

19:14-21.1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2005 **CHAPTER:** 139

NJSA: 19:14-21.1 (Concerns voter registration, polling records and voter lists)

BILL NO: A42 (Substituted for S2387)

SPONSOR(S): Watson Coleman and others

DATE INTRODUCED: March 7, 2005

COMMITTEE: **ASSEMBLY:** State Government; Appropriations
SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 20, 2005

SENATE: June 23, 2005

DATE OF APPROVAL: July 7, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

A42

[SPONSOR'S STATEMENT:](#) (Begins on page 21 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [3-7-2005 \(State Gov't\)](#)
[6-9-2005 \(Approp\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2387

[SPONSOR'S STATEMENT:](#) (Begins on page 21 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 7/24/07

§1 - C.19:14-21.1
§2 - C.19:23-30.1
§3 - C.19:60-10.1
§20 - Note to §§1-19

P.L. 2005, CHAPTER 139, *approved July 7, 2005*
Assembly, No. 42 (*First Reprint*)

1 AN ACT ¹[changing the] concerning¹ voter registration ¹[deadline],
2 polling records and voter lists¹, and amending and supplementing
3 various parts of the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) Notwithstanding the provisions of any other law
9 to the contrary, a voter who registers after the 29th day prior to a
10 general election and who is eligible to participate in that election may
11 be sent, instead of a sample ballot, notice of the voter's polling place,
12 information on where to obtain a sample ballot prior to the election,
13 a statement indicating that a sample ballot will be available at the
14 polling place on the day of the election, and, if applicable, information
15 on a county website where a sample ballot may be viewed.

16
17 2. (New section) Notwithstanding the provisions of any other law
18 to the contrary, a voter who registers after the 29th day prior to a
19 primary election and who is eligible to participate in that election may
20 be sent, instead of a sample ballot, notice of the voter's polling place,
21 information on where to obtain a sample ballot prior to the election,
22 a statement indicating that a sample ballot will be available at the
23 polling place on the day of the election, and, if applicable, information
24 on a county website where a sample ballot may be viewed.

25
26 3. (New section) Notwithstanding the provisions of any other law
27 to the contrary, a voter who registers after the 29th day prior to a
28 school election and who is eligible to participate in that election may
29 be sent, instead of a sample ballot, notice of the voter's polling place,
30 information on where to obtain a sample ballot prior to the election,
31 a statement indicating that a sample ballot will be available at the
32 polling place on the day of the election, and, if applicable, information
33 on a county website where a sample ballot may be viewed.

34
35 4. R.S.19:12-7 is amended to read as follows:

36 19:12-7. a. The county board in each county shall cause to be
37 published in a newspaper or newspapers which, singly or in
38 combination, are of general circulation throughout the county, a notice

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 9, 2005.

1 containing the information specified in subsection b. hereof, except for
2 such of the contents as may be omitted pursuant to subsection c. or d.
3 hereof. Such notice shall be published once during the 30 days next
4 preceding the day fixed for the closing of the registration books for the
5 primary election, once during the calendar week next preceding the
6 week in which the primary election is held, once during the 30 days
7 next preceding the day fixed for the closing of the registration books
8 for the general election, and once during the calendar week next
9 preceding the week in which the general election is held.

10 b. Such notice shall set forth:

11 (1) For the primary election:

12 (a) That a primary election for making nominations for the general
13 election, for the selection of members of the county committees of
14 each political party, and in each presidential year for the selection of
15 delegates and alternates to national conventions of political parties,
16 will be held on the day and between the hours and at the places
17 provided for by or pursuant to this Title.

18 (b) The place or places at which and hours during which a person
19 may register, the procedure for the transfer of registration, and the
20 date on which the books are closed for registration or transfer of
21 registration.

22 (c) The several State, county, municipal and party offices or
23 positions to be filled, or for which nominations are to be made, at such
24 primary election.

25 (d) The existence of registration and voting aids, including: (i) the
26 availability of registration and voting instructions at places of
27 registration as provided under R.S.19:31-6; and (ii), if available, the
28 accessibility of voter information to the deaf by means of a
29 telecommunications device.

30 (e) The availability of assistance to a person unable to vote due to
31 blindness, disability or inability to read or write.

32 (f) In the case of the notice published during the calendar week next
33 preceding the week in which the primary election is held, that a voter
34 who, prior to the election, shall have moved within the same county
35 without (i) filing, on or before the ~~29th~~ 21st day preceding the
36 election, a notice of change of residence with the commissioner of
37 registration of the county or the municipal clerk of the municipality in
38 which the voter resides on the day of the election, (ii) returning the
39 confirmation notice sent to the voter by the commissioner of
40 registration of the county, if such a notice has been sent to the voter,
41 or (iii) otherwise notifying the commissioner of registration of the
42 voter's change of address within the county shall be permitted to
43 correct the voter's registration and to vote in the primary election by
44 provisional ballot at the polling place of the district in which the voter
45 resides on the day of the election. The notice shall further provide that
46 the voter may contact the county commissioner of registration or

1 municipal clerk to determine the proper polling place location for the
2 voter.

3 (2) For the general election:

4 (a) That a general election will be held on the day and between the
5 hours and at the places provided for by or pursuant to this Title.

6 (b) The place or places at which and hours during which a person
7 may register, the procedure for transfer of registration, and the date on
8 which the books are closed for registration or transfer of registration.

9 (c) The several State, county and municipal offices to be filled and,
10 except as provided in R.S.19:14-33 of this Title as to publication of
11 notice of any Statewide proposition directed by the Legislature to be
12 submitted to the people, the State, county and municipal public
13 questions to be voted upon at such general election.

14 (d) The existence of registration and voting aids, including: (i) the
15 availability of registration and voting instructions at places of
16 registration as provided under R.S.19:31-6; and (ii) the accessibility
17 of voter information to the deaf by means of a telecommunications
18 device.

19 (e) The availability of assistance to a person unable to vote due to
20 blindness, disability or inability to read or write.

21 (f) In the case of the notice published during the calendar week next
22 preceding the week in which the general election is held, that a voter
23 who, prior to the election, shall have moved within the same county
24 without (i) filing, on or before the [29th] 21st day preceding the
25 election, a notice of change of residence with the commissioner of
26 registration of the county or the municipal clerk of the municipality in
27 which the voter resides on the day of the election, (ii) returning the
28 confirmation notice sent to the voter by the commissioner of
29 registration of the county, if such a notice has been sent to the voter,
30 or (iii) otherwise notifying the commissioner of registration of the
31 voter's change of address within the county shall be permitted to
32 correct the voter's registration and to vote in the general election by
33 provisional ballot at the polling place of the district in which the voter
34 resides on the day of the election. The notice shall further provide that
35 the voter may contact the county commissioner of registration or
36 municipal clerk to determine the proper polling place location for the
37 voter.

38 (3) For a school election:

39 (a) The day, time and place thereof,

40 (b) The offices, if any, to be filled at the election,

41 (c) The substance of any public question to be submitted to the
42 voters thereat,

43 (d) That a voter who, prior to the election, shall have moved within
44 the same county without (i) filing, on or before the [29th] 21st day
45 preceding the election, a notice of change of residence with the
46 commissioner of registration of the county or the municipal clerk of

1 the municipality in which the voter resides on the day of the election,
2 (ii) returning the confirmation notice sent to the voter by the
3 commissioner of registration of the county, if such a notice has been
4 sent to the voter, or (iii) otherwise notifying the commissioner of
5 registration of the voter's change of address within the county shall be
6 permitted to correct the voter's registration and to vote in the school
7 election by provisional ballot at the polling place of the district in
8 which the voter resides on the day of the election,

9 (e) That if the voter has any questions as to where to vote on the
10 day of the election, the voter may contact the county commissioner of
11 registration or municipal clerk to determine the proper polling place
12 location for the voter; and

13 (f) Such other information as may be required by law.

14 c. If such publication is made in more than one newspaper, it shall
15 not be necessary to duplicate in the notice published in each such
16 newspaper all the information required under this section, so long as:

17 (1) The municipal officers or party positions to be filled, or
18 nominations made, or municipal public questions to be voted upon by
19 the voters of any municipality, shall be set forth in at least one
20 newspaper having general circulation in such municipality;

21 (2) All offices to be filled, or nominations made therefor, or public
22 questions to be voted upon, by the voters of the entire State or of the
23 entire county shall be set forth in a newspaper or newspapers which,
24 singly or in combination, have general circulation throughout the
25 county;

26 (3) Information relating to nominations and elections in each
27 Legislative District comprised in whole or part in the county, shall be
28 published in at least a newspaper or newspapers which singly or in
29 combination, have general circulation in every municipality of the
30 county which is comprised in such legislative district.

31 d. Such part or parts of the original notices as published which
32 pertain to day of registration or primary election which has occurred
33 shall be eliminated from such notice in succeeding insertions.

34 e. (Deleted by amendment, P.L.1999, c.232.)

35 f. The cost of publishing the notices required by this section shall
36 be paid by the respective counties, unless otherwise provided for by
37 law.

38 (cf: P.L.1999, c.232, s.2)

39
40 5. Section 6 of P.L.1991, c.249 (C.19:15-18.3) is amended to read
41 as follows:

42 6. Any person whose name does not appear on a challenge list
43 prepared by the superintendent of elections of the county but who is
44 challenged and denied the right to vote on the day of a municipal,
45 primary, general, or special election by a duly authorized challenger or
46 by a member of a district board of elections, may apply to a Superior

1 Court judge sitting at the county seat for permission to vote. No
2 papers need be filed; the court shall entertain oral applications. The
3 challenged voter may appear pro se or with counsel. The challenger
4 or the member of the district board, as the case may be, may appear or
5 be represented by counsel. The challenged voter shall be permitted to
6 state by oath or affirmation the facts which the voter believes establish
7 eligibility to vote, shall furnish a copy of the affidavit the voter signed
8 when challenged, a copy of the affidavit signed by the challenger and
9 the identifying document found invalid by the challenger and the
10 district board. The rules of evidence shall not apply to those
11 proceedings. The judge shall grant the application and provide the
12 challenged voter with written authorization to vote on that day if the
13 judge finds the following facts to be established by the testimony of
14 the applicant or, in the case of a dispute of facts or some questions as
15 to the challenged voter's credibility, by a preponderance of the
16 following evidence:

17 a. The challenged voter is at least 18 years old and a citizen of the
18 United States and of this State, has resided in the county at least 30
19 days prior to the date of the election, and has not been convicted of a
20 crime which would disenfranchise a person under the laws of this
21 State, and either:

22 b. The challenged voter is properly registered at his location; or

23 c. The challenged voter was properly registered at his location as
24 of the last election at which the challenged voter voted but has moved
25 to another location within the county since then and in good faith
26 attempted to register at the new address within the time prescribed by
27 law.

28 For the purposes of this section, a good faith attempt to register
29 shall include: completing the prescribed registration form no later than
30 [29] 21 days before the election in the presence of a person who
31 appears to be over 18 years old and says that he or she can and will
32 witness the form and mail it to the register for the applicant;
33 completing a form received in the mail from the commissioner of
34 registration, superintendent of elections or the county board which
35 states that information has been received that the applicant has moved
36 and placing the completed form in a proper mailbox with proper
37 postage, if necessary, no later than [29] 21 days before the election;
38 completing a registration form in any government office; and
39 reasonably relying upon the oral statements of an official at a polling
40 place that they will insure proper reregistration.

41 The judge of the Superior Court having the application shall cause
42 a full record of the proceeding to be taken stenographically,
43 transcribed and filed in the office of the county clerk of the county,
44 which record shall be open and public record. All costs and expenses
45 of such proceedings shall be paid by the county.

46 (cf: P.L.1991, c.249, s.6)

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

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

6 The commissioner of registration shall have complete charge of the
7 registration of all eligible voters within their respective counties.

8 The commissioner of registration shall have power to appoint
9 temporarily, and the commissioner of registration in counties of the
10 first class having more than 800,000 inhabitants shall have power to
11 appoint on a permanent, or temporary basis, such number of persons,
12 as in the commissioner's judgment may be necessary in order to carry
13 out the provisions of this Title. All persons appointed by the
14 commissioner of registration in counties of the first class having more
15 than 850,000 inhabitants according to the latest federal decennial
16 census to serve for terms of more than six months in any one year shall
17 be in the career service of the civil service and shall be appointed, and
18 hold their positions, in accordance with the provisions of Title 11A,
19 Civil Service. All persons appointed by the commissioner of
20 registration in counties of the first class having more than 600,000 but
21 less than 850,000 inhabitants according to the latest federal decennial
22 census to serve for terms of more than six months in any one year,
23 other than the chief deputy and chief clerk and confidential secretary
24 and chief custodian, shall be in the career service of the civil service
25 and shall be appointed and hold their positions, in accordance with the
26 provisions of Title 11A, Civil Service. Persons appointed by the
27 commissioner of registration in such counties to serve for terms of six
28 months or less in any one year and persons appointed by the
29 commissioner of registration shall not be subject to any of the
30 provisions of Title 11A, Civil Service, but shall be in the unclassified
31 service.

32 In each county the commissioner of registration shall submit to the
33 [Secretary of State] Attorney General on or before February 15 of
34 each year a plan providing for evening registration for the primary
35 election and on or before July 1 plans providing for evening
36 registration for the general election, which plans shall be subject to
37 approval by the [Secretary of State] Attorney General. Evening
38 registration shall be made available in the office of each commissioner
39 of registration between the hours of 4 p.m. and 9 p.m. on the [29th]
40 21st day preceding the primary and general elections and, in any year
41 in which municipal elections are to be held in any municipality within
42 the county, on the [29th] 21st day preceding those municipal
43 elections.

44 In each county, the commissioner of registration may also establish
45 a plan for out-of-office registration, including door-to-door
46 registration.

1 Nothing in this section shall preclude the commissioner from
2 providing pursuant to plan evening registration in excess of the
3 requirements of this section, or shall preclude or in any way limit
4 out-of-office registration conducted by persons or groups other than
5 the commissioner.

6 The commissioner of registration shall provide such printed forms,
7 blanks, supplies and office telephone and transportation equipment and
8 shall prescribe such reasonable rules and regulations not inconsistent
9 with those of the [Secretary of State] Attorney General as are
10 necessary in the opinion of the commissioner to carry out the
11 provisions of this Title and any amendments or supplements thereto.

12 Subject to the limitations set forth in chapter 32 of this Title, all
13 necessary expenses incurred, as and when certified and approved by
14 the commissioner of registration shall be paid by the county treasurer
15 of the county.

16 Nothing in the provisions of subtitle 2 of the Title, Municipalities
17 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
18 affect, restrict or abridge the powers herein conferred on the
19 commissioners of registration of the several counties.

20 All powers granted to the commissioner in all counties not having
21 superintendents of elections by the provisions of this Title are hereby
22 conferred on the county board in such counties and any and all duties
23 conferred upon the commissioner in all counties not having a
24 superintendent of elections by the provisions of this Title shall only be
25 exercised and performed by such commissioner under the instructions
26 and directions of and subject to the approval of the county board of
27 such counties.

28 (cf: P.L.1994, c.182, s.2)

29

30 7. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to read
31 as follows:

32 2. In those counties in which the commissioner of registration
33 employs data processing equipment capable of creating or receiving,
34 storing, and printing a digitalized image of the signature of a person
35 registered to vote, the commissioner may eliminate the use of the
36 duplicate permanent registration binders and may authorize and direct
37 the use at the polls in place of such a binder, as a signature copy
38 register for the purposes of this Title and Title 40 of the Revised
39 Statutes, of a polling record which identifies on each page the election
40 at which the record is used, which indicates for each registrant the
41 name ¹[and] ¹ address ¹ and date of birth ¹ of the registrant and
42 identifies the municipality and the particular election district therein
43 from which the person is registered, and which includes adjacent to the
44 registrant's name and address an imprint of the digitalized image of the
45 registrant's signature and sufficient space, immediately to the left or
46 right of that imprint, for the registrant to sign the record, which

1 imprint and signature shall be used as the signature comparison record
2 as prescribed by this Title. The polling record shall also include for
3 each registrant sufficient space for the notation of remarks as provided
4 by R.S.19:15-23 and for the recording of any challenge and the
5 determination thereof by the district board as provided by
6 R.S.19:15-24, or by other elections officials charged with the same
7 duties as the district board in connection with the conduct of an
8 election. In the case of a primary election, the polling record shall also
9 indicate for each registrant the political party, if any, of which the
10 registrant is a member for the purpose of voting at that primary
11 election.

12 Polling records for each election shall be prepared by the
13 commissioner of registration not later than the [14th] 10th day
14 preceding the election. At each election, the delivery of the polling
15 records to the municipal clerk and to the district boards or other
16 elections officials charged with the same duties as the district board in
17 connection with the conduct of an election, and the return of those
18 records by the district boards or such other elections officials to the
19 commissioner of registration, shall be made in the manner and in
20 accordance with the schedule prescribed by law for the delivery and
21 return at that election of the signature copy registers.

22 The commissioner of registration shall retain the polling records for
23 any election for a period of not less than six years following that
24 election.

