

19:57-2 et al

LEGISLATIVE HISTORY CHECKLIST

(Revision of guidelines on assistance to civilian absentee voters)

NJSA 19:57-2 et al

LAWS 1981 CHAPTER 390

Bill No. A669

Sponsor(s) Baer

Date Introduced January 21, 1980

Committee: Assembly State Government, Federal & Interstate Relation & Veterans Affairs

Senate State Government, Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~No~~ Assembly Committee Substitute (OCR) enacted. Amendments denoted by asterisks

Date of Passage: Assembly July 28, 1980

Senate May 4, 1981

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Following statements are attached if available:

Sponsor statement Yes ~~No~~ Also attached: Senate amendment (adopted 3-23-81) with statement
Committee Statement: Assembly Yes ~~No~~
Senate Yes ~~No~~
Fiscal Note ~~Yes~~ No
Veto Message ~~Yes~~ No
Message on signing ~~Yes~~ No

Following were printed:

Reports Yes ~~No~~
Hearings Yes ~~No~~

974.901 New Jersey. Commission of Investigation.
183 Investigation of abuses in New Jersey's absentee ballot law.
1978 In: New Jersey. Commission of Investigation. Annual report.
10th, 1978, pp.45-211.
/This report contains excerpts from hearings held 12-14-78 and
12-15-78/

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ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 669

# STATE OF NEW JERSEY

ADOPTED JUNE 23, 1980

Sponsored by Assemblyman BAER

AN ACT concerning absentee voting, amending and supplementing the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211), and repealing R. S. 19:34-58 through R. S. 19:34-61.

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

1 1. Section 2 of P. L. 1953, c. 211 (C. 19:57-2) is amended to read  
2 as follows:

3 2. Whenever used in this act, the following terms shall, unless  
4 the context indicates otherwise, be construed to have the following  
5 meaning:

6 "Absentee ballot" means any military service ballot or civilian  
7 absentee ballot as herein defined.

8 "Absentee voter" means any person qualified to vote a military  
9 service ballot or a civilian absentee ballot under the provisions of  
10 this act.

11 "Armed Forces of the United States" means any branch or  
12 department of the United States Army, Navy, Air Force, Coast  
13 Guard or Marine Corps.

14 "Civilian absentee ballot" means a ballot for use by a civilian  
15 absentee voter as prescribed by this act.

16 "Civilian absentee voter" means any qualified and registered  
17 voter of the State who expects to be absent from the State on the  
18 day of any election and any qualified and registered voter who will  
19 be within the State on the day of any election but because of illness  
20 or physical disability, including blindness or pregnancy, or because  
21 of the observance of a religious holiday pursuant to the tenets of  
22 his religion, or because of resident attendance at a school, college  
23 or university, or because of the nature and hours of his employment,  
24 will be unable to cast his ballot at the polling place in his election  
25 district on the day of the election.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

26 "Election," "general election," "primary election for the general  
27 election," "municipal election," and "special election" shall mean,  
28 respectively, such elections as defined in the Title to which this is a  
29 supplement (R. S. 19:1-1 et seq.).

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

35 "*Incapacitated absentee voter*" means a voter who, due to in-  
36 capacity, is unable to complete his ballot.

37 "Military service" means active service by any person, as a  
38 member of any branch or department of the United States Army,  
39 Navy, Air Force, Coast Guard or Marine Corps, or as a reservist  
40 absent from his place of residence and undergoing training under  
41 Army, Navy, Air Force, Coast Guard or Marine Corps direction, at  
42 a place other than that of such person's residence.

43 "Military service voter" means a qualified elector under the  
44 Constitution and the laws of this State who comes within one of the  
45 following categories:

46 (a) Persons in the military service and their spouses and de-  
47 pendants.

48 (b) Patients in a veterans' hospital located in any place other  
49 than the place of their residences who have been in the military  
50 service in any war in which the United States has been engaged and  
51 have been discharged or released from such service.

52 (c) Civilians attached to or serving with the Armed Forces of the  
53 United States without this State and their spouses and dependents  
54 when residing with or accompanying them.

55 "Military service ballot" means a ballot for use by a military  
56 service voter as prescribed by this act.

1 2. Section 4 of P. L. 1953, c. 211 (C. 19:57-4) is amended to read  
2 as follows:

3 4. At any time not less than 7 days prior to an election in which  
4 he desires to vote by mail, a civilian absentee voter may apply to  
5 the person designated in section 6 of this act, for a civilian absentee  
6 ballot. Such application or request shall be made in writing, shall  
7 be signed by the applicant and shall state his or her place of voting  
8 residence and the address to which said ballot shall be sent, and  
9 the reason for which the ballot is requested.

10 Any military service voter desiring to vote in any election or any  
11 relative or friend of a military service voter who believes that such  
12 voter will desire to vote in any election, may apply to the person

13 designated in section 6 of this act for a military service ballot to be  
14 sent to such voter.

15 Any civilian absentee voter who fails to apply within the 7-day  
16 time prescribed above may apply in person to the county clerk  
17 for an absentee ballot on any day up to 3 p.m. of the day before the  
18 election.

19 In the event of sickness or confinement, the qualified voter may  
20 apply in writing for and obtain an absentee ballot by authorized  
21 messenger, *who shall be so designated over the signature of the*  
22 *voter and whose printed name and address shall appear on the*  
23 *application in the space provided. The authorized messenger shall*  
24 *be a family member or a registered voter of the county in which the*  
25 *application is made and shall place his signature on the application*  
26 *in the space so provided in the presence of the county clerk or his*  
27 *designee. The county clerk or his designee shall authenticate the*  
28 *signature of the authorized messenger, in the event such a*  
29 *messenger is other than a family member, by comparing it with the*  
30 *signature of the said person appearing on \***[the permanent regis-***  
31 *tration form]\* \*a State of New Jersey driver's license, or other*  
32 *identification issued or recognized as official by the Federal Govern-*  
33 *ment, the State, or any of its political subdivisions, which identifi-*  
34 *cation carries the full address and signature of said person\*. **[The]***  
35 *After the signature of the application and, when appropriate, au-*  
36 *thentication, the county clerk or his designee is authorized to de-*  
37 *liver to **[such]** the authorized messenger a ballot to be delivered*  
37A *to the qualified voter. The Secretary of State shall cause to be*  
37B *prepared a standard authorized messenger application form, which*  
37C *may be included with the standard civilian absentee ballot applica-*  
37D *tion forms.*

38 A voter who is permanently and totally disabled, and who states  
39 the reason for such disability in a request for an absentee ballot,  
40 shall be furnished an application for an absentee ballot by the  
41 county clerk for all future elections in which the voter shall be  
42 eligible to vote, without further request on the part of the voter.

1 3. Section 11 of P. L. 1953, c. 211 (C. 19:57-11) is amended to  
2 read as follows:

3 11. Each county clerk shall forward a military service ballot or  
4 a civilian absentee ballot, as the case may be, for use under this act  
5 by first-class mail or hand **[delivered]** *delivery* to each military  
6 service voter who applies therefor or on whose behalf application is  
7 made therefor, and whose application is approved in any case where  
8 approval is required under section 10 of this act, and to each civilian  
9 absentee voter whose request therefor has been approved. *Hand*

10 *delivery of an absentee ballot shall be made by the county clerk or*  
 11 *his designee only to the voter or his authorized messenger, who must*  
 12 *appear in person. Ballots that have not been hand delivered [to the*  
 13 *voter]* shall be addressed to the voter at the forwarding address  
 14 given in the application. All ballots to be forwarded to persons at an  
 15 address located within the limits of the states of Alaska and  
 16 Hawaii or anywhere else without the limits of the other 48 states  
 17 and the District of Columbia shall be forwarded by air mail.

18 Such ballots shall be so forwarded as soon as practicable after  
 19 the twenty-fifth day preceding the day upon which any election is  
 20 to be held.

1 4. Section 13 of P. L. 1953, c. 211 (C. 19:57-13) is amended to  
 2 read as follows:

3 13. Each absentee ballot to be used at any election shall conform  
 4 generally to the ballot to be used at said election in the absentee  
 5 voter's district but the ballots shall be plainly marked "Military  
 6 Service Ballot" or "Civilian Absentee Ballot," as the case may be.

