

19:57-2 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:57-2 et seq. (Election law--various amendments)

LAWS OF 1977 CHAPTER 47

Bill No. A1911

Sponsor(s) McManimon and Woodson

Date Introduced May 17, 1976

Committee: Assembly State Gov't., Federal & Interstate Relations

Senate -----

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly Feb. 7, 1977

Senate Feb. 17, 1977

Date of approval March 24, 1977

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>	8-10-76
Senate	Yes	<input type="checkbox"/>	12-6-76
Fiscal Note	Yes	<input type="checkbox"/>	
Veto Message	Yes	<input type="checkbox"/>	
Message on signing	Yes	<input checked="" type="checkbox"/>	

Following were printed:

Reports	Yes	<input type="checkbox"/>	No
Hearings	Yes	<input type="checkbox"/>	No

Earlier proposed revision of election law:

974.90 N.J. Election Law Revision Commission.
E38 New Jersey Election Law Revision.
1975b Trenton, 1975.
V.1 - Proposed Title 19A of the
N.J. Statutes, introduced 4/21/75
as A3334.
V.2 - Final report and commentary to Title 19A
(proposed)

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9/1/78

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ASSEMBLY, No. 1911**STATE OF NEW JERSEY**

INTRODUCED MAY 17, 1976

By Assemblymen McMANIMON and WOODSON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT ****[to amend *and supplement*]**** ***concerning absentee voting, amending and supplementing*** the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211) ***and repealing N. J. S. 18A:14-26***.

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 **[** in the case of a school election, **]** because of the

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

24 nature and hours of his employment, will be unable to cast his
25 ballot at the polling place in his election district on the day of the
26 election.

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

31 “Military service” means active service by any person, as a
32 member of any branch or department of the United States Army,
33 Navy, Air Force, Coast Guard or Marine Corps, or as a reservist
34 absent from his place of residence and undergoing training under
35 Army, Navy, Air Force, Coast Guard or Marine Corps direction,
36 at a place other than that of such person’s residence.

37 “Military service voter” means a qualified elector under the
38 Constitution and the laws of this State who comes within one of the
39 following categories:

40 (a) Persons in the military service and their spouses and de-
41 pendants.

42 (b) Patients in a veterans’ hospital located in any place other
43 than the place of their residences who have been in the military
44 service in any war in which the United States has been engaged and
45 have been discharged or released from such service.

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

49 “Military service ballot” means a ballot for use by a military
50 service voter as prescribed by this act.**

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

3 3. The following persons shall be entitled to vote by absentee
4 ballot in any election to be held in this State, in the manner herein-
5 after provided:

6 A military service voter who may be absent on the day on which
7 such election is held from the election district in which he resides,
8 whether such person is within or without this State in the case of a
9 military service voter as defined in paragraph (a) or (b) of section
10 2, or without this State and within or without the United States
11 in the case of any military service voter as defined in section 2,
12 provided he has resided in this State at least **[6 months]** *30 days*
13 and in the county in which he claims the right to vote at least
14 **[40 days]** *30 days* counting the time he has been absent from the
15 election district in which he resides because of the service, work,
16 status or relationship entitling him to a military service ballot;

16A ***A military service voter who is stationed and resident in any*
 16B *garrison, barrack or military or naval place or station within this*
 16C *State, or who resides therein as spouse or dependent of a person*
 16D *in the military, naval or marine service so stationed, and who*
 16E *claims his vote in the municipality wherein such residence is located,*
 16F *shall be entitled to vote by military absentee ballot in any election*
 16G *for which he is duly registered to cast his vote in the election district*
 16H *of his residence in said municipality, but not otherwise; ***

17 A civilian absentee voter who expects to be or may be absent
 18 outside the State or the United States on the day on which an
 19 election is held or who may be within the State on the day of any
 20 election but **because of permanent and total disability, or** because
 21 of illness or **temporary** physical disability, or because of the
 22 observance of a religious holiday pursuant to the tenets of his re-
 23 ligious, or because of resident attendance at a school, college or uni-
 23A versity, or **[, in the case of a school election,]** because of the na-
 24 ture and hours of his employment, will be unable to cast his ballot at
 25 the polling place in his election district on the day of the election,
 26 provided he is a registered voter, and is not otherwise disqualified
 27 by law from voting in such election.

28 This act shall be liberally construed to effectuate these purposes.

1 ***[2.]** **3.*** Section 4 of P. L. 1953, c. 211 (C. 19:57-4) is
 2 amended to 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

14 State of New Jersey and who is stationed or can be found at
15

16 He is of the age of ****[21]**** ****18**** years, has resided in the
17 State of New Jersey at least ****[6 months]**** ****30 days**** and in
18 said county at least ****[40]**** ****30**** days counting the time that
19 he has been absent from the election district in which he resides
20 because of the service, work, status or relationship in the category
21 indicated below and I verily believe that he is qualified to vote as a
22 military service voter in said election.