25 (cf: P.L.1996, c.3, s.5)

26

27 8. R.S.19:31-6 is amended to read as follows:

28 19:31-6. Any person qualified to vote in an election shall be
29 entitled to vote in the election if the person shall have registered to
30 vote on or before the [29th] 21st day preceding the election by:

31 a. registering in person at any offices designated by the
32 commissioner of registration for providing and receiving registration
33 forms;

34 b. completing a voter registration form while applying for a motor
35 vehicle driver's license from an agent of the Division of Motor
36 Vehicles, as provided for in section 24 of P.L.1994, c.182
37 (C.39:2-3.2);

38 c. completing and returning to the [Secretary of State] Attorney
39 General or having returned thereto a voter registration form received
40 from a voter registration agency, as defined in subsection a. of section
41 26 of P.L.1994, c.182 (C.19:31-6.11), while applying for services or
42 assistance or seeking a recertification, renewal or change of address at
43 an office of that agency;

44 d. completing and returning to the [Secretary of State] Attorney
45 General a voter registration form obtained from a public agency, as
46 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

1 e. completing and returning to the [Secretary of State] Attorney
2 General or having returned thereto a voter registration form received
3 from a door-to-door canvass or mobile registration drive, as provided
4 for in section 19 of P.L.1974, c.30 (C.19:31-6.7);

5 f. completing and returning to the [Secretary of State] Attorney
6 General a federal mail voter registration form, as prescribed in
7 subsection (b) of section 9 of the "National Voter Registration Act of
8 1993," (42 U.S.C. s. 1973gg et seq.); ¹[or]¹

9 g. completing and returning to the [Secretary of State] Attorney
10 General or the appropriate county clerk an application for a federal
11 postcard application form to register to vote, as provided for in the
12 "Overseas Absentee Voting Act" (42 U.S.C. s. 1973ff-1 et seq.) and
13 section 4 of P.L.1976, c.23 (C.19:59-4)¹;or

14 h. completing a provisional ballot affirmation statement and voting
15 the provisional ballot in the previous election, if the person who
16 submitted the provisional ballot in that election is determined not to be
17 a registered voter¹ .

18 When the commissioner has designated a place or places other than
19 his office for receiving registrations, the commissioner shall cause to
20 be published a notice in a newspaper circulated in the municipality
21 wherein such place or places of registration shall be located. Such
22 notice shall be published pursuant to R.S.19:12-7.

23 Any office designated by the commissioner of registration for
24 receiving registration forms shall have displayed, in a conspicuous
25 location, registration and voting instructions. These instructions shall
26 be the same as those provided for polling places under R.S.19:9-2 and
27 shall be provided by the commissioner.

28 (cf: P.L.1994, c.182, s.5)

29
30 9. Section 1 of P.L.1966, c.177 (C.19:31-6.1) is amended to read
31 as follows:

32 1. Notwithstanding any other provisions of the Title to which this
33 act is a supplement, any person authorized by law to accept
34 applications for voter registration shall accept, during the [28-day]
35 20-day period prior to any election, the application for registration of
36 all eligible voters who shall personally appear for registration before
37 such person, or the registration card mailed or delivered to such
38 person, but no eligible voter so registered shall be entitled to vote in
39 the election immediately following said [28-day] 20-day period. Any
40 person registered under the provisions of this act shall be advised that
41 he will not be eligible to vote in the election immediately forthcoming
42 but will be eligible to vote in elections held thereafter.

43 Applications for registration pursuant to the provisions of this act
44 shall be received at such place or places as may be designated by any
45 duly authorized election official.

46 (cf: P.L.1974, c.30, s.8)

1 10. Section 15 of P.L.1974, c.30 (C.19:31-6.3) is amended to read
2 as follows:

3 15. a. As used in this section, "public agency" shall mean:

4 The Division of Worker's Compensation, the Division of
5 Employment Services and the Division of Unemployment and
6 Temporary Disability Insurance, established initially by section 5 of
7 P.L.1948, c.446 (C.34:1A-5), in the Department of Labor;

8 The Division of Taxation in the Department of the Treasury,
9 continued under section 24 of P.L.1948, c.92 (C.52:18A-24);

10 The New Jersey Transit Corporation, established pursuant to
11 section 4 of P.L.1979, c.150 (C.27:25-4);

12 Any free county library established under the provisions of article
13 1 of chapter 33 of Title 40 of the Revised Statutes;

14 Any regional library established under the provisions of P.L.1962,
15 c.134 (C.40:33-13.3 et seq.);

16 Any free public library established under the provisions of article 1
17 of chapter 54 of Title 40 of the Revised Statutes;

18 Any joint free public library established under the provisions of
19 P.L.1959, c.155 (C.40:54-29.3 et seq.);

20 Any public institution of higher education as included under the
21 provisions of N.J.S.18A:62-1;

22 Any eligible institution, as defined by subsection a. of section 3 of
23 P.L.1979, c.132 (C.18A:72B-17), that receives financial assistance,
24 aid, or grants from State funds;

25 Any office or commercial establishment where State licenses or
26 permits, other than licenses or permits issued by a professional or
27 occupational board established under the laws of this State, are
28 available to individual members of the public; and

29 Any recruitment office of the New Jersey National Guard.

30 b. Any person entitled to register to vote may register as a voter in
31 the election district in which that person resides at any time prior to
32 the [twenty-ninth] 21st day preceding any election by completing a
33 registration form described in section 16 of P.L.1974, c.30
34 (C.19:31-6.4) and submitting the form to the commissioner of
35 registration of the county wherein the person resides or alternatively,
36 in the case of a registration form provided by the employees or agents
37 of a public agency or a voter registration agency, as defined in
38 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), to
39 those employees or agents or to the Attorney General. Any
40 registration form addressed to a commissioner of registration may be
41 mailed to or delivered to the office of that commissioner, and in the
42 case of a registration form available at a public agency, the form shall
43 be mailed to the Attorney General or delivered to the commissioner of
44 registration in the county of the registrant. A registration form
45 postmarked, stamped or otherwise marked as having been received

1 from the registration applicant, on or before the [twenty-ninth] 21st
2 day preceding any election shall be deemed timely.
3 (cf: P.L.2003, c.36, s.1)

4
5 11. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
6 as follows:

7 16. a. The Attorney General shall cause to be prepared and shall
8 provide to each county commissioner of registration forms of size and
9 weight suitable for mailing, which shall require the information
10 required by R.S.19:31-3 in substantially the following form:

11

12 VOTER REGISTRATION APPLICATION

13

14 Print clearly in ink. Use ballpoint pen or marker.

15

16 (1) This form is being used as (check one):

17

18 New registration

19

20 Address change

21

22 Name change

23

24 (2) Name:.....

25

26 Last First Middle

27

28 (3) Are you a citizen of the United States of America? Yes No

29 (4) Will you be 18 years of age on or before election day?

30 Yes No

31 If you checked 'No' in response to either of these questions, do not
32 complete this form.

33

34 (5) Street Address where you live:

35

36

37

38 Street Address Apt. No.

39

40

41

42 (6) City or Town County Zip Code

43

44 (7) Address Where You Receive Your Mail (if different from
45 above):

46

47

1 (8) Date of Birth:
2
3

4
5 Month Day Year

6
7 (9) Telephone Number (optional)

8
9 (10) Name and address of Your Last Voter Registration

10
11

12
13

14
15

16
17 (11) If you are registering by mail to vote and will be voting for the
18 first time in your current county of residence, please provide one of
19 the following:

20 (a) your New Jersey driver's license number:.....

21 (b) the last four digits of your Social Security Number.....

22 OR submit with this form a copy of any one of the following
23 documents: a current and valid photo identification card; a current
24 utility bill, bank statement, government check, pay check or any other
25 government or other identifying document that shows your name and
26 current address. If you do not provide either your New Jersey driver's
27 license number or the last four digits of your Social Security Number,
28 or enclose a copy of one of the documents listed above, you will be
29 asked for identification when voting for the first time, unless you are
30 exempt from doing so under federal or State law.

31
32 (12) Declaration - I swear or affirm that:

33
34 I am a U.S. citizen.

35
36 I live at the above address.

37
38 I will be at least 18 years old on or before the day of the next
39 election.

40
41 I am not on parole, probation or serving a sentence due to a
42 conviction for an indictable offense under any federal or State laws.

43
44 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
45 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
46 \$1,000.00, IMPRISONMENT UP TO FIVE YEARS, OR BOTH

1 PURSUANT TO R.S.19:34-1.

2

3

4

5 Signature or mark of the registrant Date

6

7 (13) If applicant is unable to complete this form, print the name and
8 address of individual who completed this form.

9

10

11

12 Name

13

14

15

16 Address

17

18 In addition, the form may include notice to the applicant of
19 information and options relating to the registration and voting process,
20 including but not limited to notice of qualifications required of a
21 registered voter; notice of the final day by which a person must be
22 registered to be eligible to vote in an election; notice of the effect of
23 a failure to provide required identification information; a place at
24 which the applicant may indicate availability for service as a member
25 of the district board of elections; a place at which the applicant may
26 indicate whether he or she requires a polling place which is accessible
27 to elderly and physically disabled voters or whether he or she is legally
28 blind; and a place at which the applicant may indicate a desire to
29 receive information concerning absentee voting. The form may also
30 include a space for the voter registration agency to record whether the
31 applicant registered in person, by mail or by other means.

32 b. The reverse side of the registration form shall bear the address
33 of the Attorney General or the commissioner of registration to whom
34 such form is supplied, and a United States postal permit the charges
35 upon which shall be paid by the State.

36 c. The Attorney General shall cause to be prepared registration
37 forms of the size, weight and form described in subsection a. of this
38 section in both the English and Spanish language and shall provide
39 such forms to each commissioner of registration of any county in
40 which there is at least one election district in which bilingual sample
41 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
42 section 2 of P.L.1965, c.29 (C.19:23-22.4).

43 d. The commissioner of registration shall furnish such registration
44 forms upon request in person to any person or organization in such
45 reasonable quantities as such person or organization shall request.
46 The commissioner shall furnish no fewer than two such forms to any

1 person upon request by mail or by telephone.

2 e. Each such registration form shall have annexed thereto
3 instructions specifying the manner and method of registration and
4 stating the qualifications for an eligible voter.

5 f. The Attorney General shall also furnish such registration forms
6 and such instructions to the Director of the Division of Worker's
7 Compensation, the Director of the Division of Employment Services,
8 and the Director of the Division of Unemployment and Temporary
9 Disability Insurance in the Department of Labor and Workforce
10 Development; to the Director of the Division of Taxation in the
11 Department of the Treasury; to the Executive Director of the New
12 Jersey Transit Corporation; to the appropriate administrative officer
13 of any other public agency, as defined by subsection a. of section 15
14 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
15 Department of Military and Veterans' Affairs; and to the chief
16 administrative officer of any voter registration agency, as defined in
17 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

18 g. All registration forms received by the Attorney General in the
19 mail or forwarded to the Attorney General shall be forwarded to the
20 commissioner of registration in the county of the registrant.

21 h. An application to register to vote received from the New Jersey
22 Motor Vehicle Commission or a voter registration agency, as defined
23 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
24 be deemed to have been timely made for the purpose of qualifying an
25 eligible applicant as registered to vote in an election if the date on
26 which the commission or agency shall have received that document in
27 completed form, as indicated in the lower right hand corner of the
28 form, was not later than the [29th] 21st day preceding that election.

29 i. Each commissioner of registration shall make note in the
30 permanent registration file of each voter who is required to provide the
31 personal identification information required pursuant to this section,
32 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
33 U.S.C. 15301 et seq.), to indicate the type of identification provided
34 by the voter and the date on which it is provided. Prior to the June
35 2004 primary election, when such a newly registered voter seeks to
36 vote for the first time following his or her registration, the voter will
37 be required to provide such personal identification information.
38 Beginning with the June 2004 primary election, when such a newly
39 registered voter seeks to vote for the first time following his or her
40 registration, the voter will not be required to provide such information
41 if he or she had previously provided the personal identification
42 information required pursuant to this section. The required
43 information shall be collected and stored for the time and in the
44 manner required pursuant to regulations promulgated by the Attorney
45 General.

46 j. The Attorney General shall amend the voter registration

1 application form if necessary to conform to the requirements of
2 applicable federal or state law.

3 (cf: P.L.2004, c.88, s.12)

4

5 12. R.S.19:31-7 is amended to read as follows:

6 19:31-7. For the convenience of the voters the respective municipal
7 clerks or their duly authorized clerk or clerks in all municipalities shall
8 also be empowered to register applicants for permanent registration up
9 to and including the [twenty-ninth] 21st day preceding any election
10 and after any such election in the manner indicated above, subject to
11 such rules and regulations as may be prescribed by the commissioner,
12 in counties having a superintendent of elections, and the county board
13 in all other counties. Duly authorized clerk as used in this section shall
14 mean a clerk who resides within the municipality and has been
15 approved by the commissioner or the county board as the case may be.
16 For this purpose the commissioner shall forward to each municipal
17 clerk a sufficient supply of registration forms. The commissioners
18 shall keep a record of the serial numbers of these forms and shall
19 periodically make such checks as are necessary to accurately determine
20 if all such forms are satisfactorily accounted for. Each municipal clerk
21 shall transmit daily to the commissioner all of the filled out registration
22 forms that he may have in his office at the time.

23 (cf: P.L.1994, c.170, s.3)

24

25 13. R.S.19:31-11 is amended to read as follows:

26 19:31-11. a. In all counties within the State, change of residence
27 notices shall be made by a written request, signed by the registrant,
28 forwarded to the commissioner by mail, and actually received by the
29 commissioner, or by calling in person at the office of the commissioner
30 or the municipal clerk. The commissioner shall provide change of
31 residence notices in card form for the use of any registered voter
32 moving to another address within the same election district or to
33 another election district within the same county. Copies of these
34 notices shall also be available at the office of the municipal clerk in
35 each municipality. Each municipal clerk shall transmit daily to the
36 commissioner all the filled out change of residence notices that may be
37 in the municipal clerk's office at the time. These notices shall be
38 printed upon cards, shall contain a blank form showing where the
39 applicant last resided and the address and exact location to which the
40 applicant has moved and shall have a line for the applicant's signature,
41 printed name and date of birth. Upon receipt of such change of
42 residence notice the commissioner shall cause the signature to be
43 compared with the registration forms of the applicant and, if such
44 signature appears to be of and by one and the same legal voter, the
45 commissioner shall cause the entry of the change of residence to be
46 made on those registration forms and the registrant shall thereupon be

1 qualified to vote in the election district to which the registrant shall
2 have so moved. If the commissioner is not satisfied as to the signature
3 on the request for a change of residence, a confirmation notice as
4 prescribed by subsection d. of R.S.19:31-15 shall be sent by mail with
5 postage prepaid to the registrant at the new address.

6 The application for change of residence shall be filed with the
7 commissioner or municipal clerk, as the case may be, on or before the
8 [twenty-ninth] 21st day preceding any election.

9 b. In any county any voter who, prior to an election, shall move
10 within the same county after the time above prescribed for filing an
11 application for change of residence without having made application
12 for change of residence, or who has not returned a confirmation notice
13 sent to the voter by the commissioner of registration of the county, if
14 such a notice has been sent to the voter, or who has not moved since
15 the previous election but whose registration information is missing or
16 otherwise deficient, or has otherwise failed to notify the commissioner
17 of registration of the voter's change of address within the county, shall
18 be permitted to vote in that election in the district to which the voter
19 has moved, upon making a written affirmation regarding the change of
20 address at the polling place of the district in which the voter resides on
21 the day of the election. No identifying document shall be required
22 from the voter for this affirmation. A district board member shall
23 provide the voter with a provisional ballot, and an envelope with an
24 affirmation statement that conforms with the requirements for such
25 documents contained in subsection b. of section 7 of P.L.1999, c.232
26 (C.19:53C-1). The voter shall complete the provisional ballot and
27 affirmation statement, place the ballot in the envelope, seal and return
28 it to the district board member. The board member shall review the
29 information in the affirmation statement for completeness before
30 forwarding it for inspection, tabulation and notation by the county
31 board of elections, as provided for by sections 7 through 26 of
32 P.L.1999, c.232 (C.19:53C-1 through C.19:53C-20). The affirmation
33 statement shall constitute a transfer to the registrant's new residence
34 for any subsequent election. However, if the voter has moved from
35 one residence to another within the same election district at any time,
36 the voter shall be permitted to vote in such election district at any
37 election in the same manner as other voters at the polling place upon
38 written affirmation by the registrant to the district board member of
39 the registrant's change of address.

40 c. A voter who moves from an election district in one county to an
41 election district in another county prior to the close of registration
42 preceding an election shall register in the new county of residence, in
43 accordance with the provisions of R.S.19:31-6, in order to be
44 permitted to vote.

45 (cf: P.L.1999, c.232, s.3)

1 14. R.S.19:31-13 is amended to read as follows:

2 19:31-13. Whenever the registrant after his or her original
3 registration shall change his or her name due to marriage, divorce, or
4 by judgment of court, the registrant shall in person or by mail submit
5 to the commissioner of registration a written statement notifying the
6 commissioner of the change, which statement shall take such form, and
7 be printed on a postal card suitable for mailing of such design, as the
8 ~~Secretary of State~~ Attorney General shall prescribe and shall be
9 signed by the registrant. The commissioner, upon receipt of such a
10 notice of change of name, shall revise accordingly the name of the
11 registrant as it appears among the items of information concerning the
12 registrant included on the registrant's registration forms, shall make a
13 photographic copy of the notice of name change submitted by the
14 registrant, and shall affix the original notice so submitted to the
15 registrant's original registration form and the photographic copy of
16 that notice to the registrant's duplicate registration record.

