

19:31-2 et al.

LEGISLATIVE HISTORY CHECKLIST

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Laws of 1975 Chapter 15

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Sponsor(s) Merlino

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SENATE, No. 3011

STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1975

By Senator MERLINO

Referred to Committee on Judiciary

AN ACT concerning voter registration, and amending sections 19:31-2 and 19:31-6 of the Revised Statutes, and sections 16 and 21 of P. L. 1974, c. 30.

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

1 1. R. S. 19:31-2 is amended to read as follows:

2 19:31-2. In all counties having a superintendent of elections,
3 the superintendent of elections is hereby constituted the commis-
4 sioner of registration and in all other counties the secretary of
5 the county board is hereby constituted the commissioner of regis-
6 tration.

7 The commissioner of registration in all counties having a super-
8 intendent of elections, and the county board in all other counties,
9 shall have complete charge of the permanent registration of all
10 eligible voters within their respective counties.

11 The commissioner of registration in counties of the first class
12 having a superintendent of elections and having less than 800,000
13 inhabitants, and the county board in all other counties, shall have
14 power to appoint temporarily, and the commissioner of registration
15 in counties of the first class having more than 800,000 inhabitants
16 shall have power to appoint on a permanent, or temporary basis,
17 such number of persons, as in his or its judgment may be necessary
18 in order to carry out the provisions of this Title. All persons ap-
19 pointed by the commissioner of registration in counties of the first
20 class having more than 800,000 inhabitants to serve for terms of
21 more than 6 months in any 1 year shall be in the classified service
22 of the civil service and shall be appointed, and hold their positions,
23 in accordance with the provisions of Title 11, Civil Service. Persons
24 appointed by the commissioner of registration in such counties to
25 serve for terms of 6 months or less in any 1 year and persons

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 appointed by the commissioner of registration, or by the county
27 board of elections, in other counties shall not be subject to any
28 of the provisions of Title 11, Civil Service, but shall be in the
29 unclassified service.

30 **[**In each county the commissioner of registration, as defined in
31 this section, shall provide evening registration facilities for the
32 registration of persons who are or may be entitled to vote at the
33 primary and general election in said counties.**]**

34 In each county the commissioner of registration shall submit to
35 the Secretary of State on or before February 15 of each year a plan
36 providing for evening registration for the primary election and
37 on or before July 1 plans providing for evening and **[mobile]**
38 *out-of-office* registration for the general election, which plans shall
39 be subject to approval by the Secretary of State. Evening regis-
40 tration shall be made available *in the office of each commissioner*
41 *of registration between the hours of 4 p.m. and 9 p.m. for at least*
42 *6 working days immediately preceding the close of registration*, in
43 each municipality having a population in excess of 12,000 persons
44 according to the most recent United States census between the hours
45 of 4 p.m. and 9 p.m. for at least **[6]** 3 working days immediately
46 preceding the close of registration, and in each municipality having
47 a population of less than 12,000 persons between the hours of 4 p.m.
48 and 9 p.m. on the day of **[**and at least once each week between the
49 hours of 6 p.m. and 9 p.m. during the 6 calendar weeks immediately
50 preceding**]** the close of registration for the primary and general
51 elections and for municipal elections. Such plan for **[mobile]**
52 *out-of-office* registration may include door-to-door registration,
53 and shall include the schedule and route to be followed by **[the**
54 *mobile]* any *out-of-office* registration units, as well as a description
55 of the number and nature of units to be used, and such further
56 pertinent information as the Secretary of State may by rule or
57 regulation require. **[Mobile]** *Out-of-office* registration shall be
58 made available pursuant to such plan in each municipality having
59 a population in excess of **[7,500]** 12,000 persons according to the
60 most recent United States census. *Nothing in this section shall*
61 *preclude the commissioner from providing pursuant to plan evening*
62 *registration or out-of-office registration in excess of the require-*
63 *ments of this section, or shall preclude or in anyway limit out-of-*
64 *office registration conducted by persons or groups other than the*
65 *commissioner.*

66 On or before the last school day on which a person may register
67 to be entitled to vote in the ensuing primary **[or general]** election,

68 the commissioner of registration in counties having a superintend-
 69 ent of elections, and the county board in all other counties, shall
 70 arrange for and conduct registration in each public and nonpublic
 71 high school in the county, of all students who are eligible to register
 72 to vote in the ensuing election. School officials shall cooperate with
 73 efforts to register students in such schools.

74 The commissioner of registration in counties having a superin-
 75 tendent of elections, and the county board in all other counties,
 76 shall provide such printed forms, blanks, supplies and office tele-
 77 phone and transportation equipment and shall prescribe such rea-
 78 sonable rules and regulations not inconsistent with those of the
 79 Secretary of State as are necessary in the opinion of the commis-
 80 sioner or county board to carry out the provisions of this Title
 81 and any amendments or supplements thereto.