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

28 Place an (X) in the box preceding the applicable category below.

- 29 (a) A person in military service.
- 30 (b) A spouse or dependent of a person in category (a).
- 31 (c) A patient in a veterans' hospital.
- 32 (d) A civilian attached to or serving with the Armed Forces
33 of the United States.
- 34 (e) A spouse or dependent of and accompanying or residing
35 with a person in category (d).

36

37 State of }
 38 } ss.
 39 County of

40 The undersigned, being duly sworn on his oath according to law,
41 says that the contents of the foregoing application are true.

42 Sworn and subscribed to before me this day
43 of A. D.
44
(name and title of officer taking affidavit)

45 Such affidavit shall be subscribed and sworn to before a person
46 authorized to administer oaths.

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

3 6. In the case of any **[Statewide or countywide]** election, the
4 application or request shall be made to the county clerk of the
5 county.

6 **[In the case of any municipal election, the application or request**
7 **shall be made to the clerk of the municipality; in the case of any**
8 **school election, the application or request shall be made to the**

9 district clerk of the school district and in the case of any election
10 to be held in any fire district, road district, sewerage district, street
11 lighting district, water supply district or other special district, other
12 than a municipality, created for specified public purposes within
13 one or more municipalities, the application or request shall be made
14 to the commissioners or other governing or administrative body of
15 the district, or to the clerk of any municipality in, or forming part
16 of, the district, in which such election district is situated, and in
17 case such application or request is made to any such officer other
18 than the county clerk, such officer shall forward the same to the
19 county clerk forthwith.]

20 In the case of applications for civilian absentee ballots, the
21 county clerk shall stamp thereon the date on which said application
22 was received in his office.**

1 **[3.]** **6.** Section 7 of P. L. 1953, c. 211 (C. 19:57-7) is
2 amended to read as follows:

3 7. **[The officer to whom the application for an absentee ballot
4 may be made pursuant to section 6 of this act]** **The county
4A clerk of the county, in the case of any Statewide or countywide
4B election; the clerk of the municipality, in the case of any municipal
4C election; the secretary of the board of education, in the case of any
4D school election; and the commissioners or other governing or admin-
4E istrative body of the district, in the case of any election to be held
4F in any fire district, road district, sewerage district, street lighting
4G district, water supply district or other special district, other than a
4H municipality, created for specified public purposes within one or
5 more municipalities,** shall publish or cause to be published the
6 following notices in substantially the following forms:

7 NOTICE TO MILITARY SERVICE VOTERS AND TO
8 THEIR RELATIVES AND FRIENDS

9 If you are in the military service or the spouse or dependent of
10 a person in military service or are a patient in a veterans' hospital
11 or a civilian attached to or serving with the Armed Forces of the
12 United States without the State of New Jersey, or the spouse or
13 dependent of and accompanying or residing with a civilian attached
14 to or serving with the Armed Forces of the United States, and
15 desire to vote, or if you are a relative or friend of any such person
16 who, you believe, will desire to vote in the

(municipal, primary, gen-
17 election to be held on kindly write
eral or other) (date of election)

18 to the undersigned at once making application for a military service

19 ballot to be voted in said election to be forwarded to you, stating
20 your name, age, serial number if you are in military service, home
21 address and the address at which you are stationed or can be found,
22 or if you desire the military service ballot for a relative or friend
23 then make an application under oath for a military service ballot to
24 be forwarded to him, stating in your application that he is over the
25 age of [21] 18 years and stating his name, serial number if he is in
26 military service, home address and the address at which he is
27 stationed or can be found.

27A *** (NOTE: MILITARY SERVICE VOTER CLAIMING MILI-*
27B *TARY STATION AS HOME ADDRESS FOR VOTING PUR-*
27C *POSES MAY NOT USE MILITARY ABSENTEE BALLOT*
27D *UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY*
27E *WHERE SUCH STATION IS LOCATED.)***

28 Forms of application can be obtained from the undersigned.

29 Dated

30
(signature and title of county clerk**[, municipal clerk or other
official as the case may be])**

31
(address of county clerk**[, municipal clerk or other official])**

NOTICE TO PERSONS DESIRING *CIVILIAN* ABSENTEE BALLOTS

32 If you are a qualified and registered voter of the State who
33 [expects to be absent outside the State on,
(date of election)

34 or a qualified and registered voter who will be within the State on
35 but because of illness or physical disabil-
(date of election)