17 When notice of such change in name has not been received by or
18 filed with the commissioner prior to the ~~twenty-ninth~~ 21st day
19 preceding any election, such person may be permitted to vote under
20 the name under which the person was registered prior to that change
21 at the first election following such change in name at which the person
22 shall appear to vote, after signing the signature copy register with both
23 the registered name and his or her new name. The commissioner shall
24 then revise accordingly the name of the registrant as it appears on the
25 registrant's registration forms, make a photographic copy of the notice,
26 and affix the original and copy of the notice to the registrant's
27 permanent registration forms as hereinabove prescribed.

28 (cf: P.L.1994, c.182, s.12)

29

30 15. R.S.19:31-15 is amended to read as follows:

31 19:31-15. a. Upon receipt by the commissioner of registration of
32 a county from a registered voter of that county of a request that the
33 name of the registrant be removed from the registry list of voters of
34 the county, the commissioner shall so remove the registrant's name
35 from that list. Notice by a registered voter to the commissioner of
36 registration of a county that the registrant has ceased to reside in the
37 county shall, for the purposes of this subsection, be deemed a request
38 for removal of the registrant's name from the county registry list.

39 b. The commissioner of registration of any county may agree with
40 the United States Postal Service or its licensee to receive information
41 provided by the Postal Service concerning the change by any Postal
42 Service customer of that customer's address within the county. If it
43 appears from information so received that a Postal Service customer
44 registered to vote in the county has moved to a different address, then
45 (1) if that address is within the county, the commissioner shall cause
46 the registration records of the registrant to be corrected accordingly

1 and shall transmit to the resident by forwardable mail a notice of the
2 change and a postage prepaid, pre-addressed return form by which the
3 registrant may verify or correct the address information, or (2) if that
4 address is not within the county, the commissioner shall undertake the
5 confirmation notice procedure prescribed under subsection d. of this
6 section to confirm the change of address.

7 c. The commissioner of registration of a county shall cause the
8 name of a registrant to be removed from the registry list of the county
9 if the registrant (1) confirms in writing, by return of a confirmation
10 notice as prescribed under subsection d. of this section or by other
11 means, that the registrant has changed residence to a place outside the
12 county, or (2) has failed to respond to a confirmation notice as so
13 prescribed and has not, in any election during the period beginning on
14 the date on which the commissioner sends the confirmation notice to
15 the registrant and ending on the day after the second general election
16 for federal office following that date on which the notice is sent, (a)
17 voted, or (b) appeared to vote and, if necessary, correct the official
18 record of the registrant's address.

19 Other than as provided under subsection a. of this section, the name
20 of a registrant shall not be removed from the registry list of a county
21 on the ground that the registrant has changed residence except as
22 provided by this subsection.

23 d. A confirmation notice sent to ascertain whether a registrant
24 continues to reside at the address from which that registrant is
25 registered to vote shall be a postage prepaid and pre-addressed return
26 card, sent by forwardable mail, which shall include: (1) space on
27 which the registrant's current address may be entered; (2) the
28 statement "To any voter who continues to reside at the residence
29 address to which this notice is addressed or who no longer resides at
30 that residence address but continues to reside in (name of
31 county): please mail or personally deliver this postage prepaid card to
32 the commissioner of registration to whom it is addressed not later than
33 (calendar date of the [29th] 21st day preceding the next
34 election to be held in the county). If you do not return this card by
35 that date, then at any election held subsequent to that date and on or
36 before (calendar date of the day after the second general
37 election for federal office following that date), you may be required at
38 the polls to affirm or confirm your address before you are permitted
39 to vote, and if you do not vote in an election during that period, your
40 name will be removed from the registry of eligible voters."; and (3) a
41 statement, the text of which shall be prescribed by the [Secretary of
42 State] Attorney General, setting forth the means by which a registrant
43 who has changed residence to a county different from that in which is
44 located the residence to which the notice was originally addressed may
45 retain the right to vote.

46 e. The commissioner of registration shall correct the registry list of

1 eligible voters in accordance with change of residence information
2 obtained in conformity with the provisions of this section.

3 (cf: P.L.1994, c.182, s.13)

4

5 16. R.S.19:31-18 is amended to read as follows:

6 19:31-18. On or before the ~~【fifteenth】~~ eighth day preceding any
7 general election the commissioner shall certify and transmit to the
8 county clerk a complete list of all persons who are registered in each
9 election district in each municipality in the county together with a
10 statement as to the number of persons registered in each district. ¹The
11 list of registered voters shall include only the following information for
12 each registered voter: name, address, date of birth, political party
13 affiliation, and voting history. Except when so ordered by a court, the
14 list of registered voters shall not include voter signatures.¹ On the face
15 of the list of registered voters the commissioner shall in figures state
16 the total number of names of persons registered. Such lists shall be
17 arranged substantially in the following form:

18 Grand Street

19	Residence number	Name of voter
20	or other designation	
21	14	Jones, Charles M.
22	15	Smith, John M

23 (cf: P.L.1976, c.22, s.1)

24

25 ¹17. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
26 read as follows:

27 2. a. The county clerk in all counties shall cause copies of the
28 registry lists, certified and transmitted under R.S.19:31-18, to be
29 printed in handbill form, and shall furnish to any voter applying for the
30 same such copies, charging therefor \$0.25 per copy of the list of
31 voters of each election district. He shall also furnish five printed
32 copies thereof to each district board, which shall within two days post
33 two such registry lists, one in the polling place and one in another
34 conspicuous place within the election district. The county clerk shall
35 also forthwith deliver to the superintendent of elections of the county,
36 if any there be, and to the chairmen of the county committees of each
37 of the several political parties in the county, five copies of the lists of
38 voters of each election district in the county; and to the municipal
39 clerk of each of the municipalities in the county five copies of the lists
40 of voters of each election district in such municipality; and to the
41 county board 10 copies of the lists of voters of each election district
42 in each of such municipalities. The county clerk shall also, upon the
43 request of the chairman of the State committee of any of the several
44 political parties, but not more than once in each calendar year,
45 forthwith deliver a copy of the lists of voters of each election district
46 in each of the municipalities in his county. In no case shall a list of

1 registered voters furnished pursuant to this section include voter
2 signatures. In any county where the voter registration lists are
3 recorded on magnetic tape, the county clerk shall satisfy the request
4 by delivery of a copy of the magnetically recorded lists, including with
5 the tape, where available, a statement of the number of records on the
6 tape and the length, layout and block size of those records.

7 b. In any county where the voter registration lists are recorded on
8 magnetic tape or electronic data processing cards, the commissioner
9 of registration shall furnish a copy of such tape or cards to any voter
10 requesting such tape or cards, for which copy such commissioner shall
11 make a charge which shall be uniform in any calendar year and which
12 shall reflect only the cost of reproducing such tape or cards, but which
13 in any case shall not exceed \$375.

14 c. No person shall use voter registration lists or copies thereof
15 prepared pursuant to this section as a basis for commercial solicitation
16 of the voters listed thereon. Any person making such use of such lists
17 or copies thereof shall be a disorderly person, and shall be punished by
18 a fine not exceeding \$500.00.¹

19 (cf: P.L.1991, c.113, s.1)

20

21 ¹[17.] 18.¹ R.S.19:31-20 is amended to read as follows:

22 19:31-20. On or before the [second Monday] eighth day preceding
23 the primary election for the general election and the general election,
24 respectively, the commissioner in counties not having a superintendent
25 of elections, shall deliver to the municipal clerk in each municipality
26 the signature copy registers for each election district in such
27 municipality and shall take a receipt for same. The municipal clerk
28 shall thereupon deliver at his office, or in any other way he sees fit,
29 such registers to a member or members of the proper district boards
30 at the same time and together with the primary for the general election
31 sample ballots or the general election sample ballots, as the case may
32 be. The registers shall be used by the district boards on election days
33 and for the purpose of mailing the sample ballots. The commissioner
34 in counties having a superintendent of elections shall deliver such
35 registers at his office, or in any other way he may see fit, to the
36 various district boards, taking a receipt for same.

37 Before delivering the registers the commissioner shall cause to be
38 printed upon a separate sheet or sheets of paper, to be inserted inside
39 of the front cover of such registers in conspicuous type, such
40 instructions to election officers regarding the use and disposition of
41 the binders and forms as he deems necessary.

42 (cf: P.L.1947, c.168, s.22)

43

44 ¹19. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read
45 as follows:

46 7. a. (1) The county clerk or the municipal clerk, in the case of a

1 municipal election, shall arrange for the preparation of a provisional
2 ballot packet for each election district. It shall include the appropriate
3 number of provisional ballots, the appropriate number of envelopes
4 with an affirmation statement, the appropriate number of written
5 notices to be distributed to voters who vote by provisional ballot and
6 one provisional ballot inventory form affixed to the provisional ballot
7 bag. The clerk shall arrange for the preparation of and placement in
8 each provisional ballot bag of a provisional ballot packet and an
9 envelope containing a numbered seal. The envelope shall contain, on
10 its face, the instructions for the use of the seal, the number and the
11 election district location of the provisional ballot bag, and the
12 identification numbers of the seal placed in the envelope. Each
13 provisional ballot bag shall be sealed with a numbered security seal
14 before being forwarded to the appropriate election district.

15 (2) Each provisional ballot bag and the inventory of the contents of
16 each such bag shall be delivered to the designated polling place no
17 later than the opening of the polls on the day of an election.

18 b. The county clerk or the municipal clerk, in the case of a
19 municipal election, shall arrange for the preparation of the envelope,
20 affirmation statement, and written notice that is to accompany each
21 provisional ballot. The envelope shall be of sufficient size to
22 accommodate the provisional ballot, and the affirmation statement
23 shall be affixed thereto in a manner that enables it to be detached once
24 completed and verified by the county commissioner of registration.
25 The statement shall require the voter to provide the voter's name, and
26 to indicate whether the voter is registered to vote in a county but has
27 moved within that county since registering to vote; or is registered to
28 vote in the election district in which that polling place is located but
29 the voter's registration information is missing or otherwise deficient.
30 The statement shall further require the voter to provide the voter's
31 most recent prior voter registration address and address on the day of
32 the election and date of birth. The statement shall include the
33 statement: "I swear or affirm, that the foregoing statements made by
34 me are true and correct and that I understand that any fraudulent
35 voting may subject me to a fine of up to \$1,000, imprisonment up to
36 five years or both, pursuant to R.S.19:34-11." It shall be followed
37 immediately by spaces for the voter's signature and printed name, and
38 in the case of a name change, the voter's printed old and new name and
39 a signature for each name, the date the statement was completed,
40 political party affiliation, if used in a primary election, and the name of
41 the person providing assistance to the voter, if applicable. Each
42 statement shall also note the number of the election district, or ward,
43 and name of the municipality at which the statement will be used. The
44 Attorney General shall prepare for inclusion in the affirmation
45 statement language for the voter to submit the information required in
46 the registration form described in section 16 of P.L.1974, c.30

1 (C.19:31-6.4) in order to enable the county commissioner of
2 registration to process the statement as a voter registration
3 application, which shall be valid for future elections if the individual
4 who submitted the provisional ballot is determined not to be a
5 registered voter. The Attorney General shall also prepare and shall
6 provide language for any written instructions necessary to assure
7 proper completion of the statement.

8 The written notice shall contain information to be distributed to
9 each voter who votes by provisional ballot. The notice shall state that,
10 if the voter is a mail-in registrant voting for the first time in his or her
11 current county of residence following registration and was given a
12 provisional ballot because he or she did not provide required personal
13 identification information, the voter shall be given until the close of
14 business on the second day after the election to provide identification
15 to the applicable county commissioner of registration, and the notice
16 shall contain a telephone number at which the commissioner may be
17 contacted. The notice shall further state that failure to provide the
18 required personal identification information within that time period
19 shall result in the rejection of the ballot. The notice shall state that
20 pursuant to section 4 of P.L.2004, c.88 (C.19:61-4), any individual
21 who casts a provisional ballot will be able to ascertain under a system
22 established by the State whether the ballot was accepted for counting,
23 and if the vote was not counted, the reason for the rejection of the
24 ballot. The notice shall include instructions on how to access such
25 information.

26 c. For the primary for the general election, the provisional ballots
27 shall be printed in ink on paper of a color that matches the color of the
28 voting authority, which shall indicate the party primary of the voter.
29 The provisional ballots shall be uniform in size, quality and type and
30 of a thickness that the printing thereon cannot be distinguished from
31 the back of the paper, and without any mark, device or figure on the
32 front or back other than as provided in P.L.1999, c.232 (C.19:53C-1
33 et seq.). Each such ballot shall include near the top thereof and in
34 large type the designation PROVISIONAL BALLOT. In all other
35 respects, the provisional ballots shall conform generally to the other
36 ballots to be used in the election district for the primary election.

37 The clerk of the county or municipality shall arrange for the
38 preparation of each provisional ballot package with an appropriate
39 number of provisional ballots for each political party, a corresponding
40 number of envelopes with affirmation statements, and a corresponding
41 number of written notices. Additional provisional ballots, envelopes,
42 and notices shall be available for delivery to that election district on
43 the day of the election, if necessary.

44 d. For the general election the provisional ballots shall be printed
45 in ink. The provisional ballots shall be uniform in size, quality and
46 type and of a thickness that the printing thereon cannot be

1 distinguished from the back of the paper, and without any mark,
2 device or figure on the front or back other than as provided in this act.
3 Each such ballot shall include near the top thereof and in large type the
4 designation PROVISIONAL BALLOT. In all other respects, the
5 provisional ballots shall conform generally to the other ballots to be
6 used in the election district for the general election.

7 The clerk of the county or municipality shall arrange for the
8 preparation of each provisional ballot package with an appropriate
9 number of provisional ballots, a corresponding number of envelopes
10 with affirmation statements, and a corresponding number of written
11 notices. Additional provisional ballots, envelopes, and notices shall be
12 available for delivery to that election district on the day of the election,
13 if necessary.

14 e. For a school election the provisional ballots shall be printed in
15 ink. The provisional ballots shall be uniform in size, quality and type
16 and of a thickness that the printing thereon cannot be distinguished
17 from the back of the paper, and without any mark, device or figure on
18 the front or back other than as provided in this act. Each such ballot
19 shall include near the top thereof and in large type the designation
20 PROVISIONAL BALLOT. In all other respects, the provisional
21 ballots shall conform generally to the other ballots to be used in the
22 election district for the school election.

23 The clerk of the county shall arrange for the preparation of each
24 provisional ballot package with an appropriate number of provisional
25 ballots, a corresponding number of envelopes with affirmation
26 statements, and a corresponding number of written notices. Additional
27 provisional ballots, envelopes, and notices shall be available for
28 delivery to that election district on the day of the election, if necessary.

29 f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et al.),
30 a provisional ballot that requires the voter to punch out a hole in the
31 ballot as a means of recording the voter's vote shall not be used in any
32 election in this State.¹

33 (cf: P.L.2004, c.88, s.22)

34
35 ¹[18] 20¹. This act shall take effect on ¹[July 1 following the date
36 of enactment] January 1, 2006, except that the county commissioners
37 of registration may take such anticipatory action as may be needed to
38 effectuate the purposes of this act¹ .

39

40

41

42

43 _____
44 Permits voter registration up to 21 days before election; permits use
45 of provisional ballot for voter registration; modifies information
available on voter registration list.

ASSEMBLY, No. 42

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Co-Sponsored by:

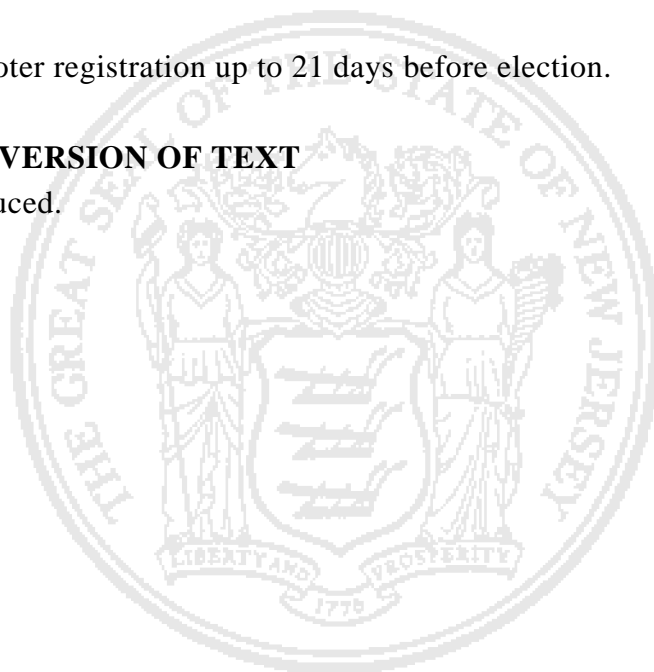
Assemblyman Azzolina

SYNOPSIS

Permits voter registration up to 21 days before election.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT changing the voter registration deadline, and amending and
2 supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. (New section) Notwithstanding the provisions of any other law
8 to the contrary, a voter who registers after the 29th day prior to a
9 general election and who is eligible to participate in that election may
10 be sent, instead of a sample ballot, notice of the voter's polling place,
11 information on where to obtain a sample ballot prior to the election,
12 a statement indicating that a sample ballot will be available at the
13 polling place on the day of the election, and, if applicable, information
14 on a county website where a sample ballot may be viewed.

