

19:57-15
AND 19

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:57-15 and 19:57-19

Laws of 1975 Chapter 90

Bill No. A2288

Sponsor(s) MacInnes & Others

Date Introduced December 17, 1974

Committee: Assembly State Gov't.

Senate State Gov't. & Federal & Interstate Relations

Amended during passage Yes No

Date of passage: Assembly February 13, 1975

Senate April 17, 1975

Date of approval May 8, 1975

Following statements are attached if available:

Sponsor statement Yes ~~No~~

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

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CHAPTER 90 LAWS OF N. J. 1975

APPROVED 5-8-75

ASSEMBLY, No. 2388

STATE OF NEW JERSEY

INTRODUCED DECEMBER 17, 1974

By Assemblymen MACINNES, HERMAN, KEAN, SHELTON
and HYNES

Referred to Committee on State Government

AN ACT to amend 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 15 of P. L. 1953, c. 211 (C. 19:57-15) is amended to
2 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. **[If the county clerk through investigating the voter's voting**
14 **record has ascertained that under the laws of this State such voter**
15 **is qualified to vote only in a certain party primary he shall so**
16 **indicate upon the primary ballot the party primary in which such**
17-18 **voter is so entitled to vote.]**

19 Each such absentee ballot shall be plainly marked to indicate that
20 but one party ballot is to be voted by each absentee voter and that
21 the party ballot voted by him must conform to the name of the
22 political party indicated on the certificate on the flap of the inner
23 envelope in which the absentee ballot is to be enclosed **[and there**
24 **shall also be indicated upon said ballot the qualifying statement**

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

25 appearing in said certificate and governing such absentee voter's
26 choice of the party ballot】.

1 2. 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 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 【I intend to vote at the next ensuing general election for the
9 nominees of the political party,
(name of party)

10 whose ballot is marked herein, and I am not a member of, or
11 identified with, any other political party or any political orga-
12 nization espousing the cause of candidates of any other
13 political party. I have not voted in a primary election of any
14 other political party in the last two primary elections or
15 contributed to the campaign funds of any other political party
16 within one year prior to the primary election at which this
17 ballot is to be voted.

.....
(signature of absentee voter)】

18 THE ABSENTEE BALLOT CONTAINED HEREIN IS
19 MARKED FOR THE CANDIDATES OF THE
20 POLITICAL PARTY. (name of party)

.....
(signature of absentee voter)

21 PENALTY FOR FRAUDULENT VOTING

22 Any person who, knowingly, violates any of the provisions of
23 this act, or who, not being entitled to vote thereunder, fraudulently
24 votes or attempts to vote thereunder or enables or attempts to
25 enable another person, not entitled to vote thereunder, to vote
26 fraudulently thereunder or who prevents or attempts to prevent
27 by fraud the voting of any person legally entitled to vote under
28 this act, shall be guilty of a misdemeanor, and upon conviction
29 thereof shall be subject, in addition to such other penalties as are
30 authorized by law, to disenfranchisement unless and until pardoned
31 or restored by law to the right of suffrage.

32 (P. L. 1953, c. 211, s. 37 (C. 19:57-37))

33 (P. L. 1964, c. 134, s. 33 (C. 19:58-33))

1 3. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to bring the absentee ballot for primary elections into conformity with court ordered changes in New Jersey election law. Specifically, the existing statute requires certification by the absentee voter that he or she has not voted in the primary of a different party within the last 2 years. This requirement is unconstitutional and should not be invoked with absentee voters.

This bill will also remove the authority of the county clerk to specify in which party primary a voter is eligible to vote.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2388

—•—
STATE OF NEW JERSEY
—•—

DATED: APRIL 7, 1975

The purpose of this bill is to remove the requirement in the present statute that absentee voters certify on the absentee primary ballot that they have not voted in the primary of a different party within the last 2 years. It also removes the authority of the county clerk to specify the party primary in which the voter is eligible to vote.