36 ity, or because of the observance of a religious holiday pursuant
37 to the tenets of your religion, or because of resident attendance
38 at a school, college or university, or, in the case of a school election,
39 because of the nature and hours of employment, will be unable
40 to cast your ballot at the polling place in your district on said
41 date, and you desire to vote in the
(municipal, primary, general or other)
42 election to be held on]
(date of election)

43 * [will be unable to cast a ballot at the polling place in your election
44 district at the Election
(Primary, General, Municipal or Other)
45 on because of one of
(date of election)

46 the following reasons:

- 47 *Absent from the State on the date of election; Blindness; Preg-*
 48 *nancy; Illness or Physical Disability*
 (Nature of Illness or
 49 ;
Physical Disability)
- 50 *Observance of a religious holiday pursuant to the tenets of your*
 51 *religion; Resident attendance at a School, College, or University,*
 52 ;
 (Name of School, College, or University)
- 53 *Total and Permanent Disability*
 54 ;
 (Nature of total and permanent disability)
- 55 *In the case of school election because of the nature and hours of*
 56 *employment:】**
- 56A **expects to be absent outside the State on* ,
 (date of election)
- 56B *or a qualified and registered voter who will be within the State on*
 56C *but because of permanent and total disability,*
 (date of election)
- 56D *or because of illness or temporary physical disability, or because of*
 56E *the observance of a religious holiday pursuant to the tenets of your*
 56F *religion, or because of resident attendance at a school, college, or*
 56G *university, or because of the nature and hours of employment, will*
 57 *be unable to cast your ballot at the polling place in your district on*
 57A *said date, and you desire to vote in the*
 (municipal, primary, general,
 57B *election to be held on* ,*
 or other) (date of election)
- 57C kindly **complete the application form below and send to the under-*
 57D *signed, or** write or apply in person to the undersigned at once re-
 58 questing that a civilian absentee ballot be forwarded to you. Such
 59 request must state your home address, and the address to which
 60 said ballot should be sent, and must be signed with your signature,
 61 and state the reason why you will not be able to vote at your usual
 62 polling place. No civilian absentee ballot will be furnished or
 63 forwarded to any applicant unless request therefor is received not
 64 less than **【8】** 7 days prior to the election, and contains the foregoing
 65 information.
- 66 *Voters who are permanently and totally disabled shall, after*
 67 *their initial request and without further action on their part*,* be*
 68 *forwarded an absentee ballot application by the county clerk for*
 69 *all future elections in which they are eligible to vote. Application*
 70 *forms may be obtained by applying to *the* undersigned either in*

71 *writing or by telephone*, or the application form provided below*

71A *may be completed and forwarded to the undersigned*.*

72 Dated

73
(signature and title of county clerk****[**, municipal clerk or other
official as the case may be**]**)**

74
(address of county clerk****[**, municipal clerk or other official**]**)**

75
(Telephone No. of county clerk****[**, municipal clerk,
or other official**]**)**

**APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT
(Form to be prepared by the Secretary of State pursuant to
section ****[10]**** **17** of this amendatory and
supplementary act)**

76 Such notices shall be separately published prior to the fortieth
77 day immediately preceding the holding of any election.

78 Notices relating to any Statewide or countywide election shall
79 be published by the county clerk in at least two newspapers pub-
80 lished in the county. All other officials charged with the duty of
81 publishing such notices shall publish the same in at least one news-
82 paper published in each municipality or district in which the elec-
83 tion is to be held or if no newspaper be published in said munici-
84 pality, then in a newspaper published in the county and circulating
85 in such municipality, municipalities or district. *All such notices*
86 *shall be display advertisements.*

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

3 10. Upon receipt of any request for a civilian absentee ballot
4 *or any application for a military absentee ballot from a military*
5 *service voter who is required under section 3 of this act to be*
6 *registered in the municipality where he intends to cast such military*
7 *absentee ballot, the county clerk shall, with the cooperation of the*
8 *Commissioner of Registration, cause the signature of the applicant*
9 *on the request to be compared with the signature of said person*
10 *appearing on the permanent registration form in order to determine*
11 *from such examination and any other available information if the*
12 *applicant is a voter qualified to cast a ballot in the election in which*
13 *he desires to vote, and determine in case of a primary election in*
14 *which political party primary the voter is entitled to vote. The*
15 *Commissioner of Registration or the superintendent of elections*

16 in counties having a superintendent of elections may investigate
17 any application or request for an absentee ballot.

18 If after such examination, the county clerk is satisfied that the
19 applicant is entitled to a ballot, he shall mark on the application
20 "Approved." If after such examination the county clerk deter-
21 mines that the applicant is not entitled to a ballot, he shall mark
22 on the application "Disapproved" and shall so notify the applicant,
23 stating the reason therefor.