7 *At the top of every absentee ballot there shall be printed or*  
 8 *stamped in a prominent size the following:*

9 *To protect your vote:*

10 *IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU*  
 11 *THE VOTER TO MARK OR INSPECT THIS BALLOT.*

12 *However, a family member may assist you in doing so. If you*  
 13 *are an incapacitated absentee voter, a person other than a family*  
 14 *member may also assist you in doing so.*

1 5. Section 16 of P. L. 1953, c. 211 (C. 19:57-16) is amended to  
 2 read as follows:

3 16. Each county clerk shall send, with each absentee ballot,  
 4 printed directions for the preparation and transmitting of absentee  
 5 ballots as required by this act [(which may be printed upon the  
 6 inner envelope)], *which shall be printed in such manner and form*  
 7 *as the Secretary of State shall require, together with two envelopes*  
 8 *of such sizes that one will contain the other.*

9 The outer envelope shall be addressed to the county board of  
 10 elections of the county in which is located the home address of the  
 11 person to whom the absentee ballot is sent, as certified by the  
 12 county clerk. *On the outside and front of each outer envelope, there*  
 13 *shall be printed or stamped the following:*

14 *To protect your vote:*

15 *IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU*  
 16 *THE VOTER TO MAIL OR TRANSPORT THIS BALLOT*  
 17 *UNLESS THE ENVELOPE IS SEALED AND THE FOLLOW-*  
 18 *ING IS COMPLETED.*

*Ballot mailed or transported by*

19 .....  
 (signature of bearer)

20 .....  
 (print name of bearer)

21 .....  
 (address of bearer)

22 The inner envelope shall be so designed that it can be sealed after  
 23 the absentee ballot has been placed therein and the flap thereof  
 24 shall be of such length and size as to leave sufficient margin, after  
 25 sealing, for the printing thereon of the certificate hereinafter de-  
 26 scribed. The flap shall be so arranged, that after the inner envelope  
 27 has been sealed, the certificate can be contained, with the said inner  
 28 envelope, in the outer envelope, and that the margin containing  
 29 the certificate can be detached without unsealing the inner envelope.

30 On the outside of each envelope in which an absentee ballot is  
 31 sent to an absentee voter, [and of each inner and outer envelope for  
 32 the return of such ballot] *by the county clerk*, there shall be printed  
 33 or stamped the words "Official Military Service Ballot" or "Official  
 34 Civilian Absentee Ballot" as the case may be. *In addition, there*  
 35 *shall be printed or stamped the following:*

36 *To protect your vote:*

37 *IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU*  
 38 *THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS*  
 39 *BALLOT.*

40 *However, a family member may assist you in doing so. If you*  
 41 *are an incapacitated absentee voter, a person other than a family*  
 42 *member may also assist you in doing so.*

43 The reserve side of each inner envelope shall contain the follow-  
 44 ing statement:

45 **[PENALTY FOR FRAUDULENT VOTING**

46 Any person who knowingly violates any of the provisions of  
 47 this act, or who, not being entitled to vote thereunder, fraudulently  
 48 votes or attempts to vote thereunder or enables or attempts to  
 49 enable another person, not entitled to vote thereunder, to vote  
 50 fraudulently thereunder or who prevents or attempts to prevent by  
 51 fraud the voting of any person legally entitled to vote under this  
 52 act, shall be guilty of a misdemeanor, and upon conviction thereof  
 53 shall be subject, in addition to such other penalties as are autho-  
 54 rized by law, to disenfranchisement unless and until pardoned or  
 55 restored by law to the right of suffrage. (P. L. 1953, c. 211, s. 37  
 56 (C. 19:57-37); P. L. 1964, c. 134, s. 33 (C. 19:58-33)).]

57 ANY PERSON MAY BE FINED AND IMPRISONED AND  
58 MAY ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED  
59 BY LAW if he attempts to vote fraudulently by absentee ballot,  
60 prevents the voting of a legal voter, certifies falsely any informa-  
61 tion, interferes with a person's secrecy of voting, tampers with  
62 ballots or election documents or helps another person to do so.

1 6. Section 17 of P. L. 1953, c. 211 (C. 19:57-17) is amended to  
2 read as follows:

3 17. Upon the said margin of said flap on the envelopes to be sent  
4 to military service voters there shall be printed a certificate in the  
5 following form:

6 CERTIFICATE OF MILITARY ABSENTEE VOTER

7 I, ....., whose  
(print your name clearly)

8 home address is .....  
(street address or R.D. number)

9 ....., DO HEREBY CERTIFY,  
(municipality)

10 subject to the penalties for fraudulent voting, that [I am a citizen  
11 of the United States, am over 18 years of age, and have been a  
12 resident of New Jersey for at least 30 days and the county of  
13 ..... for at least 30 days prior to the election.

14 I AM VOTING THIS BALLOT PURSUANT TO APPLICATION  
15 PREVIOUSLY FILED. I marked the enclosed ballot in secret.  
16 I certify the foregoing to be true to the best of my knowledge and  
17 belief.]

18 I am voting this ballot pursuant to application previously filed.  
19 I MARKED AND SEALED THIS BALLOT AND CERTIFI-  
20 CATE IN SECRET. However, a family member may assist you in  
21 doing so. If you are an incapacitated absentee voter, a person  
22 other than a family member may also assist you in doing so.

23 .....  
(signature of voter)

24 Any person providing assistance shall complete the following:  
25 I do hereby certify that I am the person who provided assistance  
26 to this voter and declare that I will maintain the secrecy of this  
27 ballot.

28 .....  
(signature of person providing  
assistance)

29 .....  
(printed name of person pro-  
viding assistance)

30 .....  
31 .....  
(address of person providing  
assistance)

32 (NOTE: MILITARY SERVICE VOTER CLAIMING MILI-  
33 TARY STATION AS HOME ADDRESS FOR VOTING PUR-  
34 POSES MAY NOT USE MILITARY ABSENTEE BALLOT  
35 UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY  
36 WHERE SUCH STATION IS LOCATED.)

37 Upon said margin of said flap on the inner envelopes to be sent  
38 to civilian absentee voters there shall be printed a certificate in the  
39 following form:

40 CERTIFICATE OF CIVILIAN ABSENTEE VOTER

41 I, ....., whose  
(print your name clearly)

42 home address is .....  
(street address or R.D. number)

43 ....., DO HEREBY CERTIFY,  
(municipality)

44 subject to the penalties for fraudulent voting, that [I am a citizen  
45 of the United States, am over 18 years of age, and have been a  
46 resident of New Jersey for at least 30 days and the county of  
47 ..... for at least 30 days prior to  
48 the election. I AM VOTING THIS BALLOT PURSUANT TO  
49 APPLICATION PREVIOUSLY FILED. I marked the enclosed  
50 ballot in secret. I certify the foregoing to be true to the best of  
51 my knowledge and belief.] *I am the person who applied for the en-  
52 closed ballot. I MARKED AND SEALED THIS BALLOT AND  
53 CERTIFICATE IN SECRET. However, a family member may  
54 assist you in doing so. If you are an incapacitated absentee voter, a  
55 person other than a family member may also assist you in doing so.*

56 .....  
(signature of voter)

57 *Any person providing assistance shall complete the following:*  
58 *I do hereby certify that I am the person who provided assistance*  
59 *to this voter and declare that I will maintain the secrecy of this*  
60 *ballot.*

61 .....  
(signature of person providing  
assistance)

62 .....  
(printed name of person pro-  
viding assistance)

63 .....  
64 .....

(address of person providing  
assistance)

1 7. Section 19 of P. L. 1953, c. 211 (C. 19:57-19) is amended to read  
2 as follows:



3 19. [In addition to the foregoing, the certificate to be used on the  
4 margin of the flap of the inner envelope forwarded with any  
5 absentee ballot intended to be voted in any primary election for the  
6 general election shall contain the following statement similiary  
7 signed:

8 THE ABSENTEE BALLOT CONTAINED HEREIN IS  
9 MARKED FOR THE CANDIDATES OF THE .....  
(name of party)

9A POLITICAL PARTY.