15

16 2. (New section) Notwithstanding the provisions of any other law
17 to the contrary, a voter who registers after the 29th day prior to a
18 primary election and who is eligible to participate in that election may
19 be sent, instead of a sample ballot, notice of the voter's polling place,
20 information on where to obtain a sample ballot prior to the election,
21 a statement indicating that a sample ballot will be available at the
22 polling place on the day of the election, and, if applicable, information
23 on a county website where a sample ballot may be viewed.

24

25 3. (New section) Notwithstanding the provisions of any other law
26 to the contrary, a voter who registers after the 29th day prior to a
27 school election and who is eligible to participate in that election may
28 be sent, instead of a sample ballot, notice of the voter's polling place,
29 information on where to obtain a sample ballot prior to the election,
30 a statement indicating that a sample ballot will be available at the
31 polling place on the day of the election, and, if applicable, information
32 on a county website where a sample ballot may be viewed.

33

34 4. R.S.19:12-7 is amended to read as follows:

35 19:12-7. a. The county board in each county shall cause to be
36 published in a newspaper or newspapers which, singly or in
37 combination, are of general circulation throughout the county, a notice
38 containing the information specified in subsection b. hereof, except for
39 such of the contents as may be omitted pursuant to subsection c. or d.
40 hereof. Such notice shall be published once during the 30 days next
41 preceding the day fixed for the closing of the registration books for the
42 primary election, once during the calendar week next preceding the
43 week in which the primary election is held, once during the 30 days
44 next preceding the day fixed for the closing of the registration books
45 for the general election, and once during the calendar week next
46 preceding the week in which the general election is held.

1 b. Such notice shall set forth:

2 (1) For the primary election:

3 (a) That a primary election for making nominations for the general
4 election, for the selection of members of the county committees of
5 each political party, and in each presidential year for the selection of
6 delegates and alternates to national conventions of political parties,
7 will be held on the day and between the hours and at the places
8 provided for by or pursuant to this Title.

9 (b) The place or places at which and hours during which a person
10 may register, the procedure for the transfer of registration, and the
11 date on which the books are closed for registration or transfer of
12 registration.

13 (c) The several State, county, municipal and party offices or
14 positions to be filled, or for which nominations are to be made, at such
15 primary election.

16 (d) The existence of registration and voting aids, including: (i) the
17 availability of registration and voting instructions at places of
18 registration as provided under R.S.19:31-6; and (ii), if available, the
19 accessibility of voter information to the deaf by means of a
20 telecommunications device.

21 (e) The availability of assistance to a person unable to vote due to
22 blindness, disability or inability to read or write.

23 (f) In the case of the notice published during the calendar week
24 next preceding the week in which the primary election is held, that a
25 voter who, prior to the election, shall have moved within the same
26 county without (i) filing, on or before the [29th] 21st day preceding
27 the election, a notice of change of residence with the commissioner of
28 registration of the county or the municipal clerk of the municipality in
29 which the voter resides on the day of the election, (ii) returning the
30 confirmation notice sent to the voter by the commissioner of
31 registration of the county, if such a notice has been sent to the voter,
32 or (iii) otherwise notifying the commissioner of registration of the
33 voter's change of address within the county shall be permitted to
34 correct the voter's registration and to vote in the primary election by
35 provisional ballot at the polling place of the district in which the voter
36 resides on the day of the election. The notice shall further provide that
37 the voter may contact the county commissioner of registration or
38 municipal clerk to determine the proper polling place location for the
39 voter.

40 (2) For the general election:

41 (a) That a general election will be held on the day and between the
42 hours and at the places provided for by or pursuant to this Title.

43 (b) The place or places at which and hours during which a person
44 may register, the procedure for transfer of registration, and the date on
45 which the books are closed for registration or transfer of registration.

46 (c) The several State, county and municipal offices to be filled and,

1 except as provided in R.S.19:14-33 of this Title as to publication of
2 notice of any Statewide proposition directed by the Legislature to be
3 submitted to the people, the State, county and municipal public
4 questions to be voted upon at such general election.

5 (d) The existence of registration and voting aids, including: (i) the
6 availability of registration and voting instructions at places of
7 registration as provided under R.S.19:31-6; and (ii) the accessibility
8 of voter information to the deaf by means of a telecommunications
9 device.

10 (e) The availability of assistance to a person unable to vote due to
11 blindness, disability or inability to read or write.

12 (f) In the case of the notice published during the calendar week
13 next preceding the week in which the general election is held, that a
14 voter who, prior to the election, shall have moved within the same
15 county without (i) filing, on or before the [29th] 21st day preceding
16 the election, a notice of change of residence with the commissioner of
17 registration of the county or the municipal clerk of the municipality in
18 which the voter resides on the day of the election, (ii) returning the
19 confirmation notice sent to the voter by the commissioner of
20 registration of the county, if such a notice has been sent to the voter,
21 or (iii) otherwise notifying the commissioner of registration of the
22 voter's change of address within the county shall be permitted to
23 correct the voter's registration and to vote in the general election by
24 provisional ballot at the polling place of the district in which the voter
25 resides on the day of the election. The notice shall further provide that
26 the voter may contact the county commissioner of registration or
27 municipal clerk to determine the proper polling place location for the
28 voter.

29 (3) For a school election:

30 (a) The day, time and place thereof,

31 (b) The offices, if any, to be filled at the election,

32 (c) The substance of any public question to be submitted to the
33 voters thereat,

34 (d) That a voter who, prior to the election, shall have moved within
35 the same county without (i) filing, on or before the [29th] 21st day
36 preceding the election, a notice of change of residence with the
37 commissioner of registration of the county or the municipal clerk of
38 the municipality in which the voter resides on the day of the election,
39 (ii) returning the confirmation notice sent to the voter by the
40 commissioner of registration of the county, if such a notice has been
41 sent to the voter, or (iii) otherwise notifying the commissioner of
42 registration of the voter's change of address within the county shall be
43 permitted to correct the voter's registration and to vote in the school
44 election by provisional ballot at the polling place of the district in
45 which the voter resides on the day of the election,

46 (e) That if the voter has any questions as to where to vote on the

1 day of the election, the voter may contact the county commissioner of
2 registration or municipal clerk to determine the proper polling place
3 location for the voter; and

4 (f) Such other information as may be required by law.

5 c. If such publication is made in more than one newspaper, it shall
6 not be necessary to duplicate in the notice published in each such
7 newspaper all the information required under this section, so long as:

8 (1) The municipal officers or party positions to be filled, or
9 nominations made, or municipal public questions to be voted upon by
10 the voters of any municipality, shall be set forth in at least one
11 newspaper having general circulation in such municipality;

12 (2) All offices to be filled, or nominations made therefor, or public
13 questions to be voted upon, by the voters of the entire State or of the
14 entire county shall be set forth in a newspaper or newspapers which,
15 singly or in combination, have general circulation throughout the
16 county;

17 (3) Information relating to nominations and elections in each
18 Legislative District comprised in whole or part in the county, shall be
19 published in at least a newspaper or newspapers which singly or in
20 combination, have general circulation in every municipality of the
21 county which is comprised in such legislative district.

22 d. Such part or parts of the original notices as published which
23 pertain to day of registration or primary election which has occurred
24 shall be eliminated from such notice in succeeding insertions.

25 e. (Deleted by amendment, P.L.1999, c.232.)

26 f. The cost of publishing the notices required by this section shall
27 be paid by the respective counties, unless otherwise provided for by
28 law.

29 (cf: P.L.1999, c.232, s.2)

30

31 5. Section 6 of P.L.1991, c.249 (C.19:15-18.3) is amended to read
32 as follows:

33 6. Any person whose name does not appear on a challenge list
34 prepared by the superintendent of elections of the county but who is
35 challenged and denied the right to vote on the day of a municipal,
36 primary, general, or special election by a duly authorized challenger or
37 by a member of a district board of elections, may apply to a Superior
38 Court judge sitting at the county seat for permission to vote. No
39 papers need be filed; the court shall entertain oral applications. The
40 challenged voter may appear pro se or with counsel. The challenger
41 or the member of the district board, as the case may be, may appear or
42 be represented by counsel. The challenged voter shall be permitted to
43 state by oath or affirmation the facts which the voter believes establish
44 eligibility to vote, shall furnish a copy of the affidavit the voter signed
45 when challenged, a copy of the affidavit signed by the challenger and
46 the identifying document found invalid by the challenger and the

1 district board. The rules of evidence shall not apply to those
2 proceedings. The judge shall grant the application and provide the
3 challenged voter with written authorization to vote on that day if the
4 judge finds the following facts to be established by the testimony of
5 the applicant or, in the case of a dispute of facts or some questions as
6 to the challenged voter's credibility, by a preponderance of the
7 following evidence:

8 a. The challenged voter is at least 18 years old and a citizen of the
9 United States and of this State, has resided in the county at least 30
10 days prior to the date of the election, and has not been convicted of a
11 crime which would disenfranchise a person under the laws of this
12 State, and either:

13 b. The challenged voter is properly registered at his location; or

14 c. The challenged voter was properly registered at his location as
15 of the last election at which the challenged voter voted but has moved
16 to another location within the county since then and in good faith
17 attempted to register at the new address within the time prescribed by
18 law.

19 For the purposes of this section, a good faith attempt to register
20 shall include: completing the prescribed registration form no later than
21 [29] 21 days before the election in the presence of a person who
22 appears to be over 18 years old and says that he or she can and will
23 witness the form and mail it to the register for the applicant;
24 completing a form received in the mail from the commissioner of
25 registration, superintendent of elections or the county board which
26 states that information has been received that the applicant has moved
27 and placing the completed form in a proper mailbox with proper
28 postage, if necessary, no later than [29] 21 days before the election;
29 completing a registration form in any government office; and
30 reasonably relying upon the oral statements of an official at a polling
31 place that they will insure proper reregistration.

32 The judge of the Superior Court having the application shall cause
33 a full record of the proceeding to be taken stenographically,
34 transcribed and filed in the office of the county clerk of the county,
35 which record shall be open and public record. All costs and expenses
36 of such proceedings shall be paid by the county.

37 (cf: P.L.1991, c.249, s.6)

38

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

40 19:31-2. In all counties having a superintendent of elections, the
41 superintendent of elections is hereby constituted the commissioner of
42 registration and in all other counties the secretary of the county board
43 is hereby constituted the commissioner of registration.

44 The commissioner of registration shall have complete charge of the
45 registration of all eligible voters within their respective counties.

46 The commissioner of registration shall have power to appoint

1 temporarily, and the commissioner of registration in counties of the
2 first class having more than 800,000 inhabitants shall have power to
3 appoint on a permanent, or temporary basis, such number of persons,
4 as in the commissioner's judgment may be necessary in order to carry
5 out the provisions of this Title. All persons appointed by the
6 commissioner of registration in counties of the first class having more
7 than 850,000 inhabitants according to the latest federal decennial
8 census to serve for terms of more than six months in any one year shall
9 be in the career service of the civil service and shall be appointed, and
10 hold their positions, in accordance with the provisions of Title 11A,
11 Civil Service. All persons appointed by the commissioner of
12 registration in counties of the first class having more than 600,000 but
13 less than 850,000 inhabitants according to the latest federal decennial
14 census to serve for terms of more than six months in any one year,
15 other than the chief deputy and chief clerk and confidential secretary
16 and chief custodian, shall be in the career service of the civil service
17 and shall be appointed and hold their positions, in accordance with the
18 provisions of Title 11A, Civil Service. Persons appointed by the
19 commissioner of registration in such counties to serve for terms of six
20 months or less in any one year and persons appointed by the
21 commissioner of registration shall not be subject to any of the
22 provisions of Title 11A, Civil Service, but shall be in the unclassified
23 service.

24 In each county the commissioner of registration shall submit to the
25 [Secretary of State] Attorney General on or before February 15 of
26 each year a plan providing for evening registration for the primary
27 election and on or before July 1 plans providing for evening
28 registration for the general election, which plans shall be subject to
29 approval by the [Secretary of State] Attorney General. Evening
30 registration shall be made available in the office of each commissioner
31 of registration between the hours of 4 p.m. and 9 p.m. on the [29th]
32 21st day preceding the primary and general elections and, in any year
33 in which municipal elections are to be held in any municipality within
34 the county, on the [29th] 21st day preceding those municipal
35 elections.

36 In each county, the commissioner of registration may also establish
37 a plan for out-of-office registration, including door-to-door
38 registration.

39 Nothing in this section shall preclude the commissioner from
40 providing pursuant to plan evening registration in excess of the
41 requirements of this section, or shall preclude or in any way limit
42 out-of-office registration conducted by persons or groups other than
43 the commissioner.

44 The commissioner of registration shall provide such printed forms,
45 blanks, supplies and office telephone and transportation equipment and
46 shall prescribe such reasonable rules and regulations not inconsistent

1 with those of the [Secretary of State] Attorney General as are
2 necessary in the opinion of the commissioner to carry out the
3 provisions of this Title and any amendments or supplements thereto.

4 Subject to the limitations set forth in chapter 32 of this Title, all
5 necessary expenses incurred, as and when certified and approved by
6 the commissioner of registration shall be paid by the county treasurer
7 of the county.

8 Nothing in the provisions of subtitle 2 of the Title, Municipalities
9 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
10 affect, restrict or abridge the powers herein conferred on the
11 commissioners of registration of the several counties.

12 All powers granted to the commissioner in all counties not having
13 superintendents of elections by the provisions of this Title are hereby
14 conferred on the county board in such counties and any and all duties
15 conferred upon the commissioner in all counties not having a
16 superintendent of elections by the provisions of this Title shall only be
17 exercised and performed by such commissioner under the instructions
18 and directions of and subject to the approval of the county board of
19 such counties.

20 (cf: P.L.1994, c.182, s.2)

21

22 7. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to read
23 as follows:

24 2. In those counties in which the commissioner of registration
25 employs data processing equipment capable of creating or receiving,
26 storing, and printing a digitalized image of the signature of a person
27 registered to vote, the commissioner may eliminate the use of the
28 duplicate permanent registration binders and may authorize and direct
29 the use at the polls in place of such a binder, as a signature copy
30 register for the purposes of this Title and Title 40 of the Revised
31 Statutes, of a polling record which identifies on each page the election
32 at which the record is used, which indicates for each registrant the
33 name and address of the registrant and identifies the municipality and
34 the particular election district therein from which the person is
35 registered, and which includes adjacent to the registrant's name and
36 address an imprint of the digitalized image of the registrant's signature
37 and sufficient space, immediately to the left or right of that imprint, for
38 the registrant to sign the record, which imprint and signature shall be
39 used as the signature comparison record as prescribed by this Title.
40 The polling record shall also include for each registrant sufficient
41 space for the notation of remarks as provided by R.S.19:15-23 and for
42 the recording of any challenge and the determination thereof by the
43 district board as provided by R.S.19:15-24, or by other elections
44 officials charged with the same duties as the district board in
45 connection with the conduct of an election. In the case of a primary
46 election, the polling record shall also indicate for each registrant the

1 political party, if any, of which the registrant is a member for the
2 purpose of voting at that primary election.

3 Polling records for each election shall be prepared by the
4 commissioner of registration not later than the [14th] 10th day
5 preceding the election. At each election, the delivery of the polling
6 records to the municipal clerk and to the district boards or other
7 elections officials charged with the same duties as the district board in
8 connection with the conduct of an election, and the return of those
9 records by the district boards or such other elections officials to the
10 commissioner of registration, shall be made in the manner and in
11 accordance with the schedule prescribed by law for the delivery and
12 return at that election of the signature copy registers.

13 The commissioner of registration shall retain the polling records for
14 any election for a period of not less than six years following that
15 election.

16 (cf: P.L.1996, c.3, s.5)

17

18 8. R.S.19:31-6 is amended to read as follows:

19 19:31-6. Any person qualified to vote in an election shall be
20 entitled to vote in the election if the person shall have registered to
21 vote on or before the [29th] 21st day preceding the election by:

22 a. registering in person at any offices designated by the
23 commissioner of registration for providing and receiving registration
24 forms;

25 b. completing a voter registration form while applying for a motor
26 vehicle driver's license from an agent of the Division of Motor
27 Vehicles, as provided for in section 24 of P.L.1994, c.182
28 (C.39:2-3.2);

29 c. completing and returning to the [Secretary of State] Attorney
30 General or having returned thereto a voter registration form received
31 from a voter registration agency, as defined in subsection a. of section
32 26 of P.L.1994, c.182 (C.19:31-6.11), while applying for services or
33 assistance or seeking a recertification, renewal or change of address at
34 an office of that agency;

35 d. completing and returning to the [Secretary of State] Attorney
36 General a voter registration form obtained from a public agency, as
37 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

38 e. completing and returning to the [Secretary of State] Attorney
39 General or having returned thereto a voter registration form received
40 from a door-to-door canvass or mobile registration drive, as provided
41 for in section 19 of P.L.1974, c.30 (C.19:31-6.7);

42 f. completing and returning to the [Secretary of State] Attorney
43 General a federal mail voter registration form, as prescribed in
44 subsection (b) of section 9 of the "National Voter Registration Act of
45 1993," (42 U.S.C. s. 1973gg et seq.); or

46 g. completing and returning to the [Secretary of State] Attorney

1 General or the appropriate county clerk an application for a federal
2 postcard application form to register to vote, as provided for in the
3 "Overseas Absentee Voting Act" (42 U.S.C. s. 1973ff-1 et seq.) and
4 section 4 of P.L.1976, c.23 (C.19:59-4).

