, c.62 (C.40A:4-45.46) is amended to
15 read as follows:

16 11. a. (Deleted by amendment, P.L.2009, c.44)

17 b. (1) The governing body of a local unit may request approval,
18 through a public question submitted to the legal voters residing in
19 its territory to increase the amount to be raised by taxation by more
20 than the allowable adjusted tax levy. Approval shall be by an
21 affirmative vote of in excess of 50 percent of the people voting on
22 the question at the election. The local unit budget proposing the
23 increase shall be introduced and approved in the manner otherwise
24 provided for budgets of that local unit at least 20 days prior to the
25 date on which the referendum is to be held, and shall be published
26 in the manner otherwise provided for budgets of the local unit at
27 least 12 days prior to the referendum date, unless otherwise directed
28 by the Director of the Division of Local Government Services in the
29 Department of Community Affairs.

30 (2) The public question to be submitted to the voters at the
31 referendum shall state only the amount by which the adjusted tax
32 levy shall be increased by more than the otherwise allowable
33 adjusted tax levy, and the percentage rate of increase which that
34 amount represents over the allowable adjusted tax levy. The public
35 question shall include an accompanying explanatory statement that
36 identifies the changes in appropriations or revenues that warranted
37 the governing body's decision to ask the public question; or, in the
38 alternative and subject to the approval of the Director of the
39 Division of Local Government Services in the Department of
40 Community Affairs, a clear and concise narrative explanation of the
41 circumstances for the increased adjusted tax levy being proposed.

42 (3) Unless otherwise provided pursuant to section 1 of P.L.1989,
43 c.31 (C.40A:4-5.1), a referendum conducted pursuant to this
44 subsection shall be held:

45 (a) for calendar year budgets only on the fourth Tuesday in
46 January and the second Tuesday in March other than in a year when
47 a **[presidential]** primary election for the general election occurs, in
48 which case no such election on that date may be called; and

1 (b) for fiscal year budgets, only the last Tuesday in September,
2 or the second Tuesday in December;
3 provided, however, that no referendum shall be held on the same
4 day as a referendum to exceed the school district levy cap.

5 (4) Any decision of the voters rejecting an increase to the tax
6 levy cap under this subsection shall be final and conclusive, and no
7 appeal or review shall be taken therefrom and no waiver application
8 shall be made to the Local Finance Board.

9 (5) The director is authorized to act as necessary in order to
10 consolidate ballot questions and procedures when a governing body
11 elects to hold a referendum under both this section and section 9 of
12 P.L.1983, c.49 (C.40A:4-45.16).

13 c. (Deleted by amendment, P.L.2010, c.44)

14 d. The adjusted tax levy shall be increased or decreased
15 accordingly whenever the responsibility and associated cost of an
16 activity performed by a local unit is transferred to or from a local
17 unit, other government entity, or other service provider.

18 (cf: P.L.2010, c.44, s.10)

19

20 62. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to
21 read as follows:

22 8. Within 2 weeks immediately following the filing of the
23 certified report by the ward commissioners, the municipal clerk
24 shall cause to be published at least once in at least one newspaper
25 generally circulating in the municipality a notice of the ward
26 boundaries as fixed and determined in the report.

27 Upon completion of the publication, the former wards, if any,
28 shall be superseded, and thereafter all officers elected or appointed
29 in the municipality for or representing the wards thereof shall be
30 elected from, or appointed for, the wards fixed and determined by
31 the ward commissioners; except that, in municipalities wherein
32 municipal officers are elected at the general election held on the
33 first Tuesday after the first Monday in November, if the publication
34 shall be completed in a year in which municipal officers are elected
35 during the period between the date [165] 75 days before the
36 primary election for the general election and the date of the general
37 election, the wards so fixed and determined shall take effect on the
38 day following the holding of that general election; and, in
39 municipalities wherein municipal officers are elected at a regular
40 municipal election held on the second Tuesday in May, if the
41 publication shall be completed in a year in which municipal officers
42 are elected during the period between the date 75 days before the
43 regular municipal election and the date of the election, the wards so
44 fixed and determined shall take effect on the day following the
45 holding of that regular municipal election.