10 .....  
(signature of absentee voter)]

11 Upon the margin of the flap on the inner envelopes forwarded  
12 with any military absentee ballot intended to be voted in any pri-  
13 mary election for the general election, there shall be printed a  
14 certificate in the following form:

15 CERTIFICATE OF MILITARY ABSENTEE VOTER

16 I, ....., whose  
(print your name clearly)

17 home address is .....  
(street address or R.D. number)

18 ....., DO HEREBY CERTIFY,  
(municipality)

19 subject to the penalties for fraudulent voting, that I marked this  
20 ballot for the primary election of the .....  
(name of party)

21 political party.

22 I am voting this ballot pursuant to application previously filed.  
23 I MARKED AND SEALED THIS BALLOT AND CERTIFI-  
24 CATE IN SECRET. However, a family member may assist you in  
25 doing so. If you are an incapacitated absentee voter, a person other  
26 than a family member may also assist you in doing so.

27 .....  
(signature of voter)

28 Any person providing assistance shall complete the following:

29 I do hereby certify that I am the person who provided assistance  
30 to this voter and declare that I will maintain the secrecy of this  
31 ballot.

32 .....  
(signature of person providing  
assistance)

33 .....  
(printed name of person pro-  
viding assistance)

34 .....  
35 .....  
(address of person providing  
assistance)

36 Upon the margin of the flap on the inner envelopes forwarded.  
37 with any civilian absentee ballot intended to be voted in any pri-  
38 mary election for the general election, there shall be printed a cer-  
39 tificate in the following form:

40 CERTIFICATE OF CIVILIAN ABSENTEE VOTER

41 I, ....., whose  
(print your name clearly)

42 home address is .....  
(street address or R.D. number)

43 ....., DO HEREBY CERTIFY  
(municipality)

44 subject to the penalties for fraudulent voting, that I marked this  
45 ballot for the primary election of the .....  
(name of party)

45A political party.

46 I am the person who applied for the enclosed ballot. I MARKED  
47 AND SEALED THIS BALLOT AND CERTIFICATE IN  
48 SECRET. However, a family member may assist you in doing so.  
49 If you are an incapacitated absentee voter, a person other than a  
50 family member may also assist you in doing so.

51 .....  
(signature of voter)

52 Any person providing assistance shall complete the following:

53 I do hereby certify that I am the person who provided assistance  
54 to this voter and declare that I will maintain the secrecy of this  
55 ballot.

56 .....  
(signature of person providing  
assistance)

57 .....  
(printed name of person pro-  
viding assistance)

58 .....  
59 .....  
(address of person providing  
assistance)

1 8. Section 23 of P. L. 1953, c. 211 (C. 19:57-23) is amended to  
2 read as follows:

3 23. Any absentee voter shall be entitled to mark any absentee  
4 ballot, so forwarded to him, for voting at any election by indicating  
5 his choice of candidates for the offices named, and as to public  
6 questions, if any, stated, thereon in accordance with the election  
7 laws of this State, except that in such ballots to be voted in any  
8 primary election for the general election his choice shall be limited  
9 to the candidates of his political party or to any person or persons  
10 whose names are written thereon by him. When so marked, such

11 ballot shall be placed in said inner envelope, which shall then be  
 12 sealed, and the voter shall then fill in the form of certificate attached  
 13 to said inner envelope, at the end of which he shall sign and print  
 14 his name in his own handwriting. The inner envelope with the  
 15 certificate shall then be placed in said outer envelope, which shall  
 16-20 then be sealed.

21 **【A blind absentee voter shall be entitled to assistance in the mark-**  
 22 **ing of his ballot and in completing and signing of the certificate.**  
 23 **In such case the person providing such assistance shall add on the**  
 24 **face of the certificate "Voter Assisted by ....."**  
 25 **signing and printing his name thereto.】**

26 *No absentee voter shall permit any person in any way, except as*  
 27 *provided hereafter, to unseal, mark or inspect his ballot, interfere*  
 28 *with the secrecy of his absentee ballot vote, complete or sign the*  
 29 *certificate, or seal the inner or outer envelopes, nor shall any person*  
 30 *do so.*

31 *An absentee voter shall be entitled to assistance from a family*  
 32 *member in performing any of the actions above. An incapacitated*  
 33 *absentee voter shall also be entitled to assistance from a person*  
 34 *other than a family member in performing any of such actions. The*  
 35 *family member or other person providing such assistance shall*  
 36 *certify that he did assist the voter and will maintain the secrecy of*  
 37 *the vote by both printing and signing his name in the space provided*  
 38 *on the certificate. In no event may a candidate for election provide*  
 39 *such assistance, nor may any person, at the time of providing such*  
 40 *assistance, campaign or electioneer on behalf of any candidate.*

41 Said sealed outer envelope with the inner envelope and the ballot  
 42 enclosed therein shall then either be mailed with sufficient postage  
 43 to the county board of elections to which it is addressed or delivered  
 44 *personally by the voter or a bearer designated by him to such board*  
 45 *or its designee. Such ballot must be received by such board or its*  
 46 *designee before 8 p.m. on the day of election.*

47 *At the time any person delivers a ballot to the county board, he*  
 48 *shall sign a record which the county shall maintain of all absentee*  
 49 *ballots personally delivered to it.*

1 9. Section 24 of P. L. 1953, c. 211 (C. 19:57-23) is amended to  
 2 read as follows:

3 24. The county board of elections shall, promptly after receiving  
 4 each civilian absentee ballot, remove the inner envelope, containing  
 5 the ballot, from the outer envelope and shall compare the signature  
 6 and the information contained on the flap of the inner envelope with  
 7 the signature and information contained in the respective requests  
 8 for civilian absentee ballots. In addition, as to civilian absentee

9 ballots issued less than 7 days prior to an election, the county board  
10 of elections shall also check to establish that the absentee voter did  
11 not vote in person. The county board shall reject any such ballot  
12 unless the board is satisfied as a result of such comparison or by  
13 reference to the permanent registration books that the voter is  
14 legally entitled to vote and that the ballot conforms with the re-  
15 quirements of this act.

16 The county board of elections shall, promptly after receiving each  
17 military service ballot, remove the inner envelope, containing the  
18 ballot, from the outer envelope and ascertain through the commis-  
19 sioner of registration whether or not the name of the person, whose  
20 name appears following the certificate on the flap of said inner en-  
21 velope, has been certified by the county clerk to the commissioner  
22 of registration of the county as a person to whom a military service  
23 ballot, to be voted at the election at which it is intended to be voted,  
24 has been forwarded pursuant to this act.

25 The county board shall investigate the qualifications of a military  
26 service voter under this act by comparison of the contents of said  
27 certificate with the information appearing upon the application for  
28 said military service ballot, including the signatures thereon when  
29 the military service voter's signature appears upon said applica-  
30 tion, and by comparison with the military records of the State when  
31 deemed desirable.

32 In the case of a military service or civilian absentee ballot to be  
33 voted at a primary election for the general election, whether or not  
34 the military service or civilian absentee voter has indicated in said  
35 certificate his intention to vote it in the primary election of any  
36 political party in which he is not entitled to vote it according to the  
37 registration records of the county, and if it shall appear from said  
38 record that he is not entitled to vote said ballot in the primary  
39 election of the political party which has been so indicated, such  
40 ballot shall be rejected.

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

45 Disputes as to the qualifications of military service or civilian  
46 absentee voters to vote or as to whether or not or how any such  
47 military or civilian absentee ballot shall be counted in such election  
48 shall be referred to the [County] Superior Court [of the county]  
49 for determination.

50 After such investigation the county board of elections shall detach  
51 or separate the certificate from the inner envelope containing the

52 military service or civilian absentee ballot, unless it has been re-  
 53 jected by it or by the [County] Superior Court, marking the en-  
 54 velope so as to identify the election district in which the ballot  
 55 contained therein is to be voted as indicated by the absentee voter's  
 56 home address appearing on the certificate attached to or accompany-  
 57 ing said inner envelope and, in the case of ballots to be voted at a  
 58 primary election for a general election, so as to identify the political  
 59 party in the primary election of which it is to be voted.