1 8. 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
5 act by first-class mail or hand delivered to each military service
6 voter who applies therefor or on whose behalf application is made
7 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. Ballots
10 that have not been hand delivered to the voter shall be addressed
11 to the voter at the forwarding address given in the application.
12 All ballots to be forwarded to persons at an address located within
13 the limits of the states of Alaska and Hawaii or anywhere else
14 without the limits of the other 48 states and the District of Columbia
15 shall be forwarded by air mail.

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

1 9. Section 12 of P. L. 1953, c. 211 (C. 19:57-12) is amended to
2 read as follows:

3 12. Each county clerk, after processing the requests for civilian
4 absentee ballots *and the applications for military absentee ballots*
5 *requiring approval under section 10 of this act* and furnishing the
6 applicant with a civilian *or military* absentee ballot in the manner
7 prescribed by this act, shall forward such requests, including those
8 disapproved, to the county board of elections. Each county clerk
9 shall also keep a list of such requests received by him showing the
10 disposition of each request, which list shall be made available to
11 the public and all election officials charged with the duty of
12 administering this act.**

1 ****[4.]**** ****10.**** Section 15 of P. L. 1953, c. 211 (C. 19:57-15) is
2 amended to read as follows:

3 15. Each absentee ballot to be used at any primary election for
4 the general election to be held while this act is in effect shall,
5 except as otherwise provided, conform to the ballot to be used at

6 said election in the absentee voter's election district and to the
 7 form herein prescribed for absentee ballots to be used in such
 8 general elections except that it shall be so prepared that the
 9 absentee voter may indicate thereon his choice of the candidates
 10 of one political party for each of the officers to be voted upon at
 11 said election by the voters of said election district and shall be
 12 separated into party ballots, which shall all be printed upon one
 13 sheet ***where the voting system so allows***.

14 Each such absentee ballot shall be plainly marked to indicate that
 15 but one party ballot is to be voted by each absentee voter and that
 16 the party ballot voted by him must conform to the name of the
 17 political party indicated [on the certificate on the flap of the inner
 18 envelope in which the absentee ballot is to be enclosed] *by the*
 19 *county clerk as hereinafter provided.*

20 *If the county clerk has ascertained through investigating an*
 21 *absentee voter's registration record that*,* under the laws of this*
 22 *State, such voter is qualified to vote only in a certain party pri-*
 23 *mary, he shall so indicate upon the primary ballot the primary*
 24 *party in which such voter is entitled to vote.*

25 *In the case where the county clerk has ascertained through in-*
 26 *vestigating the absentee voter's registration record that such ap-*
 27 *plicant is requesting a ballot to vote in the first primary for which*
 28 *he is eligible after registration, the county clerk shall indicate upon*
 29 *the primary ballot that the voter can vote in any one of the party*
 30 *primaries.*

1 ***[5.]** **11.*** Section 16 of P. L. 1953, c. 211 (C. 19:57-16) is
 2 amended to 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 may be printed upon the inner enve-*
 7 *lope)*** together with two envelopes of such sizes that one will
 7A contain the other.

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

12 The inner envelope shall be so designed that it can be sealed after
 13 the absentee ballot has been placed therein and the flap thereof
 14 shall be of such length and size as to leave sufficient margin, after
 15 sealing, for the printing thereon of the certificate hereinafter de-
 16 scribed. The flap shall be so arranged, that [the margin containing
 17 the certificate can be so folded,] after the inner envelope has been

18 sealed, [that] the certificate can be contained, with the said inner
 19 envelope, in the outer envelope, and that the margin containing
 20 the certificate can be detached without unsealing the 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 *The reverse side of each inner envelope shall contain the follow-*
 27 *ing statement:*

PENALTY FOR FRAUDULENT VOTING

28 *Any person who knowingly* [.]* *violates any of the provisions of
 29 *this act, or who, not being entitled to vote thereunder, fraudulently*
 30 *votes or attempts to vote thereunder or enables or attempts to*
 31 *enable another person, not entitled to vote thereunder, to vote*
 32 *fraudulently thereunder or who prevents or attempts to prevent by*
 33 *fraud the voting of any person legally entitled to vote under this*
 34 *act, shall be guilty of a misdemeanor, and upon conviction thereof*
 35 *shall be subject, in addition to such other penalties as are autho-*
 36 *rized by law, to disenfranchisement unless and until pardoned or*
 37 *restored by law to the right of suffrage. (P. L. 1953, c. 211, s. 37*
 38 *(C. 19:57-37); P. L. 1964, c. 134, s. 33 (C. 19:58-33)).*

