

19:31A-8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 19:31A-8, 19:50-3

(Voting--persons unable to read or write--provide assistance)

LAWS OF: 1985

CHAPTER: 20

Bill No: S1782

Sponsor(s): Dumont

Date Introduced: May 14, 1984

Committee: **Assembly:** State Government, Civil Service, Elections, Pensions and Veterans Affairs

Senate: State Government, Federal & Interstate Relations and Veterans Affairs

Amended during passage: No

Date of Passage: **Assembly:** Dec. 13, 1984

Senate: Jul. 30, 1984

Date of Approval: January 25, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

CHAPTER 20 LAWS OF N. J. 1985
APPROVED 1-25-85

SENATE, No. 1782

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Senator DUMONT

Referred to Committee on State Government, Federal and Interstate
Relations and Veterans Affairs

AN ACT concerning voters who by reason of an inability to read or
write may need assistance and amending P. L. 1944, c. 230 and
R. S. 19:50-3.

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

1 1. Section 2 of P. L. 1944, c. 230 (C. 19:31A-8) is amended to
2 read as follows:

3 2. Every person qualified to vote in any election shall at any time
4 after the opening of the polls be at liberty to enter the polling place
5 or room and claim his right to vote at such election in his proper
6 district, and he shall claim such right in person before the district
7 board in the district. The board shall permit no person to vote
8 whose name does not appear in the signature copy register of its
9 election district. Each voter in claiming the right to vote shall first
10 give his full name and address to the member of the district board
11 having charge of the duplicate permanent registration binder and
12 voting record and the signature comparison record. Such clerk shall
13 thereupon locate the permanent registration form and voting record
14 and signature comparison record of the voter and shall require the
15 voter to thereupon sign his name in the proper space on his signa-
16 ture comparison record if the voter has previously signed his name
17 on the line marked sample signature. If the voter has not so signed
18 the member of the district board shall require the voter to sign the
19 line marked sample signature and compare the sample signature
20 with the signature made by such person at the time he registered

**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 printed in italics *thus* is new matter.

21 and if satisfied that they were made by one and the same person he
22 shall then permit the voter to sign his name in the proper space on
23 the signature comparison record. The voter shall sign his name
24 without assistance using black ink in the proper column on the
25 signature comparison record. Such signature being completed on
26 the signature comparison record the member of the board having
27 charge of the duplicate permanent registration binder shall audibly
28 and publicly announce the name of the claimant and if the member
29 of the board has ascertained from the duplicate permanent regis-
30 tration binder that the claimant is registered as a qualified voter
31 and upon comparison the member of the board is satisfied that the
32 signature of the claimant and the sample signature on the signature
33 copy register has been made by one and the same person, the mem-
34 ber of the board who compared the signature of the voter shall
35 place his initials in the proper column on the signature comparison
36 record signifying that he has made such comparison and is satisfied
37 that the signature of the claimant and sample signature has been
38 made by one and the same person; whereupon the voter shall be
39 eligible to receive a ballot unless it be shown to the satisfaction of
40 a majority of the members of the district board that he is not en-
41 titled to vote in the district or has otherwise become disqualified.

42 In addition to signing the signature comparison record and after
43 the comparison of the signature with the signature in the register,
44 a person offering to vote at a primary election for the general elec-
45 tion shall announce his name and the party primary in which he
46 wishes to vote.

47 After a person has voted, the member of the district board having
48 charge of the signature copy registers shall place the number of the
49 person's ballot in the proper column on the record of voting form
50 of such person, which number shall constitute a record that the
51 person has voted. In the case of a primary election for the general
52 election such member of the district board shall also place in the
53 proper column on the record of voting form the first three letters
54 of the name of the political party whose primary ballot such person
55 has voted.

56 No person shall be required to sign the signature comparison
57 record as a means of identification if he shall have been unable to
58 write his name when he registered, or if, having been able to write
59 his name when registered, he subsequently shall have lost his sight
60 or lost the hand with which he was accustomed to write or shall by
61 reason of disease or accident be unable to write his name when he
62 applies to vote, but each such person who alleges his inability to
63 sign his name on the signature comparison record, shall establish

64 his identity as follows: one of the members of the district board
65 shall read the same list of questions to the voter as were required
66 upon registration, such questions shall be provided at each election
67 by the commissioner of registration and are to be known as "identi-
68 fication statements for election day." The member of the board
69 shall write the answers of the voter upon the identification state-
70 ment. These statements shall be inserted in the front of the dupli-
71 cate registry binders, at each election, and shall be numbered serially
72 from one to twenty.