1 10. Section 37 of P. L. 1953, c. 211 (C. 19:53-37) is amended to  
 2 read as follows:

3 37. Any person who, knowingly, violates any of the provisions  
 4 of this act, or who, not being entitled to vote thereunder, fraud-  
 5 ulently votes or attempts to vote thereunder or enables or attempts  
 6 to enable another person, not entitled to vote thereunder, to vote  
 7 fraudulently thereunder or who prevents or attempts to prevent by  
 8 fraud the voting of any person legally entitled to vote under this act,  
 9 or who shall knowingly certify falsely in any paper required under  
 10 this act, *or who, at any time, tampers with any ballot or document*  
 11 *used in an election or interferes with the secrecy of the voting of*  
 12 *any person shall be guilty of a [misdemeanor] crime of the fourth*  
 13 *degree, and upon conviction thereof shall be subject, in addition to*  
 14 *such other penalties as are authorized by law, to disenfranchise-*  
 15 *ment unless and until pardoned or restored by law to the right of*  
 16 *suffrage.*

17 *Any person who aids and abets another in violating any of the*  
 18 *provisions of this section shall be guilty of a crime of the fourth*  
 19 *degree and upon conviction thereof shall be subject, in addition to*  
 20 *such other penalties as are authorized by law, to disenfranchise-*  
 21 *ment unless and until pardoned or restored by law to the right of*  
 22 *suffrage.*

1 11. (New section) No person shall take an absentee ballot from a  
 2 voter or other person having custody of it for the purpose of deliver-  
 3 ing it to the county board of elections or a postal box or post office,  
 4 nor shall any voter permit any person to do so, unless the ballot is  
 5 sealed in the outer envelope and the person who shall transport or  
 6 deliver it first signs and prints his name on the outer envelope. No  
 7 other person shall attempt to do any of the foregoing.

1 12. (New section) The location at which a county board of elec-  
 2 tions determines whether an absentee ballot shall be accepted or  
 3 rejected shall be considered an election district for the purposes of  
 4 appointment of challengers.

1 13. R. S. 19:34-58 through R. S. 19:34-61 are repealed.

1 14. This act shall take effect immediately.

ASSEMBLY, No. 669

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1980

By Assemblyman BAER

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

AN ACT concerning absentee voting, amending and supplementing  
the "Absentee Voting Law (1953)," approved July 1, 1953  
(P. L. 1953, c. 211).

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

1 1. Section 2 of P. L. 1953, c. 211 (C. 19:57-2) is amended to  
2 read as follows:

3 2. Whenever used in this act, the following terms shall, unless  
4 the context indicates otherwise, be construed to have the following  
5 meaning:

6 "Absentee ballot" means any military service ballot or civilian  
7 absentee ballot as herein defined.

8 "Absentee voter" means any person qualified to vote a military  
9 service ballot or a civilian absentee ballot under the provisions of  
10 this act.

11 "Armed Forces of the United States" means any branch or  
12 department of the United States Army, Navy, Air Force, Coast  
13 Guard or Marine Corps.

14 "Civilian absentee ballot" means a ballot for use by a civilian  
15 absentee voter as prescribed by this act.

16 "Civilian absentee voter" means any qualified and registered  
17 voter of the State who expects to be absent from the State on the  
18 day of any election and any qualified and registered voter who will  
19 be within the State on the day of any election but because of illness  
20 or physical disability, including blindness or pregnancy, or because  
21 of the observance of a religious holiday pursuant to the tenets of  
22 his religion, or because of resident attendance at a school, college  
23 or university, or because of the nature and hours of his employment,

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

24 will be unable to cast his ballot at the polling place in his election  
25 district on the day of the election.

26 "Election," "general election," "primary election for the gen-  
27 eral election," "municipal election," and "special election" shall  
28 mean, respectively, such elections as defined in the Title to which  
29 this is a supplement (R. S. 19:1-1 et seq.).

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

35 "Military service" means active service by any person, as a  
36 member of any branch or department of the United States Army,  
37 Navy, Air Force, Coast Guard or Marine Corps, or as a reservist  
38 absent from his place of residence and undergoing training under  
39 Army, Navy, Air Force, Coast Guard or Marine Corps direction,  
40 at a place other than that of such person's residence.

41 "Military service voter" means a qualified elector under the  
42 Constitution and the laws of this State who comes within one of the  
43 following categories:

44 (a) Persons in the military service and their spouses and de-  
45 pendents.

46 (b) Patients in a veterans' hospital located in any place other  
47 than the place of their residences who have been in the military  
48 service in any war in which the United States has been engaged  
49 and have been discharged or released from such service.

50 (c) Civilians attached to or serving with the Armed Forces of the  
51 United States without this State and their spouses and dependents  
52 when residing with or accompanying them.

53 "Military service ballot" means a ballot for use by a military  
54 service voter as prescribed by this act.

1 2. Section 4 of P. L. 1953, c. 211 (C. 19:57-4) is amended to  
2 read as follows:

3 4. At any time not less than 7 days prior to an election in which  
4 he desires to vote by mail, a civilian absentee voter may apply to  
5 the person designated in section 6 of this act, for a civilian absentee  
6 ballot. Such application or request shall be made in writing, shall  
7 be signed by the applicant and shall state his or her place of voting  
8 residence and the address to which said ballot shall be sent, and  
9 the reason for which the ballot is requested.

10 Any military service voter desiring to vote in any election or any  
11 relative or friend of a military service voter who believes that such  
12 voter will desire to vote in any election, may apply to the person

13 designated in section 6 of this act for a military service ballot to  
14 be sent to such voter.

15 Any civilian absentee voter who fails to apply within the 7-day  
16 time prescribed above may apply in person to the county clerk  
17 for an absentee ballot on any day up to 3 p.m. of the day before  
18 the election.

19 In the event of sickness or confinement, the qualified voter may  
20 apply in writing for and obtain an absentee ballot by authorized  
21 messenger so designated over the signature of the voter. *The voter*  
22 *shall print the name of such messenger in the voter's own hand on*  
23 *such application, which shall also be signed by such messenger.*  
24 *The Secretary of State shall cause to be prepared a standard au-*  
25 *thorized messenger application form, which may be included with*  
26 *the standard civilian absentee ballot application forms.* The county  
27 clerk is authorized to deliver to such authorized messenger a ballot  
28 to be delivered to the qualified voter.

29 A voter who is permanently and totally disabled, and who states  
30 the reason for such disability in a request for an absentee ballot,  
31 shall be furnished an application for an absentee ballot by the  
32 county clerk for all future elections in which the voter shall be  
33 eligible to vote, without further request on the part of the voter.

1 3. Section 13 of P. L. 1953, c. 211 (C. 19:57-13) is amended to  
2 read as follows:

3 13. Each absentee ballot to be used at any election shall conform  
4 generally to the ballot to be used at said election in the absentee  
5 voter's district but the ballots shall be plainly marked "Military  
6 Service Ballot" or "Civilian Absentee Ballot," as the case may be.

7 *At the top of every absentee ballot there shall be printed or*  
8 *stamped in a prominent size the following:*

9-10 *IT IS AGAINST THE LAW FOR ANYONE EXCEPT*  
11 *YOU THE VOTER TO MARK OR INSPECT THIS*  
12 *BALLOT. (If you are blind or disabled, family members*  
13 *or election deputies may help you in marking or inspect-*  
14 *ing this ballot.)*

1 4. Section 16 of P. L. 1953, c. 211 (C. 19:57-16) is amended to  
2 read as follows:

3 16. Each county clerk shall send, with each absentee ballot,  
4 printed directions for the preparation and transmitting of absentee  
5 ballots as required by this act [(which may be printed upon the  
6 inner envelope)], which shall be printed in such manner and form



7 *as the Secretary of State shall require, together with two envelopes*  
8 *of such sizes that one will contain the other.*

9 The outer envelope shall be addressed to the county board of  
10 elections of the county in which is located the home address of the  
11 person to whom the absentee ballot is sent, as certified by the county  
12 clerk.