46 (cf: P.L.2005, c.136, s.63)

47

48 63. This act shall take effect immediately.

1 STATEMENT

2

3 This bill eliminates the separate presidential primary election
4 held in February of presidential election years. It provides, instead,
5 that delegates and alternates to national conventions of political
6 parties will be elected at the regular June primary election, which
7 was the practice prior to the enactment of P.L.2005, c.136. This
8 change would save the State between \$8 million and \$10 million
9 every four years.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 2883

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2011

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate, No. 2883.

This bill eliminates the separate presidential primary election held in February of presidential election years. It provides, instead, that delegates and alternates to national conventions of political parties will be elected at the regular June primary election, which was the practice prior to the enactment of P.L.2005, c.136.

As amended by the committee, the bill: 1) contains several sections that have been updated due to the enactment of P.L.2011, c.37 on March 2, 2011, which changed the date by which mail-in ballots must be ready to be transmitted to the voters; and 2) clarifies that for municipalities with calendar year budgets, cap elections could occur only on the fourth Tuesday in January and the second Tuesday in March, irrespective of the date of the primary election.

This bill is identical to Assembly Bill No. 3777 of 2011.

COMMITTEE AMENDMENTS

The committee amended the bill to: 1) update the text of several sections of the bill due to the enactment of P.L.2011, c.37 on March 2, 2011, which changed the date by which mail-in ballots must be ready to be transmitted to the voters; and 2) clarify that for municipalities with calendar year budgets, cap elections could occur only on the fourth Tuesday in January and the second Tuesday in March, irrespective of the date of the primary election.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2883

STATE OF NEW JERSEY

DATED: JUNE 27, 2011

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2883 (1R).

This bill eliminates the separate presidential primary election held in February of presidential election years. The presidential primary would be held, instead, at the same time as the regular primary election on the first Tuesday after the first Monday in June, which was the practice prior to the enactment of P.L.2005, c.136.

As reported, this bill is identical to Assembly Bill No. 3777 (1R), as also reported by the committee.

FISCAL IMPACT:

In the Fiscal Note on the identical Assembly bill as introduced, the Executive estimates that the elimination of the presidential primary election on the last Tuesday in February 2012 would result in a saving to the State General Fund and to local government entities of approximately \$12 million. This estimate is based on the actual expenditures for the presidential primary held in this State in 2008, which were \$11.8 million. The Office of Legislative Services (OLS) concurs with the Executive estimate.

The Executive estimate did not specify the areas where the expenditure reductions for the State or for local governments would occur, or how much money each would save. The OLS notes that it is likely that savings may be primarily in two areas: (1) the expenses of the counties and municipalities which administer the election, and (2) the salaries of poll workers conducting the election. Specifically, reductions would be realized in the costs for ballot printing and postage, processing, legal advertising, polling place rental and voting machine delivery. Also, the cost of poll workers' salaries would be eliminated because there would be no need for four poll workers at each polling place. Pursuant to current law, such salary costs are divided between the counties and the State, with counties paying \$75 of each poll worker's salary and the State paying \$125 of each poll worker's salary.

FISCAL NOTE
[First Reprint]
SENATE, No. 2883
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: JUNE 30, 2011

SUMMARY

Synopsis: Eliminates separate presidential primary election; provides for delegates and alternates to political party national conventions to be elected at regular June primary election.

Type of Impact: Expenditure Reduction – State General Fund
Expenditure Reduction – Local Government Funds

Agencies Affected: Department of State; Counties and Municipalities

Executive Estimate

Fiscal Impact	<u>FY 2012</u>
State Savings	See comments below
Local Savings	See comments below
Total	\$12,000,000

- The Office of Legislative Services **concurs** with the Executive estimate.
- Eliminates the separate presidential primary election held every four years on the last Tuesday in February. The presidential primary would be held, instead, at the same time as the regular primary election on the first Tuesday after the first Monday in June.
- The Executive Branch estimate is based on the actual expenditures for the presidential primary election held in FY2008, which were \$11.8 million.