5 When the commissioner has designated a place or places other than
6 his office for receiving registrations, the commissioner shall cause to
7 be published a notice in a newspaper circulated in the municipality
8 wherein such place or places of registration shall be located. Such
9 notice shall be published pursuant to R.S.19:12-7.

10 Any office designated by the commissioner of registration for
11 receiving registration forms shall have displayed, in a conspicuous
12 location, registration and voting instructions. These instructions shall
13 be the same as those provided for polling places under R.S.19:9-2 and
14 shall be provided by the commissioner.

15 (cf: P.L.1994, c.182, s.5)

16

17 9. Section 1 of P.L.1966, c.177 (C.19:31-6.1) is amended to read
18 as follows:

19 1. Notwithstanding any other provisions of the Title to which this
20 act is a supplement, any person authorized by law to accept
21 applications for voter registration shall accept, during the [28-day]
22 20-day period prior to any election, the application for registration of
23 all eligible voters who shall personally appear for registration before
24 such person, or the registration card mailed or delivered to such
25 person, but no eligible voter so registered shall be entitled to vote in
26 the election immediately following said [28-day] 20-day period. Any
27 person registered under the provisions of this act shall be advised that
28 he will not be eligible to vote in the election immediately forthcoming
29 but will be eligible to vote in elections held thereafter.

30 Applications for registration pursuant to the provisions of this act
31 shall be received at such place or places as may be designated by any
32 duly authorized election official.

33 (cf: P.L.1974, c.30, s.8)

34

35 10. Section 15 of P.L.1974, c.30 (C.19:31-6.3) is amended to read
36 as follows:

37 15. a. As used in this section, "public agency" shall mean:

38 The Division of Worker's Compensation, the Division of
39 Employment Services and the Division of Unemployment and
40 Temporary Disability Insurance, established initially by section 5 of
41 P.L.1948, c.446 (C.34:1A-5), in the Department of Labor;

42 The Division of Taxation in the Department of the Treasury,
43 continued under section 24 of P.L.1948, c.92 (C.52:18A-24);

44 The New Jersey Transit Corporation, established pursuant to
45 section 4 of P.L.1979, c.150 (C.27:25-4);

46 Any free county library established under the provisions of article

1 1 of chapter 33 of Title 40 of the Revised Statutes;

2 Any regional library established under the provisions of P.L.1962,
3 c.134 (C.40:33-13.3 et seq.);

4 Any free public library established under the provisions of article 1
5 of chapter 54 of Title 40 of the Revised Statutes;

6 Any joint free public library established under the provisions of
7 P.L.1959, c.155 (C.40:54-29.3 et seq.);

8 Any public institution of higher education as included under the
9 provisions of N.J.S.18A:62-1;

10 Any eligible institution, as defined by subsection a. of section 3 of
11 P.L.1979, c.132 (C.18A:72B-17), that receives financial assistance,
12 aid, or grants from State funds;

13 Any office or commercial establishment where State licenses or
14 permits, other than licenses or permits issued by a professional or
15 occupational board established under the laws of this State, are
16 available to individual members of the public; and

17 Any recruitment office of the New Jersey National Guard.

18 b. Any person entitled to register to vote may register as a voter in
19 the election district in which that person resides at any time prior to
20 the [twenty-ninth] 21st day preceding any election by completing a
21 registration form described in section 16 of P.L.1974, c.30
22 (C.19:31-6.4) and submitting the form to the commissioner of
23 registration of the county wherein the person resides or alternatively,
24 in the case of a registration form provided by the employees or agents
25 of a public agency or a voter registration agency, as defined in
26 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), to
27 those employees or agents or to the Attorney General. Any
28 registration form addressed to a commissioner of registration may be
29 mailed to or delivered to the office of that commissioner, and in the
30 case of a registration form available at a public agency, the form shall
31 be mailed to the Attorney General or delivered to the commissioner of
32 registration in the county of the registrant. A registration form
33 postmarked, stamped or otherwise marked as having been received
34 from the registration applicant, on or before the [twenty-ninth] 21st
35 day preceding any election shall be deemed timely.

36 (cf: P.L.2003, c.36, s.1)

37

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

40 16. a. The Attorney General shall cause to be prepared and shall
41 provide to each county commissioner of registration forms of size and
42 weight suitable for mailing, which shall require the information
43 required by R.S.19:31-3 in substantially the following form:

1 VOTER REGISTRATION APPLICATION

2

3 Print clearly in ink. Use ballpoint pen or marker.

4

5 (1) This form is being used as (check one):

6

7 New registration

8

9 Address change

10

11 Name change

12

13 (2) Name:.....

14

15 Last First Middle

16

17 (3) Are you a citizen of the United States of America? Yes No

18 (4) Will you be 18 years of age on or before election day? Yes

19 No

20 If you checked 'No' in response to either of these questions, do not
21 complete this form.

22

23 (5) Street Address where you live:

24

25

26

27 Street Address Apt. No.

28

29

30

31 (6) City or Town County Zip Code

32

33 (7) Address Where You Receive Your Mail (if different from
34 above):

35

36

37

38 (8) Date of Birth:

39

40

41

42 Month Day Year

43

44 (9) Telephone Number (optional)

1 (10) Name and address of Your Last Voter Registration

2

3

4

5

6

7

8

9 (11) If you are registering by mail to vote and will be voting for the
10 first time in your current county of residence, please provide one of
11 the following:

12 (a) your New Jersey driver's license number:.....

13 (b) the last four digits of your Social Security
14 Number.....

15 OR submit with this form a copy of any one of the following
16 documents: a current and valid photo identification card; a current
17 utility bill, bank statement, government check, pay check or any other
18 government or other identifying document that shows your name and
19 current address. If you do not provide either your New Jersey driver's
20 license number or the last four digits of your Social Security Number,
21 or enclose a copy of one of the documents listed above, you will be
22 asked for identification when voting for the first time, unless you are
23 exempt from doing so under federal or State law.

24

25 (12) Declaration - I swear or affirm that:

26

27 I am a U.S. citizen.

28

29 I live at the above address.

30

31 I will be at least 18 years old on or before the day of the next
32 election.

33

34 I am not on parole, probation or serving a sentence due to a
35 conviction for an indictable offense under any federal or State laws.

36

37 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
38 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
39 \$1,000.00, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
40 PURSUANT TO R.S.19:34-1.

41

42

43

44 Signature or mark of the registrant Date

45

46 (13) If applicant is unable to complete this form, print the name and

1 address of individual who completed this form.

2

3

4

5 Name

6

7

8

9 Address

10

11 In addition, the form may include notice to the applicant of
12 information and options relating to the registration and voting process,
13 including but not limited to notice of qualifications required of a
14 registered voter; notice of the final day by which a person must be
15 registered to be eligible to vote in an election; notice of the effect of
16 a failure to provide required identification information; a place at
17 which the applicant may indicate availability for service as a member
18 of the district board of elections; a place at which the applicant may
19 indicate whether he or she requires a polling place which is accessible
20 to elderly and physically disabled voters or whether he or she is legally
21 blind; and a place at which the applicant may indicate a desire to
22 receive information concerning absentee voting. The form may also
23 include a space for the voter registration agency to record whether the
24 applicant registered in person, by mail or by other means.

25 b. The reverse side of the registration form shall bear the address
26 of the Attorney General or the commissioner of registration to whom
27 such form is supplied, and a United States postal permit the charges
28 upon which shall be paid by the State.

29 c. The Attorney General shall cause to be prepared registration
30 forms of the size, weight and form described in subsection a. of this
31 section in both the English and Spanish language and shall provide
32 such forms to each commissioner of registration of any county in
33 which there is at least one election district in which bilingual sample
34 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
35 section 2 of P.L.1965, c.29 (C.19:23-22.4).

36 d. The commissioner of registration shall furnish such registration
37 forms upon request in person to any person or organization in such
38 reasonable quantities as such person or organization shall request.
39 The commissioner shall furnish no fewer than two such forms to any
40 person upon request by mail or by telephone.

41 e. Each such registration form shall have annexed thereto
42 instructions specifying the manner and method of registration and
43 stating the qualifications for an eligible voter.

44 f. The Attorney General shall also furnish such registration forms
45 and such instructions to the Director of the Division of Worker's
46 Compensation, the Director of the Division of Employment Services,

1 and the Director of the Division of Unemployment and Temporary
2 Disability Insurance in the Department of Labor and Workforce
3 Development; to the Director of the Division of Taxation in the
4 Department of the Treasury; to the Executive Director of the New
5 Jersey Transit Corporation; to the appropriate administrative officer
6 of any other public agency, as defined by subsection a. of section 15
7 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
8 Department of Military and Veterans' Affairs; and to the chief
9 administrative officer of any voter registration agency, as defined in
10 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

11 g. All registration forms received by the Attorney General in the
12 mail or forwarded to the Attorney General shall be forwarded to the
13 commissioner of registration in the county of the registrant.

14 h. An application to register to vote received from the New Jersey
15 Motor Vehicle Commission or a voter registration agency, as defined
16 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
17 be deemed to have been timely made for the purpose of qualifying an
18 eligible applicant as registered to vote in an election if the date on
19 which the commission or agency shall have received that document in
20 completed form, as indicated in the lower right hand corner of the
21 form, was not later than the [29th] 21st day preceding that election.

22 i. Each commissioner of registration shall make note in the
23 permanent registration file of each voter who is required to provide the
24 personal identification information required pursuant to this section,
25 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
26 U.S.C. 15301 et seq.), to indicate the type of identification provided
27 by the voter and the date on which it is provided. Prior to the June
28 2004 primary election, when such a newly registered voter seeks to
29 vote for the first time following his or her registration, the voter will
30 be required to provide such personal identification information.
31 Beginning with the June 2004 primary election, when such a newly
32 registered voter seeks to vote for the first time following his or her
33 registration, the voter will not be required to provide such information
34 if he or she had previously provided the personal identification
35 information required pursuant to this section. The required
36 information shall be collected and stored for the time and in the
37 manner required pursuant to regulations promulgated by the Attorney
38 General.

39 j. The Attorney General shall amend the voter registration
40 application form if necessary to conform to the requirements of
41 applicable federal or state law.

42 (cf: P.L.2004, c.88, s.12)

43

44 12. R.S.19:31-7 is amended to read as follows:

45 19:31-7. For the convenience of the voters the respective municipal
46 clerks or their duly authorized clerk or clerks in all municipalities shall

1 also be empowered to register applicants for permanent registration up
2 to and including the [twenty-ninth] 21st day preceding any election
3 and after any such election in the manner indicated above, subject to
4 such rules and regulations as may be prescribed by the commissioner,
5 in counties having a superintendent of elections, and the county board
6 in all other counties. Duly authorized clerk as used in this section shall
7 mean a clerk who resides within the municipality and has been
8 approved by the commissioner or the county board as the case may be.
9 For this purpose the commissioner shall forward to each municipal
10 clerk a sufficient supply of registration forms. The commissioners
11 shall keep a record of the serial numbers of these forms and shall
12 periodically make such checks as are necessary to accurately determine
13 if all such forms are satisfactorily accounted for. Each municipal clerk
14 shall transmit daily to the commissioner all of the filled out registration
15 forms that he may have in his office at the time.
16 (cf: P.L.1994, c.170, s.3)

17

18 13. R.S.19:31-11 is amended to read as follows:

19 19:31-11. a. In all counties within the State, change of residence
20 notices shall be made by a written request, signed by the registrant,
21 forwarded to the commissioner by mail, and actually received by the
22 commissioner, or by calling in person at the office of the commissioner
23 or the municipal clerk. The commissioner shall provide change of
24 residence notices in card form for the use of any registered voter
25 moving to another address within the same election district or to
26 another election district within the same county. Copies of these
27 notices shall also be available at the office of the municipal clerk in
28 each municipality. Each municipal clerk shall transmit daily to the
29 commissioner all the filled out change of residence notices that may be
30 in the municipal clerk's office at the time. These notices shall be
31 printed upon cards, shall contain a blank form showing where the
32 applicant last resided and the address and exact location to which the
33 applicant has moved and shall have a line for the applicant's signature,
34 printed name and date of birth. Upon receipt of such change of
35 residence notice the commissioner shall cause the signature to be
36 compared with the registration forms of the applicant and, if such
37 signature appears to be of and by one and the same legal voter, the
38 commissioner shall cause the entry of the change of residence to be
39 made on those registration forms and the registrant shall thereupon be
40 qualified to vote in the election district to which the registrant shall
41 have so moved. If the commissioner is not satisfied as to the signature
42 on the request for a change of residence, a confirmation notice as
43 prescribed by subsection d. of R.S.19:31-15 shall be sent by mail with
44 postage prepaid to the registrant at the new address.

45 The application for change of residence shall be filed with the
46 commissioner or municipal clerk, as the case may be, on or before the

1 [twenty-ninth] 21st day preceding any election.

2 b. In any county any voter who, prior to an election, shall move
3 within the same county after the time above prescribed for filing an
4 application for change of residence without having made application
5 for change of residence, or who has not returned a confirmation notice
6 sent to the voter by the commissioner of registration of the county, if
7 such a notice has been sent to the voter, or who has not moved since
8 the previous election but whose registration information is missing or
9 otherwise deficient, or has otherwise failed to notify the commissioner
10 of registration of the voter's change of address within the county, shall
11 be permitted to vote in that election in the district to which the voter
12 has moved, upon making a written affirmation regarding the change of
13 address at the polling place of the district in which the voter resides on
14 the day of the election. No identifying document shall be required
15 from the voter for this affirmation. A district board member shall
16 provide the voter with a provisional ballot, and an envelope with an
17 affirmation statement that conforms with the requirements for such
18 documents contained in subsection b. of section 7 of P.L.1999, c.232
19 (C.19:53C-1). The voter shall complete the provisional ballot and
20 affirmation statement, place the ballot in the envelope, seal and return
21 it to the district board member. The board member shall review the
22 information in the affirmation statement for completeness before
23 forwarding it for inspection, tabulation and notation by the county
24 board of elections, as provided for by sections 7 through 26 of
25 P.L.1999, c.232 (C.19:53C-1 through C.19:53C-20). The affirmation
26 statement shall constitute a transfer to the registrant's new residence
27 for any subsequent election. However, if the voter has moved from
28 one residence to another within the same election district at any time,
29 the voter shall be permitted to vote in such election district at any
30 election in the same manner as other voters at the polling place upon
31 written affirmation by the registrant to the district board member of
32 the registrant's change of address.

33 c. A voter who moves from an election district in one county to an
34 election district in another county prior to the close of registration
35 preceding an election shall register in the new county of residence, in
36 accordance with the provisions of R.S.19:31-6, in order to be
37 permitted to vote.

38 (cf: P.L.1999, c.232, s.3)

39

40 14. R.S.19:31-13 is amended to read as follows:

41 19:31-13. Whenever the registrant after his or her original
42 registration shall change his or her name due to marriage, divorce, or
43 by judgment of court, the registrant shall in person or by mail submit
44 to the commissioner of registration a written statement notifying the
45 commissioner of the change, which statement shall take such form, and
46 be printed on a postal card suitable for mailing of such design, as the

1 [Secretary of State] Attorney General shall prescribe and shall be
2 signed by the registrant. The commissioner, upon receipt of such a
3 notice of change of name, shall revise accordingly the name of the
4 registrant as it appears among the items of information concerning the
5 registrant included on the registrant's registration forms, shall make a
6 photographic copy of the notice of name change submitted by the
7 registrant, and shall affix the original notice so submitted to the
8 registrant's original registration form and the photographic copy of
9 that notice to the registrant's duplicate registration record.

10 When notice of such change in name has not been received by or
11 filed with the commissioner prior to the [twenty-ninth] 21st day
12 preceding any election, such person may be permitted to vote under
13 the name under which the person was registered prior to that change
14 at the first election following such change in name at which the person
15 shall appear to vote, after signing the signature copy register with both
16 the registered name and his or her new name. The commissioner shall
17 then revise accordingly the name of the registrant as it appears on the
18 registrant's registration forms, make a photographic copy of the notice,
19 and affix the original and copy of the notice to the registrant's
20 permanent registration forms as hereinabove prescribed.

21 (cf: P.L.1994, c.182, s.12)

22
23 15. R.S.19:31-15 is amended to read as follows:

24 19:31-15. a. Upon receipt by the commissioner of registration of
25 a county from a registered voter of that county of a request that the
26 name of the registrant be removed from the registry list of voters of
27 the county, the commissioner shall so remove the registrant's name
28 from that list. Notice by a registered voter to the commissioner of
29 registration of a county that the registrant has ceased to reside in the
30 county shall, for the purposes of this subsection, be deemed a request
31 for removal of the registrant's name from the county registry list.

32 b. The commissioner of registration of any county may agree with
33 the United States Postal Service or its licensee to receive information
34 provided by the Postal Service concerning the change by any Postal
35 Service customer of that customer's address within the county. If it
36 appears from information so received that a Postal Service customer
37 registered to vote in the county has moved to a different address, then
38 (1) if that address is within the county, the commissioner shall cause
39 the registration records of the registrant to be corrected accordingly
40 and shall transmit to the resident by forwardable mail a notice of the
41 change and a postage prepaid, pre-addressed return form by which the
42 registrant may verify or correct the address information, or (2) if that
43 address is not within the county, the commissioner shall undertake the
44 confirmation notice procedure prescribed under subsection d. of this
45 section to confirm the change of address.