82 Subject to the limitations set forth in chapter 32 of this Title
 83 as hereby amended all necessary expenses incurred, as and when
 84 certified and approved by the commissioner of registration in
 85 counties having a superintendent of elections, and by the county
 86 board in all other counties, shall be paid by the county treasurer
 87 of the county.

88 Nothing in the provisions of subtitle 2 of the Title, Municipali-
 89 ties and Counties (40:16-1 et seq.), shall in anywise be construed
 90 to affect, restrict or abridge the powers herein conferred on the
 91 commissioners in counties having a superintendent of elections,
 92 and upon the county boards in all other counties.

93 All powers granted to the commissioner in all counties not hav-
 94 ing superintendents of elections by the provisions of this Title are
 95 hereby conferred on the county board in such counties and any and
 96 all duties conferred upon the commissioner in all counties not
 97 having a superintendent of elections by the provisions of this Title
 98 shall only be exercised and performed by such commissioner under
 99 the instructions and directions of and subject to the approval of
 100 the county board of such counties.

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

2 19:31-6. Up to and including the twenty-ninth day preceding
 3 any election the commissioner, in counties having a superintendent
 4 of elections, and the members of the county board in all other
 5 counties, or a duly authorized clerk or clerks acting for him or it,
 6 as the case may be, shall receive the application for registration
 7 of all eligible voters who shall personally appear for registration
 8 during office hours at the office of the commissioner or the county
 9 board, as the case may be, or at such other place or places as may
 10 from time to time be designated by him or it for registration.

11 When any person shall apply to the commissioner in writing
 12 setting forth that due to a chronic or incurable illness, or that
 13 he is totally incapacitated and he cannot attend a place of regis-
 14 tration and such application is accompanied by an affidavit by
 15 a physician duly licensed to practice medicine in this State cer-
 16 tifying that such person is chronically or incurably ill or totally
 17 incapacitated, that such person is mentally competent and that
 18 such person cannot attend a place of registration, then the com-
 19 missioner shall cause such person to be registered at his place of
 20 residence or confinement.

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

24 When the commissioner or county board has designated a place
 25 or places other than his office or its office for receiving registra-
 26 tions, he or it, as the case may be, shall cause to be published
 27 a notice in a newspaper circulated in the municipality wherein
 28 such place or places of registration shall be located. Such notice
 29 shall be published [within at least 7 days of the time that such
 30 place or places shall be open for registration and shall contain
 31 the address or addresses of such place or places and the dates and
 32 hours upon which they shall remain open] pursuant to R. S. 19:12-7.

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

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

38 Upon being sworn the applicant shall answer such questions
 39 as are provided for in the original and duplicate permanent
 40 registration forms hereinbefore set forth, and the person receiv-
 41 ing the application shall fill out the forms which the applicant
 42 shall sign. If an eligible voter is unable to write his name, he
 43 shall be required to make a cross, which shall be followed by the
 44 writing of the words "his or her mark," as the case may be, by
 45 the person receiving the application, and such applicant shall
 46 answer the additional questions required under this Title. Such
 47 additional questions shall be sworn to or affirmed in the manner
 48 above provided.

1 3. Section 16 of P. L. 1974, c. 30 (C. 19:31-6.4) is amended to
 2 read as follows :

3 16. a. The Secretary of State shall cause to be prepared and shall
 4 provide to each county commissioner of registration registration

5 forms of size and weight suitable for mailing, which shall require
6 the information required by R. S. 19:31-3 in substantially the
7 following form:

VOTER REGISTRATION FORM

(Please print *in ink* or type)

8 (1) Name:
Last First Middle

9 [(2) Birth Date:
Month Day Year]

10 [(3)] (2) Residence:
Street Address Apt. No.

11
Municipality County Zip

12 (3) Rural Mailing Address (if any):
13
R. D. Number Box Municipality Zip

14 (4) This form is being used as (check one):

- 15 New registration
- 16 Change of address
- 17 Change of name

18 [(4) I have resided at the above address since:
Month Day Year]

19 (5) Birth Date:
Month Day Year

20 (6) [(5) Where] From what address did you last register to vote;
21 and under what name? "

22
Last Name First Middle

23
Street Address Apt. No.

24
Municipality County State Zip

25 (7) [(6)] I am a native born naturalized [(strike one)]
26 citizen (check one). I was naturalized on
Month Day Year

27 in
Municipality State

28 (8) [(7)] By the time of the next general election, I will be at
29 least 18 years of age, I will be a citizen of the United States, and I
30 will have resided in this State at least 30 days and in the county of
31 at least 30 days. To the best of my
32 knowledge and belief, all the foregoing statements made by me are
33 true and correct. I understand that any false or fraudulent regis-
34 tration or attempted registration may subject me to a fine of up
35 to \$1,000.00 or imprisonment of up to 5 years, or both pursuant to
36 R. S. 19:34-1.