1 ****[6.]** **12.**** Section 17 of P. L. 1953, c. 211 (C. 19:57-17) is
 2 amended to 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 [I hereby certify that

7 1. I am a citizen of the United States;

8 2. The date of my birth was

9 3. On the date of the (Description of election in which ballot is
 10 used to be printed here.) election I will have resided in New Jersey
 11 for and in
 (years or months)

12 county for;
 (years, months or days)

13 4. My home address is at
 (street and number, if any, or rural

14; in;
 route) (city, borough, town, township or village)

15 5. My military service voter's address is

16 6. I am (place a cross (X) in the box preceding the applicable
 17 category below, and insert serial number where required):

- 18 (a) A person in military service.
- 19 My serial number is
- 20 (b) A spouse or dependent of a person in category (a) whose
- 21 serial number is
- 22 (c) A patient in a veterans' hospital.
- 23 (d) A civilian attached to or serving with the Armed Forces
- 24 of the United States.
- 25 (e) A spouse or dependent of and residing with a person in
- 26 category (d).

27
 (write your usual signature above)

28
 (print your name clearly above)

PENALTY FOR FRAUDULENT VOTING

29 Any person who, knowingly, violates any of the provisions of this
 30 act, or who, not being entitled to vote thereunder, fraudulently
 31 votes or attempts to vote thereunder or enables or attempts to
 32 enable another person, not entitled to vote thereunder, to vote
 33 fraudulently thereunder or who prevents or attempts to prevent
 34 by fraud the voting of any person legally entitled to vote under
 35 this act, shall be guilty of a misdemeanor, and upon conviction
 36 thereof shall be subject, in addition to such other penalties as are
 37 authorized by law, to disenfranchisement unless and until pardoned
 38 or restored by law to the right of suffrage. (P. L. 1953, c. 211, s. 37
 39 (C. 19:57-37); P. L. 1964, c. 134, s. 33 (C. 19:58-33)).

CERTIFICATE OF MILITARY ABSENTEE VOTER

40 I, **, ** whose
 (print your name clearly)
 41 home address *is*
 (street address or R.D. number)

42 **, ** DO HEREBY CERTIFY,
 (municipality)

43 subject to the penalties for fraudulent voting, that I am a citizen
 44 of the United States, **am** over 18 years of age, **and have
 45 been** a resident of New Jersey for at least 30 days**[.]** and
 45A the county of **for** at
 46 least 30 days prior to the election. I AM VOTING THIS BALLOT
 47 PURSUANT TO APPLICATION PREVIOUSLY FILED. I
 48 marked the enclosed ballot in secret. I certify the foregoing to be
 49 true to the best of my knowledge and belief.

50
 (signature of voter)

50A **** (NOTE: MILITARY SERVICE VOTER CLAIMING MILI-**
50B **TARY STATION AS HOME ADDRESS FOR VOTING PUR-**
50C **POSES MAY NOT USE MILITARY ABSENTEE BALLOT**
50D **UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY**
50E **WHERE SUCH STATION IS LOCATED.)****

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

54 **I**,, do solemnly swear that I am a
55 registered voter of the State of New Jersey, and that I have resided
56 in the county of continuously since
57
(month, date and year)

58 My address in said county is
(street and number, if any, or
rural route)

59 where I have resided since
(month, date and year)

60 I will be a resident of the State of New Jersey at the above
61 address on
(date of election)

**FILL IN ONLY IF YOU HAVE MOVED OR INTEND TO MOVE YOUR
RESIDENCE AFTER**

.....
(county clerk insert date of fortieth day before election)

AND BEFORE THE ELECTION

62 I moved or will move to the above address from my previous
63 home address at
(street and number, if any, or rural route)

64 in the county of
(city, borough, town, township or village)

65 State of on
(give date)

66 Place a cross (X) in the box preceding the applicable statement
67 below.

68 My reason for voting this absentee ballot is:

69 I will be absent from the State on the date of the election.

70 I am unable to leave my place of confinement at
(home

71 because of
address, hospital address or other place of confinement)

72 and will, therefore,
(name of sickness or physical disability)

106 subject to the penalties for fraudulent voting, that I am a citizen
107 of the United States, ***am*** over 18 years of age, ***and have*
108 *been*** a resident of New Jersey for at least 30 days **[.]** *** and*
108A the county of ***for*** at
109 least 30 days prior to the election. I AM VOTING THIS BALLOT
110 PURSUANT TO APPLICATION PREVIOUSLY FILED. I
111 marked the enclosed ballot in secret. I certify the foregoing to be
112 true to the best of my knowledge and belief.