13 The inner envelope shall be so designed that it can be sealed  
14 after the absentee ballot has been placed therein and the flap  
15 thereof shall be of such length and size as to leave sufficient margin,  
16 after sealing, for the printing thereon of the certificate hereinafter  
17 described. The flap shall be so arranged, that after the inner  
18 envelope has been sealed, the certificate can be contained, with the  
19 said inner envelope, in the outer envelope, and that the margin  
20 containing the certificate can be detached without unsealing the  
20A inner envelope.

21 On the outside of each envelope in which an absentee ballot is  
22 sent to an absentee voter and of each inner and outer envelope for  
23 the return of such ballot, there shall be printed or stamped the  
24 words "Official Military Service Ballot" or "Official Civilian Ab-  
25 sentee Ballot" as the case may be.

26 *On the outside of each envelope in which an absentee ballot is*  
27 *sent to an absentee voter by the county board, to the left of the*  
28 *space for the board's mailing address there shall be printed or*  
29 *stamped the following:*

30-31 *IT IS AGAINST THE LAW FOR ANYONE EXCEPT*  
32 *YOU THE VOTER TO OPEN, MARK, INSPECT OR*  
33 *SEAL THIS BALLOT!*

34 *(If you are blind or disabled, family members or election*  
35 *deputies may help you in opening, marking, inspecting or*  
36 *sealing this ballot.)*

37 The reverse side of each inner envelope shall contain the follow-  
38 ing statement:

39 **[PENALTY FOR FRAUDULENT VOTING**

40 Any person who knowingly violates any of the provisions of this  
41 act, or who, not being entitled to vote thereunder, fraudulently votes  
42 or attempts to vote thereunder or enables or attempts to enable  
43 another person, not entitled to vote thereunder, to vote fraudulently  
44 thereunder or who prevents or attempts to prevent by fraud the  
45 voting of any person legally entitled to vote under this act, shall be  
46 guilty of a misdemeanor, and upon conviction thereof shall be

47 subject, in addition to such other penalties as are authorized by law,  
48 to disenfranchisement unless and until pardoned or restored by  
49 law to the right of suffrage. (P. L. 1953, c. 211, s. 37 (C. 19:57-37);  
50 P. L. 1964, c. 134, s. 33 (C. 19:58-33)).] *ANY PERSON MAY BE*  
51 *FINED UP TO \$1,000.00 OR IMPRISONED UP TO 3 YEARS, OR*  
52 *BOTH AND MAY ALSO LOSE THE RIGHT TO VOTE UNTIL*  
53 *RESTORED BY LAW if he attempts to vote fraudulently by*  
54 *absentee ballot when not legally entitled, prevents the voting of a*  
55 *legal voter, certifies falsely any information, interferes with a*  
56 *person's secrecy of voting, tampers with ballots or election docu-*  
57 *ments or helps another person to do so.*

1 5. Section 17 of P. L. 1953, c. 211 (C. 19:57-17) is amended to  
2 read as follows:

3 17. Upon the said margin of said flap on the envelopes to be sent  
4 to military service voters there shall be printed a certificate in the  
5 following form:

6 CERTIFICATE OF MILITARY ABSENTEE VOTER

7 I, ....., whose home address is  
(print your name clearly)

8 ....., DO HEREBY  
(street address or R.D. number) (municipality)

9 CERTIFY, subect to the penalties for fraudulent voting, that [I  
10 am a citizen of the United States, am over 18 years of age, and have  
11 been a resident of New Jersey for at least 30 days and the county of  
12 ..... for at least 30 days prior to the  
13 election. I AM VOTING THIS BALLOT PURSUANT TO  
14 APPLICATION PREVIOUSLY FILED. I marked the enclosed  
15 ballot in secret. I certify the foregoing to be true to the best of my  
16 knowledge and belief.] *I am voting this ballot pursuant to appli-*  
17 *cation previously filed. I MARKED AND SEALED THIS BAL-*  
18 *LOT AND CERTIFICATE IN SECRET.*

19 .....  
(signature of voter)

20 (NOTE: MILITARY SERVICE VOTER CLAIMING MILI-  
21 TARY STATION AS HOME ADDRESS FOR VOTING PUR-  
22 POSES MAY NOT USE MLITARY ABSENTEE BALLOT  
23 UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY  
24 WHERE SUCH STATION IS LOCATED.)

25 Upon said margin of said flap on the inner envelopes to be sent  
26 to civilian absentee voters there shall be printed a certificate in  
27 the following form:

28 CERTIFICATE OF CIVILIAN ABSENTEE VOTER

29 I, ....., whose home address  
(print your name clearly)

30 is ....., DO HEREBY  
(street address or R.D. number) (municipality)

31 CERTIFY, subject to the penalties for fraudulent voting, that  I  
32 am a citizen of the United States, am over 18 years of age, and have  
33 been a resident of New Jersey for at least 30 days and the county of  
34 ..... for at least 30 days prior to  
35 the election. I AM VOTING THIS BALLOT PURSUANT TO  
36 APPLICATION PREVIOUSLY FILED. I marked the enclosed  
37 ballot in secret. I certify the foregoing to be true to the best of my  
38 knowledge and belief.  I am the person who applied for the en-  
39 closed ballot. I MARKED AND SEALED THIS BALLOT AND  
40 CERTIFICATE IN SECRET.

41 .....  
(signature of voter)

1 6. Section 19 of P. L. 1953, c. 211 (C. 19:57-19) is amended to  
2 read as follows:

3 19.  In addition to the foregoing, the certificate to be used on  
4 the margin of the flap of the inner envelope forwarded with any  
5 absentee ballot intended to be voted in any primary election for the  
6 general election shall contain the following statement similarly  
7 signed:

8 THE ABSENTEE BALLOT CONTAINED HEREIN IS  
9 MARKED FOR THE CAIDIDATES OF THE .....  
(name of party)

10 POLITICAL PARTY

11 .....  
(signature of absentee voter)

12 Upon the margin of the flap on the inner envelopes forwarded  
13 with any military absentee ballot intended to be voted in any pro-  
14 mary election for the general election, there shall be printed a  
15 certificate in the following form:

CERTIFICATE OF MILITARY ABSENTEE VOTER

16 I, ....., whose  
(print your name clearly)

17 home address is .....  
(street address or R.D. number)

18 ....., DO HEREBY CERTIFY,  
(municipality)

19 subject to the penalties for fraudulent voting, that I marked this

20 ballot for the primary election of the .....  
(name of party)

21 ..... political party.

22 I am voting this ballot pursuant to application previously filed.

23 I MARKED AND SEALED THIS BALLOT AND CERTIFI-  
24 CATE IN SECRET.

25 .....  
(signature of voter)

26 Upon the margin of the flap on the inner envelopes forwarded  
27 with any civilian absentee ballot intended to be voted in any pri-  
28 mary election for the general election, there shall be printed a cer-  
29 tificate in the following form:

CERTIFICATE OF CIVILIAN ABSENTEE VOTER

30 I, ....., whose  
(print your name clearly)

31 home address is .....  
(street address or R.D. number)

32 ....., DO HEREBY CERTIFY  
(municipality)

33 subject to the penalties for fraudulent voting, that I marked this  
34 ballot for the primary election of the .....  
(name of party)

35 political party.

36 I am the person who applied for the enclosed ballot. I MARKED  
37 AND SEALED THIS BALLOT AND CERTIFICATE IN SE-  
38 CRET.

39 .....  
(signature of voter)

1 7. Section 23 of P. L. 1953, c. 211 (C. 19:57-23) is amended to  
2 read as follows:

3 23. Any absentee voter shall be entitled to mark any absentee  
4 ballot, so forwarded to him, for voting at any election by indicating  
5 his choice of candidates for the offices named, and as to public  
6 questions, if any, stated, thereon in accordance with the election  
7 laws of this State, except that in such ballots to be voted in any  
8 primary election for the general election his choice shall be limited  
9 to the candidates of his political party or to any person or persons  
10 whose names are written thereon by him. When so marked, such  
11 ballot shall be placed in said inner envelope, which shall then be  
12 sealed, and the voter shall then fill in the form of certificate attached  
13 to said inner envelope, at the end of which he shall sign and print  
14 his name in his own handwriting. The inner envelope with the

15 certificate shall then be placed in said outer envelope, which shall  
16 then be sealed.