46 c. The commissioner of registration of a county shall cause the

1 name of a registrant to be removed from the registry list of the county
2 if the registrant (1) confirms in writing, by return of a confirmation
3 notice as prescribed under subsection d. of this section or by other
4 means, that the registrant has changed residence to a place outside the
5 county, or (2) has failed to respond to a confirmation notice as so
6 prescribed and has not, in any election during the period beginning on
7 the date on which the commissioner sends the confirmation notice to
8 the registrant and ending on the day after the second general election
9 for federal office following that date on which the notice is sent, (a)
10 voted, or (b) appeared to vote and, if necessary, correct the official
11 record of the registrant's address.

12 Other than as provided under subsection a. of this section, the name
13 of a registrant shall not be removed from the registry list of a county
14 on the ground that the registrant has changed residence except as
15 provided by this subsection.

16 d. A confirmation notice sent to ascertain whether a registrant
17 continues to reside at the address from which that registrant is
18 registered to vote shall be a postage prepaid and pre-addressed return
19 card, sent by forwardable mail, which shall include: (1) space on
20 which the registrant's current address may be entered; (2) the
21 statement "To any voter who continues to reside at the residence
22 address to which this notice is addressed or who no longer resides at
23 that residence address but continues to reside in (name of
24 county): please mail or personally deliver this postage prepaid card to
25 the commissioner of registration to whom it is addressed not later than
26 (calendar date of the [29th] 21st day preceding the next
27 election to be held in the county). If you do not return this card by
28 that date, then at any election held subsequent to that date and on or
29 before (calendar date of the day after the second general
30 election for federal office following that date), you may be required at
31 the polls to affirm or confirm your address before you are permitted
32 to vote, and if you do not vote in an election during that period, your
33 name will be removed from the registry of eligible voters."; and (3) a
34 statement, the text of which shall be prescribed by the [Secretary of
35 State] Attorney General, setting forth the means by which a registrant
36 who has changed residence to a county different from that in which is
37 located the residence to which the notice was originally addressed may
38 retain the right to vote.

39 e. The commissioner of registration shall correct the registry list of
40 eligible voters in accordance with change of residence information
41 obtained in conformity with the provisions of this section.

42 (cf: P.L.1994, c.182, s.13)

43

44 16. R.S.19:31-18 is amended to read as follows:

45 19:31-18. On or before the [fifteenth] eighth day preceding any
46 general election the commissioner shall certify and transmit to the

1 county clerk a complete list of all persons who are registered in each
2 election district in each municipality in the county together with a
3 statement as to the number of persons registered in each district. On
4 the face of the list of registered voters the commissioner shall in
5 figures state the total number of names of persons registered. Such
6 lists shall be arranged substantially in the following form:

7 Grand Street

8

9

10

11	Residence number	Name of voter
12	or other designation	

13

14	14	Jones, Charles M.
----	----	-------------------

15

16	15	Smith, John M
----	----	---------------

17

18 (cf: P.L.1976, c.22, s.1)

19

20 17. R.S.19:31-20 is amended to read as follows:

21 19:31-20. On or before the [second Monday] eighth day preceding
22 the primary election for the general election and the general election,
23 respectively, the commissioner in counties not having a superintendent
24 of elections, shall deliver to the municipal clerk in each municipality
25 the signature copy registers for each election district in such
26 municipality and shall take a receipt for same. The municipal clerk
27 shall thereupon deliver at his office, or in any other way he sees fit,
28 such registers to a member or members of the proper district boards
29 at the same time and together with the primary for the general election
30 sample ballots or the general election sample ballots, as the case may
31 be. The registers shall be used by the district boards on election days
32 and for the purpose of mailing the sample ballots. The commissioner
33 in counties having a superintendent of elections shall deliver such
34 registers at his office, or in any other way he may see fit, to the
35 various district boards, taking a receipt for same.

36 Before delivering the registers the commissioner shall cause to be
37 printed upon a separate sheet or sheets of paper, to be inserted inside
38 of the front cover of such registers in conspicuous type, such
39 instructions to election officers regarding the use and disposition of
40 the binders and forms as he deems necessary.

41 (cf: P.L.1947, c.168, s.22)

42

43 18. This act shall take effect on July 1 following the date of
44 enactment.

STATEMENT

1

2

3 Currently, a person eligible to vote is required to register 29 days
4 prior to an election to vote in that election. This bill would provide,
5 instead, that a person eligible to vote may register up to 21 days prior
6 to an election and vote in that election. Persons registering after the
7 29th day prior to an election may be sent, instead of a sample ballot,
8 notice of his or her polling place, information on where to obtain a
9 sample ballot prior to the election, a statement indicating that a sample
10 ballot will be available at the polling place on the day of the election,
11 and, if applicable, information on a county website where a sample
12 ballot may be viewed.

13 This bill would not affect the constitutional requirement that a
14 person must reside in a county for 30 days prior to an election in order
15 to be eligible to vote in that election.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 42

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably Assembly, No. 42.

Currently, a person eligible to vote is required to register 29 days prior to an election in order to vote in that election. This bill provides that a person eligible to vote may register up to 21 days prior to an election and vote in that election. Persons registering after the 29th day prior to an election may be sent, instead of a sample ballot, notice of his or her polling place, information on where to obtain a sample ballot prior to the election, a statement indicating that a sample ballot will be available at the polling place on the day of the election, and, if applicable, information on a county Internet site where a sample ballot may be viewed.

The bill does not affect the constitutional requirement that a person must reside in a county for 30 days prior to an election in order to be eligible to vote in that election.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 42

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill No. 42, with committee amendments.

Assembly Bill No. 42, as amended, permits voter registration up to 21 days before an election, permits use of a provisional ballot for voter registration and modifies the information available on voter registration list.

Currently, a person eligible to vote is required to register 29 days prior to an election in order to vote in that election. This bill would provide that a person eligible to vote may register up to 21 days prior to an election and vote in that election. Persons registering after the 29th day prior to an election may be sent, instead of a sample ballot, notice of his or her polling place, information on where to obtain a sample ballot prior to the election, a statement indicating that a sample ballot will be available at the polling place on the day of the election, and, if applicable, information on a county site where a sample ballot may be viewed.

The bill would not affect the constitutional requirement that a person must reside in a county for 30 days prior to an election in order to be eligible to vote in that election.

COMMITTEE AMENDMENTS:

Amendments to this bill:

1) provide that the signature copy register used at the polls for elections will indicate the date of birth for each registrant;

2) provide that the list of registered voters will include only the following information for each registered voter: name, address, date of birth, political party affiliation, and voting history;

3) prohibit the inclusion of voter signatures in the list of registered voters, except when so ordered by a court; and

4) establish that a provisional ballot that is submitted at an election by a person who is found not to be a registered voter will serve as a voter registration form and entitle the person, if qualified, to vote in the next election without requiring that person to submit any additional registration materials; and

5) change effective date to January 1, 2006.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

SENATE, No. 2387

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 14, 2005

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Permits voter registration up to 21 days before election.

CURRENT VERSION OF TEXT

As introduced.



S2387 BRYANT

2

1 AN ACT changing the voter registration deadline, and amending and
2 supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) Notwithstanding the provisions of any other law
8 to the contrary, a voter who registers after the 29th day prior to a
9 general election and who is eligible to participate in that election may
10 be sent, instead of a sample ballot, notice of the voter's polling place,
11 information on where to obtain a sample ballot prior to the election,
12 a statement indicating that a sample ballot will be available at the
13 polling place on the day of the election, and, if applicable, information
14 on a county website where a sample ballot may be viewed.

15

16 2. (New section) Notwithstanding the provisions of any other law
17 to the contrary, a voter who registers after the 29th day prior to a
18 primary election and who is eligible to participate in that election may
19 be sent, instead of a sample ballot, notice of the voter's polling place,
20 information on where to obtain a sample ballot prior to the election,
21 a statement indicating that a sample ballot will be available at the
22 polling place on the day of the election, and, if applicable, information
23 on a county website where a sample ballot may be viewed.

24

25 3. (New section) Notwithstanding the provisions of any other law
26 to the contrary, a voter who registers after the 29th day prior to a
27 school election and who is eligible to participate in that election may
28 be sent, instead of a sample ballot, notice of the voter's polling place,
29 information on where to obtain a sample ballot prior to the election,
30 a statement indicating that a sample ballot will be available at the
31 polling place on the day of the election, and, if applicable, information
32 on a county website where a sample ballot may be viewed.

33

34 4. R.S.19:12-7 is amended to read as follows:

35 19:12-7. a. The county board in each county shall cause to be
36 published in a newspaper or newspapers which, singly or in
37 combination, are of general circulation throughout the county, a notice
38 containing the information specified in subsection b. hereof, except for
39 such of the contents as may be omitted pursuant to subsection c. or d.
40 hereof. Such notice shall be published once during the 30 days next
41 preceding the day fixed for the closing of the registration books for the
42 primary election, once during the calendar week next preceding the
43 week in which the primary election is held, once during the 30 days

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

Matter underlined thus is new matter.

S2387 BRYANT

1 next preceding the day fixed for the closing of the registration books
2 for the general election, and once during the calendar week next
3 preceding the week in which the general election is held.

4 b. Such notice shall set forth:

5 (1) For the primary election:

6 (a) That a primary election for making nominations for the general
7 election, for the selection of members of the county committees of
8 each political party, and in each presidential year for the selection of
9 delegates and alternates to national conventions of political parties,
10 will be held on the day and between the hours and at the places
11 provided for by or pursuant to this Title.

12 (b) The place or places at which and hours during which a person
13 may register, the procedure for the transfer of registration, and the
14 date on which the books are closed for registration or transfer of
15 registration.

16 (c) The several State, county, municipal and party offices or
17 positions to be filled, or for which nominations are to be made, at such
18 primary election.

19 (d) The existence of registration and voting aids, including: (i) the
20 availability of registration and voting instructions at places of
21 registration as provided under R.S.19:31-6; and (ii), if available, the
22 accessibility of voter information to the deaf by means of a
23 telecommunications device.

24 (e) The availability of assistance to a person unable to vote due to
25 blindness, disability or inability to read or write.

26 (f) In the case of the notice published during the calendar week next
27 preceding the week in which the primary election is held, that a voter
28 who, prior to the election, shall have moved within the same county
29 without (i) filing, on or before the ~~29th~~ 21st day preceding the
30 election, a notice of change of residence with the commissioner of
31 registration of the county or the municipal clerk of the municipality in
32 which the voter resides on the day of the election, (ii) returning the
33 confirmation notice sent to the voter by the commissioner of
34 registration of the county, if such a notice has been sent to the voter,
35 or (iii) otherwise notifying the commissioner of registration of the
36 voter's change of address within the county shall be permitted to
37 correct the voter's registration and to vote in the primary election by
38 provisional ballot at the polling place of the district in which the voter
39 resides on the day of the election. The notice shall further provide that
40 the voter may contact the county commissioner of registration or
41 municipal clerk to determine the proper polling place location for the
42 voter.

43 (2) For the general election:

44 (a) That a general election will be held on the day and between the
45 hours and at the places provided for by or pursuant to this Title.

46 (b) The place or places at which and hours during which a person

1 may register, the procedure for transfer of registration, and the date on
2 which the books are closed for registration or transfer of registration.

3 (c) The several State, county and municipal offices to be filled and,
4 except as provided in R.S.19:14-33 of this Title as to publication of
5 notice of any Statewide proposition directed by the Legislature to be
6 submitted to the people, the State, county and municipal public
7 questions to be voted upon at such general election.

8 (d) The existence of registration and voting aids, including: (i) the
9 availability of registration and voting instructions at places of
10 registration as provided under R.S.19:31-6; and (ii) the accessibility
11 of voter information to the deaf by means of a telecommunications
12 device.

13 (e) The availability of assistance to a person unable to vote due to
14 blindness, disability or inability to read or write.

15 (f) In the case of the notice published during the calendar week next
16 preceding the week in which the general election is held, that a voter
17 who, prior to the election, shall have moved within the same county
18 without (i) filing, on or before the [29th] 21st day preceding the
19 election, a notice of change of residence with the commissioner of
20 registration of the county or the municipal clerk of the municipality in
21 which the voter resides on the day of the election, (ii) returning the
22 confirmation notice sent to the voter by the commissioner of
23 registration of the county, if such a notice has been sent to the voter,
24 or (iii) otherwise notifying the commissioner of registration of the
25 voter's change of address within the county shall be permitted to
26 correct the voter's registration and to vote in the general election by
27 provisional ballot at the polling place of the district in which the voter
28 resides on the day of the election. The notice shall further provide that
29 the voter may contact the county commissioner of registration or
30 municipal clerk to determine the proper polling place location for the
31 voter.

32 (3) For a school election:

33 (a) The day, time and place thereof,

34 (b) The offices, if any, to be filled at the election,

35 (c) The substance of any public question to be submitted to the
36 voters thereat,

37 (d) That a voter who, prior to the election, shall have moved within
38 the same county without (i) filing, on or before the [29th] 21st day
39 preceding the election, a notice of change of residence with the
40 commissioner of registration of the county or the municipal clerk of
41 the municipality in which the voter resides on the day of the election,
42 (ii) returning the confirmation notice sent to the voter by the
43 commissioner of registration of the county, if such a notice has been
44 sent to the voter, or (iii) otherwise notifying the commissioner of
45 registration of the voter's change of address within the county shall be
46 permitted to correct the voter's registration and to vote in the school

1 election by provisional ballot at the polling place of the district in
2 which the voter resides on the day of the election,

3 (e) That if the voter has any questions as to where to vote on the
4 day of the election, the voter may contact the county commissioner of
5 registration or municipal clerk to determine the proper polling place
6 location for the voter; and

7 (f) Such other information as may be required by law.

8 c. If such publication is made in more than one newspaper, it shall
9 not be necessary to duplicate in the notice published in each such
10 newspaper all the information required under this section, so long as:

11 (1) The municipal officers or party positions to be filled, or
12 nominations made, or municipal public questions to be voted upon by
13 the voters of any municipality, shall be set forth in at least one
14 newspaper having general circulation in such municipality;

15 (2) All offices to be filled, or nominations made therefor, or public
16 questions to be voted upon, by the voters of the entire State or of the
17 entire county shall be set forth in a newspaper or newspapers which,
18 singly or in combination, have general circulation throughout the
19 county;

20 (3) Information relating to nominations and elections in each
21 Legislative District comprised in whole or part in the county, shall be
22 published in at least a newspaper or newspapers which singly or in
23 combination, have general circulation in every municipality of the
24 county which is comprised in such legislative district.

25 d. Such part or parts of the original notices as published which
26 pertain to day of registration or primary election which has occurred
27 shall be eliminated from such notice in succeeding insertions.

28 e. (Deleted by amendment, P.L.1999, c.232.)

29 f. The cost of publishing the notices required by this section shall
30 be paid by the respective counties, unless otherwise provided for by
31 law.

32 (cf: P.L.1999, c.232, s.2)

33

34 5. Section 6 of P.L.1991, c.249 (C.19:15-18.3) is amended to read
35 as follows:

36 6. Any person whose name does not appear on a challenge list
37 prepared by the superintendent of elections of the county but who is
38 challenged and denied the right to vote on the day of a municipal,
39 primary, general, or special election by a duly authorized challenger or
40 by a member of a district board of elections, may apply to a Superior
41 Court judge sitting at the county seat for permission to vote. No
42 papers need be filed; the court shall entertain oral applications. The
43 challenged voter may appear pro se or with counsel. The challenger
44 or the member of the district board, as the case may be, may appear or
45 be represented by counsel. The challenged voter shall be permitted to
46 state by oath or affirmation the facts which the voter believes establish

1 eligibility to vote, shall furnish a copy of the affidavit the voter signed
2 when challenged, a copy of the affidavit signed by the challenger and
3 the identifying document found invalid by the challenger and the
4 district board. The rules of evidence shall not apply to those
5 proceedings. The judge shall grant the application and provide the
6 challenged voter with written authorization to vote on that day if the
7 judge finds the following facts to be established by the testimony of
8 the applicant or, in the case of a dispute of facts or some questions as
9 to the challenged voter's credibility, by a preponderance of the
10 following evidence:

11 a. The challenged voter is at least 18 years old and a citizen of the
12 United States and of this State, has resided in the county at least 30
13 days prior to the date of the election, and has not been convicted of a
14 crime which would disenfranchise a person under the laws of this
15 State, and either:

16 b. The challenged voter is properly registered at his location; or

17 c. The challenged voter was properly registered at his location as
18 of the last election at which the challenged voter voted but has moved
19 to another location within the county since then and in good faith
20 attempted to register at the new address within the time prescribed by
21 law.

22 For the purposes of this section, a good faith attempt to register
23 shall include: completing the prescribed registration form no later than
24 [29] 21 days before the election in the presence of a person who
25 appears to be over 18 years old and says that he or she can and will
26 witness the form and mail it to the register for the applicant;
27 completing a form received in the mail from the commissioner of
28 registration, superintendent of elections or the county board which
29 states that information has been received that the applicant has moved
30 and placing the completed form in a proper mailbox with proper
31 postage, if necessary, no later than [29] 21 days before the election;
32 completing a registration form in any government office; and
33 reasonably relying upon the oral statements of an official at a polling
34 place that they will insure proper reregistration.