113
(signature of voter)

1 ****[7.]**** ****13.**** Section 19 of P. L. 1953, c. 211 (C. 19:57-19) is
2 amended to read 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 similarly
7 signed*:* **[and sworn to:]**

8 THE ABSENTEE BALLOT CONTAINED HEREIN IS
9 MARKED FOR THE CANDIDATES OF THE
10 POLITICAL PARTY (name of party)
11
(signature of absentee voter)

[PENALTY FOR FRAUDULENT VOTING

12 Any person who, knowingly, violates any of the provisions of
13 this act, or who, not being entitled to vote thereunder, fraudulently
14 votes or attempts to vote thereunder or enables or attempts to
15 enable another person, not entitled to vote thereunder, to vote
16 fraudulently thereunder or who prevents or attempts to prevent
17 by fraud the voting of any person legally entitled to vote under
18 this act, shall be guilty of a misdemeanor, and upon conviction
19 thereof shall be subject, in addition to such other penalties as are
20 authorized by law, to disenfranchisement unless and until pardoned
21 or restored by law to the right of suffrage.

22 (P. L. 1953, c. 211, s. 37 (C. 19:57-37);
23 P. L. 1964, c. 134, s. 33 (C. 19:58-33))**]**

1 ****14.** Section 25 of P. L. 1953, c. 211 (C. 19:57-25) is amended to
2 read as follows:

3 25. **[It]** *Except as provided in section 3 of this act, it shall not*
4 *be necessary to qualify any military service voter to vote by a*
5 *military service ballot in any county, that he shall be or shall have*
6 *been registered to vote in any election district of this State at the*
7 *time of any election or at any other time, if his name has been*
8 *certified by the county clerk of the county to the commissioner of*

9 registration of the county as hereinbefore provided. Any military
 10 service ballot returned to any county board of elections in the
 11 envelopes required by this act shall be counted in determining the
 12 result of any election in which it is to be voted in the election
 13 district indicated by the military service voter's home address
 14 appearing on the certificate or certificates attached to or accom-
 15 panying the inner envelope, containing such military service ballot,
 16 if such certificate or certificates contain information which would
 17 qualify the military service voter to vote in said election district
 18 if he were registered to vote therein, and if said certificate or cer-
 19 tificates have been filled in and purport to have been executed and
 20 sworn to in the manner required by this act and if such military
 21 service ballot has been so marked as to comply with the require-
 22 ments of the election laws of this State and in computing the length
 23 of residence, in the county and State, of any military service voter
 24 the time which shall have elapsed during his absence from the
 25 election district in which he resides because of the service, work,
 26 status or relationship entitling him to vote a military service ballot
 27 shall be counted.**

1 **[8.]** **15.** Section 31 of P. L. 1953, c. 211 (C. 19:57-31) is
 2 amended to read as follows :

3 31. On the day of each election each county board of elections
 4 shall open in the presence of the commissioner of registration or
 5 his assistant or assistants the inner envelopes in which the absentee
 6 ballots, returned to it, to be voted in such election, are contained,
 7 except those containing the ballots which the board or the County
 8 Court of the county has rejected, and shall remove from said
 9 inner envelopes the absentee ballots and shall then proceed to
 10 count and canvass the votes cast on such absentee ballots, but no
 11 absentee ballot shall be counted in any primary election for the
 12 general election if the ballot of the political party marked for voting
 13 thereon differs from the designation of the political party in the
 14 primary election of which such ballot is intended to be voted as
 15 marked on said envelope by the county board of elections. Immedi-
 16 ately after the canvass is completed, the respective county boards
 17 of election shall certify the result of such canvass to the county
 18 clerk or the municipal or district clerk or other appropriate officer
 19 as the case may be showing the result of the canvass by [ward and
 20 district] *municipality and ward*, and the votes so counted and
 21 canvassed shall be counted in determining the result of said election.

22 *The county board of elections shall, immediately after the canvass*
 23 *is completed for a primary election, certify the results *of the*
 24 *votes* cast for members of the county committees to the respective*

25 *municipal clerks, which votes shall be counted in determining the*
 26 *result of said election.*

1 **16. Section 32 of P. L. 1953, c. 211 (C. 19:57-32) is amended to
 2 read as follows:

3 32. As soon as practicable after such election, the commissioner
 4 of registration shall cause to be marked all duplicate voting records
 5 which have not been marked with a red "A" in accordance with
 6 this act, to show that a civilian absentee ballot was delivered or
 7 forwarded to the respective registered voters. For each civilian
 8 absentee ballot, *and for each military absentee ballot cast by a*
 9 *military service voter who is required under section 3 of this act*
 10 *to be registered in the municipality where he intends to cast such*
 11 *absentee ballot*, that has been voted, received and counted, the
 12 commissioner of registration shall also, by reference to the cer-
 13 tificates removed from the inner envelopes of such ballots, cause
 14 to be written or stamped the word "Voted" in the space provided
 15 in the duplicate voting record for recording the ballot number of
 16 the voter's ballot in such election, and in the case of a primary
 17 election for the general election he shall also cause to be written
 18 or stamped in the proper space of the record of voting form the
 19 first three letters of the name of the political party primary in
 20 which such ballot was voted. The record of voting forms in the
 21 original permanent registration binders shall be conformed to the
 22 foregoing entries in the duplicate forms.**

1 **9. 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 **or**, in the case of a school election, **]** because of the
 24 nature and hours of his employment, will be unable to cast his
 25 ballot at the polling place in his election district on the day of the
 26 election.

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

31 “Military service” means active service by any person, as a
 32 member of any branch or department of the United States Army,
 33 Navy, Air Force, Coast Guard or Marine Corps, or as a reservist
 34 absent from his place of residence and undergoing training under
 35 Army, Navy, Air Force, Coast Guard or Marine Corps direction,
 36 at a place other than that of such person’s residence.

37 “Military service voter” means a qualified elector under the
 38 Constitution and the laws of this State who comes within one of
 39 the following categories:

40 (a) Persons in the military service and their spouses and de-
 41 pendents.

42 (b) Patients in a veterans’ hospital located in any place other
 43 than the place of their residences who have been in the military
 44 service in any war in which the United States has been engaged and
 45 have been discharged or released from such service.

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

49 “Military service ballot” means a ballot for use by a military
 50 service voter as prescribed by this act. **]****

1 ****[10.]**** ****17.**** *(New section) a. The Secretary of State shall*
 2 *cause to be prepared a standard military service absentee ballot*
 3 *application form and a standard civilian absentee ballot application*
 4 *form. Said civilian absentee ballot application form shall be printed*
 5 *in the NOTICE TO PERSONS DESIRING CIVILIAN ABSEN-*
 6 *TEE BALLOTS required to be published pursuant to section 7 of*
 7 *P. L. 1953, c. 211 (C. 19:57-7).*

8 *b. The Secretary of State shall have the authority to promulgate*
 9 *any rules and regulations to carry out this act.**

1 ****18. N. J. S. 18A:14-26 is repealed.****

1 ***[9.]*** ****[11.]*** ****19.**** This act shall take effect immediately
 2 ****but shall not apply to any election held within 60 days from the**
 3 **date of enactment**.**

21 canvassed shall be counted in determining the result of said election.

22 *The county board of elections shall, immediately after the canvass*
 23 *is completed for a primary election, certify the results cast for*
 24 *members of the county committees to the respective municipal*
 25 *clerks, which votes shall be counted in determining the result of*
 26 *said election.*

1 9. This act shall take effect immediately.

STATEMENT

19:57-3 is amended to bring this section into conformity with requirements to register, namely 30 days residency both in the State and voter's county.

19:57-4 is amended to provide for county clerk to issue without request applications to voters who are totally and permanently disabled, for all future elections in which they are eligible. Present law provides for county clerk to furnish ballots without request or application for all subsequent elections in which such voter is eligible to vote after said voter indicates they are totally and permanently disabled. Present law creates many administrative problems in approving or rejecting absentee ballots. (1) There is no application to compare against flap certificate. (2) There is, in case of death of voter, loose ballots floating around without request. This amendment would tighten up the absentee ballot processing.

19:57-7 is amended to (1) conform with other provisions of the law permitting voter to apply for a ballot not less than 7 days prior to an election, and (2) to inform the public that if they are totally and permanently disabled they shall be forwarded an application for future elections.

19:57-15 is amended to provide for the county clerk to advise the voter which primary party said voter can vote in for primary elections, as a result of checking voter's registration record. It also provides for those voters who are participating in first primary election in which they are eligible to vote after their registration to be advised that they can vote in any one of the party primaries. 19:57-16 is amended to provide for "penalty for fraudulent voting statement" to be printed on reverse side of the inner envelope, a more conspicuous place than at present. It also provides for arrangement of flap certificate on inner envelope which would be amended pursuant to 19:57-17.

19:57-17 is amended to provide for a simple flap certificate for both civilian and military absentee ballots. The present certificate

A 1911 (1977)

is a complicated one to absentee voters, and in each general election, thousands of ballots are rejected in this State due to improper execution of the present flap certificate. In a presidential election, these rejections could number several thousand.

19:57-19 is amended to provide for a simple statement to designate party primary. It eliminates the "penalty for fraudulent voting" statement since this will be printed on the back of the inner envelope. It also eliminates the words "and sworn to" since there is no affidavit required.