17 [A blind absentee voter shall be entitled to assistance in the mark-  
18 ing of his ballot and in completing and signing of the certificate.  
19 In such case the person providing such assistance shall add on the  
20 face of the certificate "Voter Assisted by ....." ]  
21 signing and printing his name thereto.]

22 *No absentee voter shall permit any other person in any way to*  
23 *unseal, mark or inspect his ballot, interfere with the secrecy of his*  
24 *absentee ballot vote, complete or sign the certificate, or seal the*  
25 *inner or outer envelopes. No person shall do so or offer or sug-*  
26 *gest to do so, except as provided for blind or disabled voters in*  
27 *section 11 of this amendatory and supplementary act.*

28 Said sealed outer envelope with the inner envelope and the ballot  
29 enclosed therein shall then either be mailed with sufficient postage  
30 to the county board of elections to which it is addressed or delivered  
31 to such board. Such ballot must be received by such board before  
32 8 p.m. on the day of election.

1 8. Section 24 of P. L. 1953, c. 211 (C. 19:57-24) is amended to  
2 read as follows:

3 24. The county board of elections shall, promptly after receiving  
4 each civilian absentee ballot, remove the inner envelope, containing  
5 the ballot, from the outer envelope and shall compare the signature  
6 and the information contained on the flap of the inner envelope with  
7 the signature and information contained in the respective requests  
8 for civilian absentee ballots. In addition, as to civilian absentee  
9 ballots issued less than 7 days prior to an election, the county board  
10 of elections shall also check to establish that the absentee voter did  
11 not vote in person. The county board shall reject any such ballot  
12 unless the board is satisfied as a result of such comparison or by  
13 reference to the permanent registration books that the voter is  
14 legally entitled to vote and that the ballot conforms with the re-  
15 quirements of this act.

16 The county board of elections shall, promptly after receiving each  
17 military service ballot, remove the inner envelope, containing the  
18 ballot, from the outer envelope and ascertain through the commis-  
19 sioner of registration whether or not the name of the person, whose  
20 name appears following the certificate on the flap of said inner en-  
21 velope, has been certified by the county clerk to the commissioner  
22 of registration of the county as a person to whom a military service  
23 ballot, to be voted at the election at which it is intended to be voted,  
24 has been forwarded pursuant to this act.

25 The county board shall investigate the qualifications of a military  
 26 service voter under this act by comparison of the contents of said  
 27 certificate with the information appearing upon the application for  
 28 said military service ballot, including the signatures thereon when  
 29 the military service voter's signature appears upon said applica-  
 30 tion, and by comparison with the military records of the State when  
 31 deemed desirable.

32 In the case of a military service or civilian absentee ballot to be  
 33 voted at a primary election for the general election, whether or not  
 34 the military service or civilian absentee voter has indicated in said  
 35 certificate his intention to vote it in the primary election of any  
 36 political party in which he is not entitled to vote it according to the  
 37 registration records of the county, and if it shall appear from said  
 38 record that he is not entitled to vote said ballot in the primary  
 39 election of the political party which has been so indicated, such  
 40 ballot shall be rejected.

41 *Any absentee ballot which is received by a county board of*  
 42 *elections in an inner and outer envelope which is unsealed or which*  
 43 *has a seal that has been tampered with shall be rejected.*

44 Disputes as to the qualifications of military service or civilian  
 45 absentee voters to vote or as to whether or not or how any such  
 46 military or civilian absentee ballot shall be counted in such election  
 47 shall be referred to the County Court of the county for determina-  
 48 tion.

49 After such investigation the county board of elections shall de-  
 50 tach or separate the certificate from the inner envelope containing  
 51 the military service or civilian absentee ballot, unless it has been  
 52 rejected by it or by the County Court, marking the envelope so as  
 53 to identify the election district in which the ballot contained therein  
 54 is to be voted as indicated by the absentee voter's home address  
 55 appearing on the certificate attached to or accompanying said inner  
 56 envelope and, in the case of ballots to be voted at a primary election  
 57 for a general election, so as to identify the political party in the  
 58 primary election of which it is to be voted.

1 9. Section 36 of P. L. 1953, c. 211 (C. 19:57-36) is amended to  
 2 read as follows:

3 36. No election shall be held to be invalid by reason of any  
 4 irregularity or failure in the preparation, *delivery* or forwarding  
 5 of any absentee ballots *or in the delivery of any absentee ballots*  
 6 *by the county clerk or board of elections* pursuant to the provisions  
 7 of this act.

1 10. Section 37 of P. L. 1953, c. 211 (C. 19:57-37) is amended  
 2 to read as follows:

3 37. Any person who, knowingly, violates any of the provisions  
 4 of this act, or who, not being entitled to vote thereunder, fraudu-  
 5 lently votes or attempts to vote thereunder or enables or attempts  
 6 to enable another person, not entitled to vote thereunder, to vote  
 7 fraudulently thereunder or who prevents or attempts to prevent  
 8 by fraud the voting of any person legally entitled to vote under  
 9 this act, or who shall knowingly certify falsely in any paper re-  
 10 quired under this act, or who, at any time tampers with any ballots  
 11 or documents used in the election or interferes or attempts to inter-  
 12 fere or aids or abets another in interfering with the secrecy of vot-  
 13 ing of any person shall be guilty of a [misdemeanor] crime of the  
 14 third degree and upon conviction thereof shall be subject, in addi-  
 15 tion to such other penalties as are authorized by law, to disen-  
 16 franchisement unless and until pardoned or restored by law to the  
 17 right of suffrage.

1 11. (New section) When any absentee voter is either blind or  
 2 otherwise physically disabled and as a result is unable to mark  
 3 his ballot, complete and sign the certificate, or seal the inner and  
 4 outer envelopes, he shall qualify for assistance as provided below.  
 5 Such assistance shall only be provided by either a member of the  
 6 voter's family or by two persons deputized by the county board of  
 7 elections to provide such assistance. No other person shall provide  
 8 such assistance nor offer or suggest such assistance to the voter.  
 9 All persons providing such assistance shall sign and complete the  
 10 following form, which shall be printed or stamped on the face of  
 11 the certificate:

12 ONLY TO BE COMPLETED BY FAMILY MEMBERS  
 13 OR ELECTION DEPUTIES HELPING A BLIND OR  
 14 DISABLED VOTER WHO IS UNABLE TO MARK  
 15 THE BALLOT OR COMPLETE THE CERTIFICATE  
 16 WITHOUT HELP.

17 Blind or disabled voter assisted by  
 18 .....  
 (signatures of any persons helping)  
 19 .....  
 (print names of any persons helping)  
 20 .....  
 (relationship of persons to voter)

21 Any request for the two deputies shall be submitted in writing  
 22 or by telephone to the county board on any day up to 3 p.m. of the  
 23 day before the election. After assisting the voter and sealing both  
 24 envelopes, the deputies shall take custody of the ballot and provide  
 25 a signed receipt to the voter. The deputies shall deliver the ballot to  
 26 the county board no later than the time designated for the closing

27 of the polls. The board may designate only one of the deputies to  
28 perform such delivery.

29 No person providing assistance shall reveal the name of any  
30 person or question for whom such voter has voted or anything that  
31 took place while the voter was being assisted which would violate  
32 the secrecy of the voter's ballot.

1 12. (New section) The county board of elections shall be autho-  
2 rized to appoint two deputies to provide assistance to absentee  
3 voters who are blind or otherwise physically disabled. The two  
4 deputies shall be apportioned by the county board of elections  
5 between two political parties in a similar manner as with district  
5A board members and shall satisfy the qualifications of district  
6 board members, in addition to the foregoing qualifications; pro-  
7 vided, however, that no such deputy shall be a public employee or  
8 candidate for office or holder of any elected or appointed public or  
9 party position or office in any municipality where such deputy  
10 provides assistance to any voter; nor shall he be a resident or  
11 employee at any nursing home, hospital or other premises where  
12 he provides assistance to any voter. No deputy shall distribute or  
13 display any printed matter or offer any suggestion or solicit any  
14 support for or against any candidate, party or public question at  
15 any such location.