37
Signature or mark of the registrant Date

38 (g) [(8)] I, being a registered voter in
39 county in the State of New Jersey, witnessed the *making of the*
40 above signature or mark.

41
Signature of the witness Date
42
Name (Please print)
43
Street Address of the witness
44
Municipality County Zip

45 [(9) If the voter is unable to sign his or her name, the voter shall
46 make his or her mark, which mark shall be witnessed. The signa-
47 ture, name and residence of the registered voter of the State of
48 New Jersey who filled out this card are :

49
Signature Date
50
Name (Please print)
51
Street Address
52
Municipality County Zip]

53 b. The reverse side of the registration form shall bear the
54 address of the commissioner of registration to whom such form
55 is supplied, and a United States postal permit the charges upon
56 which shall be paid by the State.

57 c. The Secretary of State shall cause to be prepared registration
58 forms of the size, weight and form described in subsection a. of
59 this section in both the English and Spanish language and shall
60 provide such forms to each commissioner of registration of any
61 county in which there is at least one election district in which
62 bilingual sample ballots must be provided pursuant to R. S.
63 19:14-21, R. S. 19:49-4 or section 2 of P. L. 1965, c. 29
64 (C. 19:23-22.4).

65 d. The commissioner of registration shall furnish such registra-
66 tion forms upon request *in person* to any person or organization in
67 such reasonable quantities *as such person or organization shall re-*
68 *quest. The commissioner shall furnish no fewer than two such*
69 *forms to any person upon request by mail or by telephone.*

70 e. Each such registration form shall have annexed thereto
71 instructions specifying the manner and method of registration and
72 stating the qualifications for an eligible voter.

1 4. Section 21 of P. L. 1974, c. 30 (C. 19:31-6.9) is amended to
2 read as follows:

3 21. To effectuate the purposes of this act and in addition to
4 any other powers and duties provided in or by this act, the Sec-
5 retary of State may promulgate such rules [and regulations] as
6 may be necessary, *including rules delineating which defects if any*
7 *in partially completed voter registration forms may be cured and*
8 *the manner in which such defects if any may be cured*, all of which
9 shall have the force of law.

1 5. This act shall take effect immediately.

STATEMENT

This bill refines P. L. 1974, c. 30 and P. L. 1974, c. 51, which relate to voter registration, in light of the experience gained at the November, 1974 general election.

The modifications included in section 1 are meant, first, to clarify the existing law, and second, to eliminate the unreasonable burden of keeping open municipal offices for registration of voters in the State's smallest municipalities. In view of registration by mail, the costs of the existing evening registration provision cannot be justified. The in-school registration provision is being altered because nearly all students who will have turned 18 by the time of a general election, will have been registered in advance of the primary election, making in-school registration for the general election nearly useless. The modifications also clarify the opportunity to provide more out-of-office registration than is required by the law.

The modification included in section 2 is designed to consolidate certain notice by publication requirements contained in the 1974 statute with similar long standing requirements contained in N. J. S. A. 19:12-7. The counties will experience significant savings as a result.

There are several modifications being made by section 3 to the voter registration form itself. First, rural delivery information is necessary to prevent rejection of forms from persons living in areas lacking street addresses. Second, the provision relating to native born and naturalized citizens is being simplified. Third, the provision relating to the identity of a person actually filling out the form is unnecessary, as the registrant attests to the truthfulness of the data being provided. It is commonplace for members of the League of Women Voters or for election board workers to ask a registrant able to sign his name, but confused by the form, various questions and to complete the appropriate blank spaces. The person

actually filling out the form has often become confused as to whether the existing item 9 must be completed as a result. Finally, it is made clear that a telephoned request for a mail registration form will be honored.

The modification included in section 4 is necessary because many voter registration forms received by commissioners of registration have been deficient in minor respects. For example, the first initial of a registrant's name has been inserted instead of the full first name, or the zip code or apartment number of a registrant's residence has been omitted. The existing law does not clearly authorize the Secretary of State to determine whether a voter registration form with such omissions is nevertheless valid. The existing law also fails to authorize the Secretary of State to establish procedures whereby an omission is to be ignored, or the commissioner of registration sends the registrant a new form, or the Secretary of State requires voters to provide the omitted data when they appear to vote.