35 The judge of the Superior Court having the application shall cause
36 a full record of the proceeding to be taken stenographically,
37 transcribed and filed in the office of the county clerk of the county,
38 which record shall be open and public record. All costs and expenses
39 of such proceedings shall be paid by the county.

40 (cf: P.L.1991, c.249, s.6)

41

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

43 19:31-2. In all counties having a superintendent of elections, the
44 superintendent of elections is hereby constituted the commissioner of
45 registration and in all other counties the secretary of the county board
46 is hereby constituted the commissioner of registration.

1 The commissioner of registration shall have complete charge of the
2 registration of all eligible voters within their respective counties.

3 The commissioner of registration shall have power to appoint
4 temporarily, and the commissioner of registration in counties of the
5 first class having more than 800,000 inhabitants shall have power to
6 appoint on a permanent, or temporary basis, such number of persons,
7 as in the commissioner's judgment may be necessary in order to carry
8 out the provisions of this Title. All persons appointed by the
9 commissioner of registration in counties of the first class having more
10 than 850,000 inhabitants according to the latest federal decennial
11 census to serve for terms of more than six months in any one year shall
12 be in the career service of the civil service and shall be appointed, and
13 hold their positions, in accordance with the provisions of Title 11A,
14 Civil Service. All persons appointed by the commissioner of
15 registration in counties of the first class having more than 600,000 but
16 less than 850,000 inhabitants according to the latest federal decennial
17 census to serve for terms of more than six months in any one year,
18 other than the chief deputy and chief clerk and confidential secretary
19 and chief custodian, shall be in the career service of the civil service
20 and shall be appointed and hold their positions, in accordance with the
21 provisions of Title 11A, Civil Service. Persons appointed by the
22 commissioner of registration in such counties to serve for terms of six
23 months or less in any one year and persons appointed by the
24 commissioner of registration shall not be subject to any of the
25 provisions of Title 11A, Civil Service, but shall be in the unclassified
26 service.

27 In each county the commissioner of registration shall submit to the
28 [Secretary of State] Attorney General on or before February 15 of
29 each year a plan providing for evening registration for the primary
30 election and on or before July 1 plans providing for evening
31 registration for the general election, which plans shall be subject to
32 approval by the [Secretary of State] Attorney General. Evening
33 registration shall be made available in the office of each commissioner
34 of registration between the hours of 4 p.m. and 9 p.m. on the [29th]
35 21st day preceding the primary and general elections and, in any year
36 in which municipal elections are to be held in any municipality within
37 the county, on the [29th] 21st day preceding those municipal
38 elections.

39 In each county, the commissioner of registration may also establish
40 a plan for out-of-office registration, including door-to-door
41 registration.

42 Nothing in this section shall preclude the commissioner from
43 providing pursuant to plan evening registration in excess of the
44 requirements of this section, or shall preclude or in any way limit
45 out-of-office registration conducted by persons or groups other than
46 the commissioner.

1 The commissioner of registration shall provide such printed forms,
2 blanks, supplies and office telephone and transportation equipment and
3 shall prescribe such reasonable rules and regulations not inconsistent
4 with those of the [Secretary of State] Attorney General as are
5 necessary in the opinion of the commissioner to carry out the
6 provisions of this Title and any amendments or supplements thereto.

7 Subject to the limitations set forth in chapter 32 of this Title, all
8 necessary expenses incurred, as and when certified and approved by
9 the commissioner of registration shall be paid by the county treasurer
10 of the county.

11 Nothing in the provisions of subtitle 2 of the Title, Municipalities
12 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
13 affect, restrict or abridge the powers herein conferred on the
14 commissioners of registration of the several counties.

15 All powers granted to the commissioner in all counties not having
16 superintendents of elections by the provisions of this Title are hereby
17 conferred on the county board in such counties and any and all duties
18 conferred upon the commissioner in all counties not having a
19 superintendent of elections by the provisions of this Title shall only be
20 exercised and performed by such commissioner under the instructions
21 and directions of and subject to the approval of the county board of
22 such counties.

23 (cf: P.L.1994, c.182, s.2)

24

25 7. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to read
26 as follows:

27 2. In those counties in which the commissioner of registration
28 employs data processing equipment capable of creating or receiving,
29 storing, and printing a digitalized image of the signature of a person
30 registered to vote, the commissioner may eliminate the use of the
31 duplicate permanent registration binders and may authorize and direct
32 the use at the polls in place of such a binder, as a signature copy
33 register for the purposes of this Title and Title 40 of the Revised
34 Statutes, of a polling record which identifies on each page the election
35 at which the record is used, which indicates for each registrant the
36 name and address of the registrant and identifies the municipality and
37 the particular election district therein from which the person is
38 registered, and which includes adjacent to the registrant's name and
39 address an imprint of the digitalized image of the registrant's signature
40 and sufficient space, immediately to the left or right of that imprint, for
41 the registrant to sign the record, which imprint and signature shall be
42 used as the signature comparison record as prescribed by this Title.
43 The polling record shall also include for each registrant sufficient
44 space for the notation of remarks as provided by R.S.19:15-23 and for
45 the recording of any challenge and the determination thereof by the
46 district board as provided by R.S.19:15-24, or by other elections

1 officials charged with the same duties as the district board in
2 connection with the conduct of an election. In the case of a primary
3 election, the polling record shall also indicate for each registrant the
4 political party, if any, of which the registrant is a member for the
5 purpose of voting at that primary election.

6 Polling records for each election shall be prepared by the
7 commissioner of registration not later than the ~~[14th]~~ 10th day
8 preceding the election. At each election, the delivery of the polling
9 records to the municipal clerk and to the district boards or other
10 elections officials charged with the same duties as the district board in
11 connection with the conduct of an election, and the return of those
12 records by the district boards or such other elections officials to the
13 commissioner of registration, shall be made in the manner and in
14 accordance with the schedule prescribed by law for the delivery and
15 return at that election of the signature copy registers.

16 The commissioner of registration shall retain the polling records for
17 any election for a period of not less than six years following that
18 election.

19 (cf: P.L.1996, c.3, s.5)

20
21 8. R.S.19:31-6 is amended to read as follows:

22 19:31-6. Any person qualified to vote in an election shall be
23 entitled to vote in the election if the person shall have registered to
24 vote on or before the ~~[29th]~~ 21st day preceding the election by:

25 a. registering in person at any offices designated by the
26 commissioner of registration for providing and receiving registration
27 forms;

28 b. completing a voter registration form while applying for a motor
29 vehicle driver's license from an agent of the Division of Motor
30 Vehicles, as provided for in section 24 of P.L.1994, c.182
31 (C.39:2-3.2);

32 c. completing and returning to the ~~[Secretary of State]~~ Attorney
33 General or having returned thereto a voter registration form received
34 from a voter registration agency, as defined in subsection a. of section
35 26 of P.L.1994, c.182 (C.19:31-6.11), while applying for services or
36 assistance or seeking a recertification, renewal or change of address at
37 an office of that agency;

38 d. completing and returning to the ~~[Secretary of State]~~ Attorney
39 General a voter registration form obtained from a public agency, as
40 defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);

41 e. completing and returning to the ~~[Secretary of State]~~ Attorney
42 General or having returned thereto a voter registration form received
43 from a door-to-door canvass or mobile registration drive, as provided
44 for in section 19 of P.L.1974, c.30 (C.19:31-6.7);

45 f. completing and returning to the ~~[Secretary of State]~~ Attorney
46 General a federal mail voter registration form, as prescribed in

1 subsection (b) of section 9 of the "National Voter Registration Act of
2 1993," (42 U.S.C. s.1973gg et seq.); or

3 g. completing and returning to the [Secretary of State] Attorney
4 General or the appropriate county clerk an application for a federal
5 postcard application form to register to vote, as provided for in the
6 "Overseas Absentee Voting Act" (42 U.S.C. s.1973ff-1 et seq.) and
7 section 4 of P.L.1976, c.23 (C.19:59-4).

8 When the commissioner has designated a place or places other than
9 his office for receiving registrations, the commissioner shall cause to
10 be published a notice in a newspaper circulated in the municipality
11 wherein such place or places of registration shall be located. Such
12 notice shall be published pursuant to R.S.19:12-7.

13 Any office designated by the commissioner of registration for
14 receiving registration forms shall have displayed, in a conspicuous
15 location, registration and voting instructions. These instructions shall
16 be the same as those provided for polling places under R.S.19:9-2 and
17 shall be provided by the commissioner.

18 (cf: P.L.1994, c.182, s.5)

19

20 9. Section 1 of P.L.1966, c.177 (C.19:31-6.1) is amended to read
21 as follows:

22 1. Notwithstanding any other provisions of the Title to which this
23 act is a supplement, any person authorized by law to accept
24 applications for voter registration shall accept, during the [28-day]
25 20-day period prior to any election, the application for registration of
26 all eligible voters who shall personally appear for registration before
27 such person, or the registration card mailed or delivered to such
28 person, but no eligible voter so registered shall be entitled to vote in
29 the election immediately following said [28-day] 20-day period. Any
30 person registered under the provisions of this act shall be advised that
31 he will not be eligible to vote in the election immediately forthcoming
32 but will be eligible to vote in elections held thereafter.

33 Applications for registration pursuant to the provisions of this act
34 shall be received at such place or places as may be designated by any
35 duly authorized election official.

36 (cf: P.L.1974, c.30, s.8)

37

38 10. Section 15 of P.L.1974, c.30 (C.19:31-6.3) is amended to read
39 as follows:

40 15. a. As used in this section, "public agency" shall mean:

41 The Division of Worker's Compensation, the Division of
42 Employment Services and the Division of Unemployment and
43 Temporary Disability Insurance, established initially by section 5 of
44 P.L.1948, c.446 (C.34:1A-5), in the Department of Labor;

45 The Division of Taxation in the Department of the Treasury,
46 continued under section 24 of P.L.1948, c.92 (C.52:18A-24);

1 The New Jersey Transit Corporation, established pursuant to
2 section 4 of P.L.1979, c.150 (C.27:25-4);

3 Any free county library established under the provisions of article
4 1 of chapter 33 of Title 40 of the Revised Statutes;

5 Any regional library established under the provisions of P.L.1962,
6 c.134 (C.40:33-13.3 et seq.);

7 Any free public library established under the provisions of article 1
8 of chapter 54 of Title 40 of the Revised Statutes;

9 Any joint free public library established under the provisions of
10 P.L.1959, c.155 (C.40:54-29.3 et seq.);

11 Any public institution of higher education as included under the
12 provisions of N.J.S.18A:62-1;

13 Any eligible institution, as defined by subsection a. of section 3 of
14 P.L.1979, c.132 (C.18A:72B-17), that receives financial assistance,
15 aid, or grants from State funds;

16 Any office or commercial establishment where State licenses or
17 permits, other than licenses or permits issued by a professional or
18 occupational board established under the laws of this State, are
19 available to individual members of the public; and

20 Any recruitment office of the New Jersey National Guard.

21 b. Any person entitled to register to vote may register as a voter in
22 the election district in which that person resides at any time prior to
23 the [twenty-ninth] 21st day preceding any election by completing a
24 registration form described in section 16 of P.L.1974, c.30
25 (C.19:31-6.4) and submitting the form to the commissioner of
26 registration of the county wherein the person resides or alternatively,
27 in the case of a registration form provided by the employees or agents
28 of a public agency or a voter registration agency, as defined in
29 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), to
30 those employees or agents or to the Attorney General. Any
31 registration form addressed to a commissioner of registration may be
32 mailed to or delivered to the office of that commissioner, and in the
33 case of a registration form available at a public agency, the form shall
34 be mailed to the Attorney General or delivered to the commissioner of
35 registration in the county of the registrant. A registration form
36 postmarked, stamped or otherwise marked as having been received
37 from the registration applicant, on or before the [twenty-ninth] 21st
38 day preceding any election shall be deemed timely.

39 (cf: P.L.2003, c.36, s.1)

40

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

43 16. a. The Attorney General shall cause to be prepared and shall
44 provide to each county commissioner of registration forms of size and
45 weight suitable for mailing, which shall require the information
46 required by R.S.19:31-3 in substantially the following form:

1 VOTER REGISTRATION APPLICATION

2

3 Print clearly in ink. Use ballpoint pen or marker.

4

5 (1) This form is being used as (check one):

6

7 New registration

8

9 Address change

10

11 Name change

12

13 (2) Name:.....

14

15 Last First Middle

16

17 (3) Are you a citizen of the United States of America? Yes No

18 (4) Will you be 18 years of age on or before election

19 day? Yes No

20 If you checked 'No' in response to either of these questions, do not
21 complete this form.

22

23 (5) Street Address where you live:

24

25

26

27 Street Address Apt. No.

28

29

30

31 (6) City or Town County Zip Code

32

33 (7) Address Where You Receive Your Mail (if different from
34 above):

35

36

37

38 (8) Date of Birth:

39

40

41

42 Month Day Year

43

44 (9) Telephone Number (optional)

1 (10) Name and address of Your Last Voter Registration

2

3

4

5

6

7

8

9 (11) If you are registering by mail to vote and will be voting for the
10 first time in your current county of residence, please provide one of
11 the following:

12 (a) your New Jersey driver's license number:.....

13 (b) the last four digits of your Social Security Number.....

14 OR submit with this form a copy of any one of the following
15 documents: a current and valid photo identification card; a current
16 utility bill, bank statement, government check, pay check or any other
17 government or other identifying document that shows your name and
18 current address. If you do not provide either your New Jersey driver's
19 license number or the last four digits of your Social Security Number,
20 or enclose a copy of one of the documents listed above, you will be
21 asked for identification when voting for the first time, unless you are
22 exempt from doing so under federal or State law.

23

24 (12) Declaration - I swear or affirm that:

25

26 I am a U.S. citizen.

27

28 I live at the above address.

29

30 I will be at least 18 years old on or before the day of the next
31 election.

32

33 I am not on parole, probation or serving a sentence due to a
34 conviction for an indictable offense under any federal or State laws.

35

36 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
37 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
38 \$1,000.00, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
39 PURSUANT TO R.S.19:34-1.

40

41

42

43 Signature or mark of the registrant Date

1 (13) If applicant is unable to complete this form, print the name and
2 address of individual who completed this form.

3
4

5
6 Name
7
8

9
10 Address

11

12 In addition, the form may include notice to the applicant of
13 information and options relating to the registration and voting process,
14 including but not limited to notice of qualifications required of a
15 registered voter; notice of the final day by which a person must be
16 registered to be eligible to vote in an election; notice of the effect of
17 a failure to provide required identification information; a place at
18 which the applicant may indicate availability for service as a member
19 of the district board of elections; a place at which the applicant may
20 indicate whether he or she requires a polling place which is accessible
21 to elderly and physically disabled voters or whether he or she is legally
22 blind; and a place at which the applicant may indicate a desire to
23 receive information concerning absentee voting. The form may also
24 include a space for the voter registration agency to record whether the
25 applicant registered in person, by mail or by other means.

26 b. The reverse side of the registration form shall bear the address
27 of the Attorney General or the commissioner of registration to whom
28 such form is supplied, and a United States postal permit the charges
29 upon which shall be paid by the State.

30 c. The Attorney General shall cause to be prepared registration
31 forms of the size, weight and form described in subsection a. of this
32 section in both the English and Spanish language and shall provide
33 such forms to each commissioner of registration of any county in
34 which there is at least one election district in which bilingual sample
35 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
36 section 2 of P.L.1965, c.29 (C.19:23-22.4).

37 d. The commissioner of registration shall furnish such registration
38 forms upon request in person to any person or organization in such
39 reasonable quantities as such person or organization shall request.
40 The commissioner shall furnish no fewer than two such forms to any
41 person upon request by mail or by telephone.

42 e. Each such registration form shall have annexed thereto
43 instructions specifying the manner and method of registration and
44 stating the qualifications for an eligible voter.

45 f. The Attorney General shall also furnish such registration forms
46 and such instructions to the Director of the Division of Worker's

1 Compensation, the Director of the Division of Employment Services,
2 and the Director of the Division of Unemployment and Temporary
3 Disability Insurance in the Department of Labor and Workforce
4 Development; to the Director of the Division of Taxation in the
5 Department of the Treasury; to the Executive Director of the New
6 Jersey Transit Corporation; to the appropriate administrative officer
7 of any other public agency, as defined by subsection a. of section 15
8 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
9 Department of Military and Veterans' Affairs; and to the chief
10 administrative officer of any voter registration agency, as defined in
11 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

12 g. All registration forms received by the Attorney General in the
13 mail or forwarded to the Attorney General shall be forwarded to the
14 commissioner of registration in the county of the registrant.

15 h. An application to register to vote received from the New Jersey
16 Motor Vehicle Commission or a voter registration agency, as defined
17 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
18 be deemed to have been timely made for the purpose of qualifying an
19 eligible applicant as registered to vote in an election if the date on
20 which the commission or agency shall have received that document in
21 completed form, as indicated in the lower right hand corner of the
22 form, was not later than the [29th] 21st day preceding that election.