1 13. (New section) No voter or other person having custody of an  
2 absentee ballot shall permit any person to take the ballot from  
3 him for the purpose of delivering it to the county board of elections  
4 or a postal box or post office, nor shall any other person attempt  
5 to do so, unless the ballot is sealed in the outer envelope and the  
6 person who shall transport or deliver it first signs and prints his  
7 name on the outer envelope. No other person shall attempt to do  
8 any of the foregoing. On the outside of each outer envelope for  
9 the return of the ballot to the left of the space for the board's  
10 mailing address there shall be printed or stamped the following:

11 IT IS AGAINST THE LAW FOR ANYONE  
12 EXCEPT YOU THE VOTER TO MAIL OR  
13 TRANSPORT THIS BALLOT UNLESS THE  
14 FOLLOWING IS COMPLETED

14A Ballot mailed or transported by  
15 .....  
(signature of bearer)  
16 .....  
(print name of bearer)  
17 .....  
(address of bearer)



18 No person shall attempt to mail or deliver an absentee ballot on  
19 behalf of a voter if the person is a candidate for office or is not a  
20 registered voter of the county in which the ballot is cast. At the  
21 time any person delivers a ballot to the county board, he shall sign  
22 a record which the county shall maintain of all ballots delivered  
23 to it.

1 14. (New section) At any time prior to the conduct of an election  
2 subject to this title, and after notice to the Attorney General, the  
3 county board of election in the county, and other necessary and  
4 indispensable defendants, any registered voter in the district or  
5 districts in question may make application to the assignment judge  
6 of the county wherein such election is being held alleging:

7 a. That there has been or may be interference with the right of  
8 eligible voters to cast a secret absentee ballot; or

9 b. That circumstances exist from which a court may find that  
10 citizens' confidence in the secrecy or integrity of absentee ballot  
11 voting has been so diminished that judicial intervention is appro-  
12 priate to restore that confidence; or

13 c. That judicial intervention is required in order to prevent inter-  
14 ference with the right of citizens to vote by ballot in an atmosphere  
15 free from intimidation.

16 The court shall give due regard to the nature and extent of prior  
17 unusual occurrences affecting absentee ballots and any unusual  
18 percentage of reliance on use of absentee ballots.

19 Upon such showing the court shall have the jurisdiction to issue  
20 such orders as it shall deem just and appropriate to secure the  
21 right of voters to cast a secret vote free from intimidation and  
22 with confidence that the secrecy and integrity of voting will be  
23 preserved; and to issue such orders suspending any provisions of  
24 this chapter as are required to prevent any conflict or incompati-  
25 bility between such provision and the foregoing orders.

26 If an application is made under this section within 40 days  
27 prior to the conduct of an election, the applicant shall be required  
28 to show cause why such application could not have been made  
29 earlier.

30 The Secretary of State may, upon his own initiative, make such  
31 appropriate determinations and issue such orders, except where  
32 any application has been made to a court under this section.

1 15. (New section) The location at which a county board of elec-  
2 tions makes determinations concerning persons entitled to vote  
3 by absentee ballot or whether such ballots are qualified to be  
4 counted shall be considered an election district for the purposes of  
5 appointment of challengers.

1 16. (New section) The Secretary of State shall promulgate any  
2 rules and regulations as may be necessary to effectuate the pur-  
3 poses of this amendatory and supplementary act.

1 17. (New section) The Secretary of State shall also have the  
2 authority to issue orders to suspend or make permissive any  
3 provision of this act which requires that on any envelope a printed  
4 or stamped notice, form or certificate be revised or added when  
5 the secretary finds any county board of election will be denied  
6 sufficient time for printing or will be caused unnecessary expense  
7 by being denied the use of quantities of previously printed enve-  
8 lopes by such provision. The secretary in such cases may require  
9 that with each ballot that printed directions on a separate sheet  
10 of paper be included or revised.

1 18. This act shall take effect immediately. Section 17 shall expire  
2 6 months following the enactment of this act.

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#### STATEMENT

Major exposures of absentee ballot abuses have dramatized the need for detailed changes and additions to the present law in order to ensure secrecy for the absentee voter and greater security and accountability in the handling of absentee ballots. This bill contains the following provisions regarding absentee voting:

1. When a voter obtains an absentee ballot by authorized messenger, the voter must print the messenger's name on the application for the ballot and the messenger must sign his name.

2. Warnings are required to be prominently printed or stamped on absentee ballots and on the outside of envelopes stating that it is against the law for anyone but the voter to open, mark, inspect, or seal the ballot. The language of the penalty warning which is printed on the reverse side of the inner envelope is changed to state specifically that a fine in an amount up to \$1,000.00 or imprisonment up to 3 years or both, as well as possible disenfranchisement, are the penalties for fraudulent voting.

3. The language to be used on the certificates for both military and civilian absentee voters is simplified. Also, language is added to present statutes to state clearly that no absentee voter is to receive assistance except the blind or disabled voter.

4. The county board of elections is required to reject any absentee ballot which is received with an unsealed inner and outer envelope or which has a seal that has been tampered with.

5. No election shall be held invalid because of any failure or irregularity in delivering absentee ballots by the county clerk or board of elections. (The present statute does not limit culpability to the county clerk or board.)

6. A procedure for voting by absentee ballot is established which is available to absentee voters who are blind or physically disabled and thus unable to mark their ballots. Such voters are eligible for assistance from members of their family or from two persons appointed and deputized by the county board of elections to provide such assistance. Any person who gives assistance to blind or disabled voters is prohibited from providing any information as to how such voters marked their ballots.

The term "family member" is defined as an adult who is a spouse, parent, child, grandparent, grandchild, or sibling of a voter whether by adoption or natural relationship; it also includes any occupant regularly living with a voter in any house or apartment intended for the use of no more than one family. The definition is aimed at preventing those employees or residents of an institution where a blind or disabled voter is a resident from assisting such a voter.

7. The two election deputies authorized to provide assistance to blind or disabled voters are to be apportioned between the two political parties. No public employees, no candidates for office, no holders of elective or appointive public or party positions in the municipality where the assistance is provided, and no residents or employees at a location where such assistance is provided can be appointed. No deputy can display or distribute any printed campaign material or suggest or solicit support for a party, candidate, or public question.

8. A voter or a person in custody of an absentee ballot is prohibited from giving any other person the ballot to deliver or mail on his behalf unless the outer envelope is sealed and the person who is mailing or delivering the ballot signs and prints his name on the outer envelope. Persons who are candidates for public office and persons who are not registered voters in the county in which the ballot is to be cast are prohibited from mailing or delivering or attempting to mail or deliver an absentee ballot.

9. A procedure is established for situations in which there is a suspicion of interference or possible interference with absentee voting. Any registered voter may make an application to the assignment judge of the county alleging that there has been or may be interference with the secrecy of absentee ballots, that circumstances exist which undermine public confidence in the absentee

ballot voting so as to justify judicial intervention is required to prevent intimidation of citizens. The court may issue orders to secure the right of voters to a secret vote free from intimidation. The Secretary of State is also given the authority to make such determination and issue such orders, unless an application has been made to the court.

10. The Secretary of State is permitted to suspend the provisions of this act in the case of county boards which have insufficient time to print new material or would be caused unnecessary expense by being prohibited from using supplies of previously printed material. In these cases, the secretary can require separately printed instructions to be enclosed with the ballot. This provision is to "self-destruct" 6 months following enactment.

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ASSEMBLY STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS  
AFFAIRS COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 669**

**STATE OF NEW JERSEY**

DATED: JULY 28, 1980

The purpose of this bill is to ensure secrecy for the absentee voter and greater security and accountability in the handling of absentee ballots.