73 Each statement shall contain the same questions as the voter was
74 required to answer upon registration. The questions answered upon
75 registration shall not be turned to or inspected until the answers
76 to the questions shall have been written on election day by the mem-
77 ber of the board.

78 At the end of each list of questions shall be printed the following
79 statement: "I certify that I have read to the above named voter
80 each of the foregoing questions and that I have duly recorded his
81 answers as above to each of said questions." and the member of
82 the board who has made the above record shall sign his name to
83 such certificate and date the same, and note the time of day of
84 making such record. If the answers to the questions asked of the
85 voter on election day agree with the answers given by him to the
86 same questions at the time he registered, he shall then be eligible
87 to receive a ballot. Any person who shall permit or attempt to
88 furnish the answers on behalf of the voter shall be guilty of a mis-
89 demeanor. The commissioner of registration shall furnish sufficient
90 identification statements for each election district in each county.
91 The statements shall be printed on sheets approximately ten by
92 sixteen inches and shall contain a margin of approximately two
93 inches for binding and shall be inserted in the front of the duplicate
94 registry binders each election and shall be in substantially the
95 following form:

IDENTIFICATION STATEMENT FOR				ELECTION DAY,		19
Ballot Number	Name of Voter	What is or was your father's full name?	What is or was your mother's full name?	Are you married or single?	Where Did You Actually Reside Prior to Taking US State and Clerical Examinations?	I Certify that I have read to him the questions and that I have truly recorded his answer to each of the said questions
1A						Signature of Member of the Board of Registry and Election.
2A						Signature of Member of the Board of Registry and Election.
3A						Signature of Member of the Board of Registry and Election.
4A						Signature of Member of the Board of Registry and Election.
5A						Signature of Member of the Board of Registry and Election.
6A						Signature of Member of the Board of Registry and Election.
7A						Signature of Member of the Board of Registry and Election.
8A						Signature of Member of the Board of Registry and Election.
9A						Signature of Member of the Board of Registry and Election.
10A						Signature of Member of the Board of Registry and Election.
11A						Signature of Member of the Board of Registry and Election.
12A						Signature of Member of the Board of Registry and Election.
13A						Signature of Member of the Board of Registry and Election.
14A						Signature of Member of the Board of Registry and Election.
15A						Signature of Member of the Board of Registry and Election.
16A						Signature of Member of the Board of Registry and Election.
17A						Signature of Member of the Board of Registry and Election.
18A						Signature of Member of the Board of Registry and Election.
19A						Signature of Member of the Board of Registry and Election.

96 At any election any person who declares under oath and estab-
 97 lishes to the satisfaction of a majority of all the members of the
 98 district board, that by reason of *an inability to read or write*, blind-
 99 ness or other physical disability he is unable to mark his ballot
 100 without assistance, shall have the assistance of two members of the
 101 board of opposite political faith, to be assigned by the board, in
 102 preparing his ballot. Such members shall retire with such voter
 103 to the booth and assist him in the preparation of his ballot and
 104 folding the same. The member acting as clerk of the district board
 105 shall make an entry on a disability certificate for assistance which
 106 entry shall be in the form of an oath and be inserted in the front
 107 of the duplicate registry binders each election.

108 In every instance when such oath was administered to a voter
 109 as herein provided, it shall state briefly what facts were sworn to
 110 and the names of the members of the board who aided such voter.

111 Any members of the district board shall be eligible to witness the
112 preparation of the ballot of any such voter, but no other person
113 shall be allowed to assist him in marking his ballot or to witness
114 the marking of the same. No member of the board shall reveal the
115 name of any person for whom such voter has voted, or anything
116 that took place while he was being assisted.