BILL DESCRIPTION

Senate Bill No. 2883 (1R) of 2011 eliminates the separate presidential primary election held in February of presidential election years. It provides, instead, that delegates and alternates to national conventions of political parties will be elected at the regular June primary election, which was the practice prior to the enactment of P.L.2005, c.136.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive Branch estimates that the elimination of the presidential primary election on the last Tuesday in February 2012 would result in a saving to the State General Fund and to local government entities of approximately \$12 million. This estimate is based on the actual expenditures for the presidential primary held in this State in 2008, which were \$11.8 million.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate and notes that it is in line with a fiscal note the OLS prepared in 2005 for Assembly, No. 30 ACS. When enacted as P.L.2005, c.136, that substitute bill established the separate presidential primary on the last Tuesday in February. The OLS estimate projected that the cost for the presidential primary election in FY 2012 would cost approximately \$11 million.

The Executive estimate did not specify the areas where the expenditure reductions for the State or for local governments would occur, or how much money each would save. It is likely, however, that money would be saved primarily in two areas: the expenses of the counties and municipalities which administer the election and the salaries of poll workers conducting the election. Specifically, reductions would be realized in the costs for ballot printing and postage, processing, legal advertising, polling place rental and voting machine delivery. The cost of poll workers' salaries would be also be eliminated because there would be no need for four poll workers at each polling place or to pay their salaries. Pursuant to current law, such salary costs are divided between the counties and the State, with the former paying \$75 of each poll worker's salary and the latter paying \$125 of each poll worker's salary.

Section: State Government
Analyst: Frank J. Parisi
Principal Research Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Acting Governor Kim Guadagno Signs Legislation to Return New Jersey to a Single June Primary

Monday, September 26, 2011 Tags: [Budget and Spending](#)

State and Local Taxpayers Will Save Approximately \$12 Million

Trenton, NJ – Demonstrating a commitment to New Jersey’s state and local taxpayers, Acting Governor Kim Guadagno today signed bipartisan legislation to provide for a single June primary election in 2012, inclusive of New Jersey’s presidential primary.

The bill, A-3777, eliminates an additional, stand-alone presidential primary election in February, providing for the election of delegates and alternates to political party national conventions to occur at the regular June primary election. State and local governments are anticipated to experience total savings of approximately \$12 million, primarily from the elimination of costs such as poll worker salaries, ballot printing and postage, polling place rental and other election-related costs.

“During ‘Super Tuesday’ in February 2008, New Jersey was among 24 other states that held their presidential primaries and caucuses. The benefits to New Jersey of holding a stand-alone election in February for the presidential primary were offset by the number of other states that opted for an early February primary, as well as the additional cost to taxpayers of holding a separate election,” said Acting Governor Kim Guadagno, who also serves as the Secretary of State. “Returning our state to a single June primary election in 2012 is a commonsense move that will provide meaningful savings to the state and local taxpayers without diminishing New Jersey’s role in the presidential nomination process.”

Acting Governor Guadagno also noted the ease and convenience of the vote-by-mail process in New Jersey. Registered voters across the state can vote-by-mail for any reason for municipal, county, state and federal offices by completing a downloadable application off the Division of Elections website at www.NJElections.org. Applications are available in both English and Spanish, and must be received by the resident’s County Clerk seven days prior to the election. A voter may also apply in-person to the County Clerk until 3:00 p.m. the day prior to an election. The deadline to register for the upcoming November 8 general election is October 18.

A-3777/S-2883 was sponsored by Assemblymembers Thomas Giblin (D-Essex, Passaic), Bonnie Watson Coleman (D-Mercer), John Wisniewski (D-Middlesex) and Joe Cryan (D-Union), and Senators Donald Norcross (D-Camden, Gloucester) and Kevin O’Toole (R-Bergen, Essex, Passaic). The New Jersey Association of Election Officials, and numerous county clerks and both the New Jersey League of Municipalities and the New Jersey Association of Counties supported the bill.

Press Contact:
Michael Drewniak
Kevin Roberts
609-777-2600

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.

SHARE   