The provisions of this bill are:

1. Only a family member or a registered voter in the county in which application is made may serve as an "authorized messenger" to obtain an absentee ballot for a sick or confined voter. The term "family member" means a spouse, child, parent, grandparent, grandchild, or sibling of a voter, and also any adult occupant regularly living with a voter.

2. When a voter obtains an absentee ballot by authorized messenger, the messenger's printed name and address must appear on the application and the messenger must sign the application form in the presence of the county clerk or the clerk's designee.

3. Warnings are required to be printed or stamped on absentee ballots and on the outside of envelopes informing the voter that only the voter can open, mark, inspect, seal, mail, or transport the ballot. Such warnings, however, also indicate that a family member may assist the voter, and if the absentee voter is incapacitated, a person other than a family member may also assist the voter. In the case of mailing or transporting a ballot, any person besides the voter can do so.

4. The penalty warning which is printed on the inner envelope and the certificates to be completed by military and civilian absentee voters are simplified. The form of the certificates includes space for a person who assists an absentee voter to print and sign his name and write in his address.

5. Any person who mails an absentee ballot or personally delivers an absentee ballot to the county board of elections for a voter must print and sign his name and write in his address on the outer envelope.

6. The county board of elections is required to reject an absentee ballot if both the inner and outer envelopes are unsealed or if either envelope has a seal that has been tampered with.

7. The location at which a county board of elections determines whether an absentee ballot shall be accepted or rejected is to be considered an election district for the purpose of appointing challengers.

8. Any person who violates or aids and abets another person in violating the provisions of this act is guilty of a crime of the fourth degree and subject to disenfranchisement as well as imprisonment of up to 18 months and a fine of up to \$7,500.00. (Prior to Title 2C, a violation of the "Absentee Voting Law" was a misdemeanor; under Title 2C, a misdemeanor becomes a crime of the fourth degree. Therefore, this bill simply continues the existing offense.)

9. The present provisions of the election law which automatically immunize all witnesses called to testify in election law proceedings are repealed.

#### COMMITTEE ACTION

The Assembly Committee Substitute for Assembly No. 669 was adopted at the request of the sponsor and reflects changes in the original bill which were the result of discussions and consultations by the sponsor with the Department of Law and Public Safety, the Department of State, the Office of the Counsel to the Governor, the SCI, and the Assembly committee.

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SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 669**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 19, 1981

The purpose of this bill, now in the form of an Assembly Committee Substitute, is to reform the laws governing the handling of absentee ballots. The statement of the Assembly State Government Committee provides a detailed explanation of its provisions.

A bill with similar intent (Senate Bill No. 1110), sponsored by Senator Hirkala, was reported favorably by the Senate State Government Committee on June 9, 1980, passed in the Senate on February 2, 1981, and is now waiting consideration in the Assembly State Government Committee.

There are important differences between the two bills. In Assembly Committee Substitute for Assembly Bill No. 669, a "family member" may assist an absentee voter in marking or inspecting a ballot. Only in the event that an absentee voter is "incapacitated" may a person other than a member of the family assist an absentee voter. Senate Bill No. 1110 does not address the question of "family member" versus "other person" and does not restrict the rendering of assistance to family members.

Another major difference is the Assembly Committee Substitute for Assembly Bill No. 669 provides that warnings are required to be printed or stamped on absentee ballots and on the outside of envelopes informing the voter that only the voter can open, mark, inspect, seal, mail or transport the ballot. Such warnings, however, also state that a family member may assist the voter, and if the absentee voter is incapacitated, a person other than a family member may assist the voter. Senate Bill No. 1110 does not require such printed or stamped warnings.

Both bills establish safeguards on the procedures for designating an "authorized messenger" to obtain or mail an absentee ballot for an absentee voter. The language of Assembly Committee Substitute for Assembly Bill No. 669 indicates that a family member would be the preferred authorized messenger.

It should also be noted that the provisions of the "Absentee Voting Law (1953)" also apply to school board elections. The requirements contained in Assembly Committee Substitute for Assembly Bill No. 669 would also be applicable to school board elections.

Senator Hirkala, sponsor of Senate Bill No. 1110, and Assemblyman Baer have agreed to work together to make the language of Senate Bill No. 1110 conform with that of Assembly Committee Substitute for Assembly Bill No. 669.

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SENATE AMENDMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 669**

**STATE OF NEW JERSEY**

ADOPTED MARCH 23, 1981

Amend page 3, section 2, lines 30-31, omit "the permanent registration form", insert "a State of New Jersey driver's license, or other identification issued or recognized as official by the Federal Government, the State, or any of its political subdivisions, which identification carries the full address and signature of said person".

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STATEMENT

This amendment changes the documents required to authenticate the signature of an "authorized messenger" who delivers an absentee ballot. The present language of the bill requires the county clerk to authenticate the person's signature by comparing it with that appearing in the permanent registration form. The amendment deletes that requirement and replaces it with authentication of the person's signature by reference to a State of New Jersey driver's license, or other official government document which contains the person's full address and signature.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 6, 1982

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-3161, sponsored by Senator Steven Perskie (D-Atlantic) which unifies the Law and Chancery Division procedures for obtaining liens against real property in cases where money judgments have been awarded.

Currently, money judgments obtained in the Law Division automatically act as liens, whereas in the Chancery Division, attorneys must request that judgments be docketed before they can act as liens. This bill makes the current Law Division procedures applicable to Chancery.

Governor Byrne conditionally vetoed the bill on December 14, 1981, saying that while the establishment of a uniform lien procedure is "justified by concerns of simplicity and consistency ... it would be wasteful, unnecessary and disruptive... to apply the new procedures to Chancery judgments awarded in the past." He recommended amendments to clarify the fact that the bill is prospective in nature.

He also suggested that the effective date be delayed six months to allow the court time to hire necessary personnel and recommended that the language be clarified to show that a money judgment, subject to an automatic lien, is one in which the award has been reduced to a specific dollar amount.

The Legislature concurred with the Governor's recommendations.

A-669, sponsored by Assemblyman Byron Baer (D-Bergen) which amends and reforms the laws governing absentee ballots by providing for greater security in their handling.

Under the bill, only a family member or registered voter can act as a messenger to obtain a ballot for a sick or confined voter, and the messenger must sign the application in the presence of the county clerk or his designee.

Warnings will be printed on the ballot and on the outside envelopes informing the voter that only he or she can open, mark, inspect, seal, mail or transport the ballot. The warnings will indicate, however, that the voter may be assisted by a family member or, if incapacitated, by someone other than a family member.

If someone else mails or transports the ballot, that person must print and sign his or her name and write his or her address on the outside envelope.

Violations of the act are fourth degree crimes and carry a penalty of up to 18 months in jail and a \$7,500 fine.

A-1532, sponsored by Assemblyman Richard Van Wagner, which amends the State Uniform Taxation law to permit the Director of the Division of Taxation to execute and levy upon real and personal property without court proceedings to collect all unpaid state taxes. This procedure is currently available only to the Director for State Sales Tax.

Governor Byrne conditionally vetoed the bill on June 15, 1981 saying it failed "to provide due process for the allegedly delinquent taxpayer." He said it makes no provision for prior notice to the taxpayer, nor does it require exhaustion of less preemptory means of collection. Furthermore, he said, the language of the bill authorizing writ of execution for real and personal property appears to permit issuance of execution against wages without the prior court hearing otherwise required by state statute.

Byrne recommended amendments which would require prior notice of taxes due and the right to contest execution in Tax Court or Superior Court.

The Legislature concurred with the Governor's recommendations.

A-1498, sponsored by Assemblyman Joseph V. Doria, Jr. (D-Hudson), which establishes a rule of evidence that would prevent a finding of contributory negligence because a blind or deaf person did not use a cane or guide dog.

The rule replaces, in the same statute, an "assumption of risk" clause governing a blind person's use of a public facility. Under prior law, if a blind person is warned of a danger unique to his use of a public facility and he is injured because of it, he would be effectively barred from recovering for those injuries.

Governor Byrne conditionally vetoed the bill on November 12, 1981 saying that while he supported the Legislature's efforts in this area, Committee amendments incorporated into the bill made it inconsistent with its expressed goal.

The Legislature concurred with the Governor's recommendations.