117 **[The]** *Such* voter, if blind, *disabled, or unable to read or write*
118 may, in lieu of the assistance of the board as above provided, have
119 assistance of some person of his own selection in preparing his
120 ballot. Such person shall retire with such voter to the booth and
121 assist him in the preparation of his ballot and folding the same.
122 The name and address of such person shall be recorded as above.
123 In such case, no other person than the one so selected by the voter
124 shall be allowed to assist such voter in marking his ballot or witness
125 the marking of the same. No person so selected shall reveal the
126 name of any person for whom such voter has voted or anything
127 that took place while he was being assisted.

128 The disability certificates shall be numbered serially one to
129 twenty. The commissioner of registration shall furnish sufficient
130 disability certificates for assistance for each election district in his
131 county. The disability certificates for assistance shall be printed
132 on sheets approximately ten by sixteen inches and shall contain a
133 margin of approximately two inches for binding and shall be in
134 substantially the following form:

DISABILITY CERTIFICATES FOR ASSISTANCE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20				
Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____		Name (Print Name) _____ No. (Verify No.) _____ Do you solemnly swear (or affirm) that you are (physical disability) _____					
I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.		I (Witness) _____ and that by reason thereof, you are unable to vote and remain in a book, or prepare your ballot through the voting at this election, without assistance as help as God.			
Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____		Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____ Name of member of Board of Registry and Election taking oath _____	
Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____		Name of voter containing blind voter _____ Address of voter containing blind voter _____			

135 The commissioner of registration in each county shall furnish
 136 sufficient certificates of signature comparison records for each elec-
 137 tion district in his county to be filled in and signed at the close of
 138 the polls by the members of the district board. A blank space shall
 139 also be provided for on the certificate for the signatures of the
 140 members of the election board. Under said certificate there shall
 141 also be printed the word "Remarks" together with a number of
 142 blank lines. The commissioner shall insert one of such certificates
 143 in the front of the signature copy register in each election district
 144 in the county. At primary elections the certificate shall be in sub-
 145 stantially the following form:

PRIMARY ELECTION

CERTIFICATION OF SIGNATURE COMPARISON RECORD

146 The undersigned constituting the district board of election in
 147 the County of _____ in the _____
 (City, Town, Township,
 Borough or Village)
 148 _____ Ward _____ District hereby

149 certify that (.....) is the correct total of the number of
(Figures)

150 names of voters who actually signed the signature comparison
151 records and voted in the DEMOCRATIC PRIMARY ELECTION held on the
152 day of 194....

153 And hereby certify that (.....) is the correct total of
(Figures)

154 the number of names of voters who actually signed the signature
155 comparison records and voted in the REPUBLICAN PRIMARY ELECTION
156 held on the day of 194....

157 Judge Clerk.
DISTRICT

158 Inspector Clerk.
BOARD OF
ELECTION

159 Remarks:
160
161
162
163
164

165 At all other elections the certificates shall be in substantially the
166 following form:

CERTIFICATION OF SIGNATURE COMPARISON RECORD

167 The undersigned constituting the district board of election in
168 the County of in the
(City, Town, Township,
Borough or Village)

169 Ward District hereby
170 certify that (.....) is the correct total of the number of
(Figures)

171 names of voters who actually signed the signature comparison
172 records and voted in the
(General, Special or other Election as the
case may be)

173 election held on the day of , 194....
DISTRICT

174 Judge Clerk.
BOARD OF

175 Inspector Clerk.
ELECTION

176 Remarks :
 177
 178
 179
 180
 181

182 After each election the commissioner of registration shall re-
 183 move from the binders the identification statements, the disability
 184 certificates for assistance, and certifications of signature compari-
 185 son records and shall preserve them in his office in a suitable place
 186 for a period of two years.