19:57-20 is amended to provide for results of canvass of absentee ballots to be certified by municipality and ward. It also provides for results of canvass for members of county committee in primary election to be certified to respective municipal clerks. There is no reason for canvass by district as presently required, and if only one absentee ballot was cast in a district, the secrecy of the ballot could be violated.

REFERENCE USE ONLY

ASSEMBLY STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1911

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 10, 1976

The sponsor's statement to this bill adequately explains the several amendments to the "Absentee Voting Law" which this bill, as introduced, contains and the reasons for those amendments.

The committee amended the bill to provide the following: (1) To allow a voter to obtain an absentee ballot in *any* election if the nature and hours of his employment prevent him from voting at the polling place. At the present time, a voter can obtain an absentee ballot for this reason only in the case of a school election.

(2) To have an application form for a civilian absentee ballot included in the notice of the availability of absentee ballots which appears in newspapers, voters desiring to obtain an absentee ballot would be able to fill out the application form in the newspaper and send it to the county clerk, the municipal clerk, or whomever the appropriate official might be.

(3) To authorize the Secretary of State to prepare a standard application form to be used by civilian voters and a standard application form to be used by military service voters who wish to vote by absentee ballot. The intent is to have county and municipal clerks and other officials designated by law to receive applications for absentee ballots to use a form that is uniform throughout the State. The standard form prepared by the Secretary of State for civilian absentee voters would be the form that would appear in the newspaper notice of the availability of absentee ballots for civilians.

(4) To authorize the Secretary of State to promulgate the rules and regulations necessary to implement this bill.

Other amendments made by the committee were technical and stylistic in order to achieve clarity and uniformity in the statutory language.

ASSEMBLY STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1911

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1976

This bill was referred back to the Assembly State Government Committee for further amendments. One of these was the modification of the present requirement that applications for absentee ballots be made to the county clerk in the case of Statewide and countywide elections, the municipal clerk in the case of municipal elections, the secretary of the school board in the case of school elections, and the appropriate governing body in the case of certain other elections. Under the committee's amendments to this bill, applications for absentee ballots in *all* elections will be made directly to the county clerk. It has been the experience of some county clerks that applications sent to officials other than the county clerk are not always forwarded promptly to the county clerk and in sufficient time for the county clerk to send out an absentee ballot and have it returned by election day. This change will eliminate the possibility of such a delay.

Extensive amendments were made to deal with the situation of absentee voting by military service personnel and their dependents who reside upon military installations in New Jersey but were not residents of the State before coming here on military duty. It is alleged that significant numbers of such base-resident service personnel have claimed New Jersey (and local) voting rights, while at the same time protecting rights and privileges of continued residency in their previous states of residence, by avoiding registration through the use of absentee ballots. The committee's amendments are intended to prevent such abuse by providing that the base-resident military service voter may cast a military absentee ballot in the municipality where his base residence is located only if he has been duly registered to vote there. These amendments were made at the request of the sponsor and incorporate the changes in the "Absentee Voting Law" proposed by the sponsor in his bill Assembly Bill No. 2171.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE
MARCH 25, 1977

FOR FURTHER INFORMATION
KATHY FORSYTH

Governor Brendan Byrne has signed a bill amending and supplementing the present laws concerning absentee ballots.

The bill, A-1911, will not apply to any election held within 60 days from the date of enactment. It will, however, apply to the June 7 primary.

Significant changes effected by the bill include:

--Requires that a military service voter be registered in the municipality in which he claims a vote before he can be permitted to cast an absentee ballot;

--Reduces to 30 days the prior state and county residence required of military service voters entitled to vote by absentee ballot. Previous law required six months residency in the State and 40 days residency in the relevant county;

--Expands and clarifies the definition of civilian voters entitled to vote by absentee ballot to include persons unable to reach the polls by reason of temporary physical disability or nature and hours of employment;

--Eliminates the requirement that in every fourth year, the county board of elections ascertain that voters listed as permanently and totally disabled continue to be so and substitutes a requirement that all such disabled persons submit an application for an absentee ballot at each election. The bill also requires that the county clerk provide the appropriate application form without request by the voter;

--Streamlines procedures to require that all applications for absentee ballots be made to the county clerk. Under the previous law, the applications are handled first by various other election officials, depending on the nature of the election;

--With respect to primary elections, requires that the county clerk indicate on the absentee ballot the party primary in which the voter is entitled to vote.

--Modifies the standard notice, application form and ballot to conform with changes in the law and to simplify and tighten the processing.

The bill was sponsored by Assemblyman Francis J. McManimon (D-Hamilton Township).