1 2. R. S. 19:50-3 is amended to read as follows :

2 19:50-3. For instructing the voters on any election day there
 3 shall, so far as practicable, be provided by the county board of
 4 elections or the superintendent of elections or the municipal clerk,
 5 as the case may be, having custody of voting machines, for each
 6 polling place a mechanically operated model of a portion of the
 7 face of the machine. Such model, if furnished, shall, during the
 8 election, be located on the district election officers' table or in some
 9 other place which the voters must pass to reach the machine, and
 10 each voter shall, before entering the voting machine booth, be
 11 instructed regarding the operation of the machine and such instruc-
 12 tion illustrated on the model, and the voter given opportunity to
 13 personally operate the model. The voter's attention shall also be
 14 called to the diagram of the face of the machine so that the voter
 15 can become familiar with the location of the questions and the
 16 names of the officers and candidates. If any voter, before entering
 17 the voting machine booth, declares under oath, and establishes
 18 to the satisfaction of a majority of all the members of the district
 19 board that by reason of *an inability to read or write*, blindness or
 20 other physical disability he is unable to cast his vote without
 21 assistance, he shall have the assistance of two members of the
 22 board of opposite political faith, to be assigned by the board. Such
 23 members shall retire with such voter to the booth and assist him.
 24 The member acting as clerk of the district board shall make an entry
 25 on a disability certificate for assistance, which entry shall be on
 26 the form of an oath inserted in the front of the duplicate registry
 27 binders at each election.

28 In every instance when such oath is administered to a voter as
 29 herein provided, it shall state briefly what facts were sworn to and
 30 the names of the members of the board who aided such voter shall
 31 be signed on the form. Any members of the district board shall
 32 be eligible to assist any such voter, but no other person except as

33 hereinafter provided shall be allowed to assist him. No member
34 of the board shall reveal the name of any person for whom such
35 voter has voted, or anything that took place while he was being
36 assisted.

37 *Such voter if blind [or], disabled or unable to read or write*
38 **[voter]** may, in lieu of the assistance of the board as above pro-
39 vided, have assistance of some person of his own selection. Such
40 person shall retire with such voter to the booth and assist him in
41 voting. The name and address of such person shall be recorded
42 as above. In such case, no other person than the one so selected by
43 the voter shall be allowed to assist such voter. No person so
44 selected shall reveal the name of any person for whom such voter
45 has voted or anything that took place while he was being assisted.

46 The disability certificates shall be numbered serially 1 to 20. The
47 commissioner of registration shall furnish sufficient disability
48 certificates for assistance for each election district in his county
49 which shall be inserted in the front of the duplicate registry binders.

1 3. This act shall take effect immediately.

STATEMENT

This bill permits voters who are unable to read or write to receive assistance when voting. The bill encourages illiterate persons to take part in the electoral process and amends New Jersey law to conform to the tenor of federal law pursuant to 42 USCA 1973aa-6.

33 hereinafter provided shall be allowed to assist him. No member
34 of the board shall reveal the name of any person for whom such
35 voter has voted, or anything that took place while he was being
36 assisted.

37 *Such voter if blind [or], disabled or unable to read or write*
38 **[voter]** may, in lieu of the assistance of the board as above pro-
39 vided, have assistance of some person of his own selection. Such
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51782 (1985)

ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,
ELECTIONS, PENSIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 1782

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

This bill amends the law governing the paper balloting and machine balloting procedures in an election to allow voters who are unable to read or write to receive assistance in the preparation of their ballots. Under current law, such assistance is authorized only in the case of blind or otherwise physically disabled voters.

COMMITTEE ACTION:

The committee reported the bill favorably.

BILLS SIGNED
PAGE TWO
JANUARY 25, 1985

S-1782, sponsored by State Senator Wayne Dumont, Jr., R-Warren, which permits assistance for voters who are unable to read or mark their ballot without assistance.

S-2114, sponsored by State Senator John P. Caufield, D-Essex, which grants to the Department of Community Affairs the authority to enforce, locally, the State Uniform Construction Code, and to prosecute violators of the code, or of the State Uniform Construction Code Act. It also allows the Commissioner of Community Affairs to monitor the compliance of local enforcing agencies and order corrective action.

A-1152, sponsored by Assemblyman Thomas J. Deverin, D-Middlesex, which amends the law regulating mortgage bankers and brokers to permit the use of bank checks to pay the proceeds of a mortgage loan to a buyer prior to the mortgage closing transaction. Previously, the law permitted only the use of a certified or cashiers check or an electronic transfer.

A-2282/S-2257, sponsored by Assemblyman John S. Watson, D-Mercer, and State Senator Gerald R. Stockman, D-Mercer, which exempts from the sales and use tax advertising and promotional materials prepared for distribution by a New Jersey direct mail firm to out-of-state customers.

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