23 i. Each commissioner of registration shall make note in the
24 permanent registration file of each voter who is required to provide the
25 personal identification information required pursuant to this section,
26 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
27 U.S.C.15301 et seq.), to indicate the type of identification provided by
28 the voter and the date on which it is provided. Prior to the June 2004
29 primary election, when such a newly registered voter seeks to vote for
30 the first time following his or her registration, the voter will be
31 required to provide such personal identification information.
32 Beginning with the June 2004 primary election, when such a newly
33 registered voter seeks to vote for the first time following his or her
34 registration, the voter will not be required to provide such information
35 if he or she had previously provided the personal identification
36 information required pursuant to this section. The required
37 information shall be collected and stored for the time and in the
38 manner required pursuant to regulations promulgated by the Attorney
39 General.

40 j. The Attorney General shall amend the voter registration
41 application form if necessary to conform to the requirements of
42 applicable federal or state law.

43 (cf: P.L.2004, c.88, s.12)

44

45 12. R.S.19:31-7 is amended to read as follows:

46 19:31-7. For the convenience of the voters the respective municipal

1 clerks or their duly authorized clerk or clerks in all municipalities shall
2 also be empowered to register applicants for permanent registration up
3 to and including the [twenty-ninth] 21st day preceding any election
4 and after any such election in the manner indicated above, subject to
5 such rules and regulations as may be prescribed by the commissioner,
6 in counties having a superintendent of elections, and the county board
7 in all other counties. Duly authorized clerk as used in this section shall
8 mean a clerk who resides within the municipality and has been
9 approved by the commissioner or the county board as the case may be.
10 For this purpose the commissioner shall forward to each municipal
11 clerk a sufficient supply of registration forms. The commissioners
12 shall keep a record of the serial numbers of these forms and shall
13 periodically make such checks as are necessary to accurately determine
14 if all such forms are satisfactorily accounted for. Each municipal clerk
15 shall transmit daily to the commissioner all of the filled out registration
16 forms that he may have in his office at the time.

17 (cf: P.L.1994, c.170, s.3)

18

19 13. R.S.19:31-11 is amended to read as follows:

20 19:31-11. a. In all counties within the State, change of residence
21 notices shall be made by a written request, signed by the registrant,
22 forwarded to the commissioner by mail, and actually received by the
23 commissioner, or by calling in person at the office of the commissioner
24 or the municipal clerk. The commissioner shall provide change of
25 residence notices in card form for the use of any registered voter
26 moving to another address within the same election district or to
27 another election district within the same county. Copies of these
28 notices shall also be available at the office of the municipal clerk in
29 each municipality. Each municipal clerk shall transmit daily to the
30 commissioner all the filled out change of residence notices that may be
31 in the municipal clerk's office at the time. These notices shall be
32 printed upon cards, shall contain a blank form showing where the
33 applicant last resided and the address and exact location to which the
34 applicant has moved and shall have a line for the applicant's signature,
35 printed name and date of birth. Upon receipt of such change of
36 residence notice the commissioner shall cause the signature to be
37 compared with the registration forms of the applicant and, if such
38 signature appears to be of and by one and the same legal voter, the
39 commissioner shall cause the entry of the change of residence to be
40 made on those registration forms and the registrant shall thereupon be
41 qualified to vote in the election district to which the registrant shall
42 have so moved. If the commissioner is not satisfied as to the signature
43 on the request for a change of residence, a confirmation notice as
44 prescribed by subsection d. of R.S.19:31-15 shall be sent by mail with
45 postage prepaid to the registrant at the new address.

46 The application for change of residence shall be filed with the

1 commissioner or municipal clerk, as the case may be, on or before the
2 [twenty-ninth] 21st day preceding any election.

3 b. In any county any voter who, prior to an election, shall move
4 within the same county after the time above prescribed for filing an
5 application for change of residence without having made application
6 for change of residence, or who has not returned a confirmation notice
7 sent to the voter by the commissioner of registration of the county, if
8 such a notice has been sent to the voter, or who has not moved since
9 the previous election but whose registration information is missing or
10 otherwise deficient, or has otherwise failed to notify the commissioner
11 of registration of the voter's change of address within the county, shall
12 be permitted to vote in that election in the district to which the voter
13 has moved, upon making a written affirmation regarding the change of
14 address at the polling place of the district in which the voter resides on
15 the day of the election. No identifying document shall be required
16 from the voter for this affirmation. A district board member shall
17 provide the voter with a provisional ballot, and an envelope with an
18 affirmation statement that conforms with the requirements for such
19 documents contained in subsection b. of section 7 of P.L.1999, c.232
20 (C.19:53C-1). The voter shall complete the provisional ballot and
21 affirmation statement, place the ballot in the envelope, seal and return
22 it to the district board member. The board member shall review the
23 information in the affirmation statement for completeness before
24 forwarding it for inspection, tabulation and notation by the county
25 board of elections, as provided for by sections 7 through 26 of
26 P.L.1999, c.232 (C.19:53C-1 through C.19:53C-20). The affirmation
27 statement shall constitute a transfer to the registrant's new residence
28 for any subsequent election. However, if the voter has moved from
29 one residence to another within the same election district at any time,
30 the voter shall be permitted to vote in such election district at any
31 election in the same manner as other voters at the polling place upon
32 written affirmation by the registrant to the district board member of
33 the registrant's change of address.

34 c. A voter who moves from an election district in one county to an
35 election district in another county prior to the close of registration
36 preceding an election shall register in the new county of residence, in
37 accordance with the provisions of R.S.19:31-6, in order to be
38 permitted to vote.

39 (cf: P.L.1999, c.232, s.3)

40

41 14. R.S.19:31-13 is amended to read as follows:

42 19:31-13. Whenever the registrant after his or her original
43 registration shall change his or her name due to marriage, divorce, or
44 by judgment of court, the registrant shall in person or by mail submit
45 to the commissioner of registration a written statement notifying the
46 commissioner of the change, which statement shall take such form, and

1 be printed on a postal card suitable for mailing of such design, as the
2 [Secretary of State] Attorney General shall prescribe and shall be
3 signed by the registrant. The commissioner, upon receipt of such a
4 notice of change of name, shall revise accordingly the name of the
5 registrant as it appears among the items of information concerning the
6 registrant included on the registrant's registration forms, shall make a
7 photographic copy of the notice of name change submitted by the
8 registrant, and shall affix the original notice so submitted to the
9 registrant's original registration form and the photographic copy of
10 that notice to the registrant's duplicate registration record.

11 When notice of such change in name has not been received by or
12 filed with the commissioner prior to the [twenty-ninth] 21st day
13 preceding any election, such person may be permitted to vote under
14 the name under which the person was registered prior to that change
15 at the first election following such change in name at which the person
16 shall appear to vote, after signing the signature copy register with both
17 the registered name and his or her new name. The commissioner shall
18 then revise accordingly the name of the registrant as it appears on the
19 registrant's registration forms, make a photographic copy of the notice,
20 and affix the original and copy of the notice to the registrant's
21 permanent registration forms as hereinabove prescribed.

22 (cf: P.L.1994, c.182, s.12)

23

24 15. R.S.19:31-15 is amended to read as follows:

25 19:31-15. a. Upon receipt by the commissioner of registration of
26 a county from a registered voter of that county of a request that the
27 name of the registrant be removed from the registry list of voters of
28 the county, the commissioner shall so remove the registrant's name
29 from that list. Notice by a registered voter to the commissioner of
30 registration of a county that the registrant has ceased to reside in the
31 county shall, for the purposes of this subsection, be deemed a request
32 for removal of the registrant's name from the county registry list.

33 b. The commissioner of registration of any county may agree with
34 the United States Postal Service or its licensee to receive information
35 provided by the Postal Service concerning the change by any Postal
36 Service customer of that customer's address within the county. If it
37 appears from information so received that a Postal Service customer
38 registered to vote in the county has moved to a different address, then
39 (1) if that address is within the county, the commissioner shall cause
40 the registration records of the registrant to be corrected accordingly
41 and shall transmit to the resident by forwardable mail a notice of the
42 change and a postage prepaid, pre-addressed return form by which the
43 registrant may verify or correct the address information, or (2) if that
44 address is not within the county, the commissioner shall undertake the
45 confirmation notice procedure prescribed under subsection d. of this
46 section to confirm the change of address.

1 c. The commissioner of registration of a county shall cause the
2 name of a registrant to be removed from the registry list of the county
3 if the registrant (1) confirms in writing, by return of a confirmation
4 notice as prescribed under subsection d. of this section or by other
5 means, that the registrant has changed residence to a place outside the
6 county, or (2) has failed to respond to a confirmation notice as so
7 prescribed and has not, in any election during the period beginning on
8 the date on which the commissioner sends the confirmation notice to
9 the registrant and ending on the day after the second general election
10 for federal office following that date on which the notice is sent, (a)
11 voted, or (b) appeared to vote and, if necessary, correct the official
12 record of the registrant's address.

13 Other than as provided under subsection a. of this section, the name
14 of a registrant shall not be removed from the registry list of a county
15 on the ground that the registrant has changed residence except as
16 provided by this subsection.

17 d. A confirmation notice sent to ascertain whether a registrant
18 continues to reside at the address from which that registrant is
19 registered to vote shall be a postage prepaid and pre-addressed return
20 card, sent by forwardable mail, which shall include: (1) space on
21 which the registrant's current address may be entered; (2) the
22 statement "To any voter who continues to reside at the residence
23 address to which this notice is addressed or who no longer resides at
24 that residence address but continues to reside in (name of
25 county): please mail or personally deliver this postage prepaid card to
26 the commissioner of registration to whom it is addressed not later than
27 (calendar date of the [29th] 21st day preceding the next
28 election to be held in the county). If you do not return this card by
29 that date, then at any election held subsequent to that date and on or
30 before (calendar date of the day after the second general
31 election for federal office following that date), you may be required at
32 the polls to affirm or confirm your address before you are permitted
33 to vote, and if you do not vote in an election during that period, your
34 name will be removed from the registry of eligible voters."; and (3) a
35 statement, the text of which shall be prescribed by the [Secretary of
36 State] Attorney General, setting forth the means by which a registrant
37 who has changed residence to a county different from that in which is
38 located the residence to which the notice was originally addressed may
39 retain the right to vote.

40 e. The commissioner of registration shall correct the registry list of
41 eligible voters in accordance with change of residence information
42 obtained in conformity with the provisions of this section.

43 (cf: P.L.1994, c.182, s.13)

44

45 16. R.S.19:31-18 is amended to read as follows:

46 19:31-18. On or before the [fifteenth] eighth day preceding any

1 general election the commissioner shall certify and transmit to the
 2 county clerk a complete list of all persons who are registered in each
 3 election district in each municipality in the county together with a
 4 statement as to the number of persons registered in each district. On
 5 the face of the list of registered voters the commissioner shall in
 6 figures state the total number of names of persons registered. Such
 7 lists shall be arranged substantially in the following form:

8
 9 Grand Street

11 12	Residence number or other designation	Name of voter
14	14	Jones, Charles M.
16	15	Smith, John M

17
 18 (cf: P.L.1976, c.22, s.1)

19
 20 17. R.S.19:31-20 is amended to read as follows:

21 19:31-20. On or before the [second Monday] eighth day preceding
 22 the primary election for the general election and the general election,
 23 respectively, the commissioner in counties not having a superintendent
 24 of elections, shall deliver to the municipal clerk in each municipality
 25 the signature copy registers for each election district in such
 26 municipality and shall take a receipt for same. The municipal clerk
 27 shall thereupon deliver at his office, or in any other way he sees fit,
 28 such registers to a member or members of the proper district boards
 29 at the same time and together with the primary for the general election
 30 sample ballots or the general election sample ballots, as the case may
 31 be. The registers shall be used by the district boards on election days
 32 and for the purpose of mailing the sample ballots. The commissioner
 33 in counties having a superintendent of elections shall deliver such
 34 registers at his office, or in any other way he may see fit, to the
 35 various district boards, taking a receipt for same.

36 Before delivering the registers the commissioner shall cause to be
 37 printed upon a separate sheet or sheets of paper, to be inserted inside
 38 of the front cover of such registers in conspicuous type, such
 39 instructions to election officers regarding the use and disposition of
 40 the binders and forms as he deems necessary.

41 (cf: P.L.1947, c.168, s.22)

42
 43 18. This act shall take effect on July 1 following the date of
 44 enactment.

STATEMENT

1

2

3 Currently, a person eligible to vote is required to register 29 days
4 prior to an election to vote in that election. This bill would provide,
5 instead, that a person eligible to vote may register up to 21 days prior
6 to an election and vote in that election. Persons registering after the
7 29th day prior to an election may be sent, instead of a sample ballot,
8 notice of his or her polling place, information on where to obtain a
9 sample ballot prior to the election, a statement indicating that a sample
10 ballot will be available at the polling place on the day of the election,
11 and, if applicable, information on a county website where a sample
12 ballot may be viewed.

13 This bill would not affect the constitutional requirement that a
14 person must reside in a county for 30 days prior to an election in order
15 to be eligible to vote in that election.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2387

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 2387.

Currently, a person eligible to vote is required to register 29 days prior to an election to vote in that election. This bill would provide instead that a person eligible to vote may register up to 21 days prior to an election and vote in that election. Persons registering after the 29th day prior to an election may be sent, instead of a sample ballot, notice of his or her polling place, information on where to obtain a sample ballot prior to the election, a statement indicating that a sample ballot will be available at the polling place on the day of the election and, if applicable, information on a county website where a sample ballot may be viewed.

This bill would not affect the constitutional requirement that a person must reside in a county for 30 days prior to an election in order to be eligible to vote in that election.

The committee amended the bill to: 1) provide that the signature copy register used at the polls for elections will indicate the date of birth for each registrant; 2) provide that the list of registered voters will include only the following information for each registered voter: name, address, date of birth, political party affiliation, and voting history; 3) prohibit the inclusion of voter signatures in the list of registered voters, except when so ordered by a court; and 4) establish that a provisional ballot that is submitted at an election by a person who is found not to be a registered voter will serve as a voter registration form and entitle the person, if qualified, to vote in the next election without requiring that person to submit any additional registration materials.

STATEMENT TO

[First Reprint]

SENATE, No. 2387

with Senate Floor Amendments
(Proposed By Senator BRYANT)

ADOPTED: JUNE 20, 2005

This floor amendment changes the bill's effective date so that the provisions of the bill apply beginning January 1, 2006, rather than July 1 next following enactment.

The amendment makes the bill identical to Assembly, No. 42 (1R).

PO BOX 004
TRENTON, NJ 08625

Contact: Kelley Heck
609-777-2600

RELEASE: July 07, 2005

Codey Signs Bills to Expand Voter Access, Improve Electoral Process

Bills will Move up the Date of New Jersey's Presidential Primary; Allow More Time to Register; Allow Anyone to Vote by Absentee Ballot; Require a Paper Ballot with all Votes Cast Electronically

(TRENTON) –Acting Governor Richard J. Codey today signed into law a package of bills that will improve the electoral process in New Jersey by expanding voter access and moving the state's presidential primary to the last Tuesday in February.

“Over the past eight months we have made reforms to restore accountability to state government, driven by the belief that government cannot function without the public's trust,” Codey said. “But improving the integrity of government also requires that we strengthen the electoral process itself.”

“Today we are achieving the goals I set out in the State of the State address: to improve every New Jerseyan's access, to make sure people have confidence in the voting system, and to make sure New Jersey's votes actually mean something in the presidential primaries,” Codey said.

Codey signed the four bills during a public ceremony at the Governor's Outer Office, in the State House. He was joined by bill sponsors including Senator Nia H. Gill (D-Essex, Passaic) and Assembly Majority Leader Joseph J. Roberts (D-Camden, Gloucester).

The four bills are:

A30/S550, which moves the presidential primary to the last Tuesday in February. The bill's sponsors include Senate President Codey as well as Senators Joseph F. Vitale (D-Middlesex), John H. Adler (D-Camden) and Wayne R. Bryant (D-Camden, Gloucester), and Assembly members Linda R. Greenstein (D-Mercer, Middlesex), Richard A. Merkt (R-Morris), Robert M. Gordon (D-Bergen), John F. McKeon (D-Essex) and Mims Hackett (D-Essex).

A 42 / S2387, which permits voter registration up to 21 days, instead of the previous 29 days, before an election. The bill's sponsors include Senator Wayne R. Bryant (D-Camden, Gloucester) as well as Assembly members Bonnie Watson Coleman (D-Mercer), Gerald B. Green (D-Middlesex, Somerset, Union), Jack Connors (D-Burlington, Camden) and Herb Conaway (D-Burlington, Camden).

A35 / S1133, which permits any registered voter to vote by absentee ballot if they so choose, without having to provide a reason for not being able to vote in person on the day of an election. The bill's sponsors include Senators Robert G. Smith (D-Middlesex, Somerset) and Stephen M. Sweeney (D-Cumberland, Gloucester, Salem), and Assembly members David R. Mayer (D-Camden, Gloucester), Joseph J. Roberts (D-Camden, Gloucester), John J. Burzichelli (D-Cumberland, Gloucester, Salem) and Loretta Weinberg (D-Bergen).

A33 / S29, which requires that voting machines produce a voter-verified paper record for each vote cast. The bill's sponsors include Senators Nia H. Gill (D-Essex, Passaic), Shirley K. Turner (D-Mercer), Wayne R. Bryant (D-Camden, Gloucester), and Assembly members Reed Gusciora (D-Mercer), Peter C. Eagler (D-Essex, Passaic), Robert M. Gordon (D-Bergen) and Herb Conaway (D-Burlington, Camden).

Roberts said, "New Jersey's election laws are as out of date as the eight-track tape. These laws are the most ambitious changes to our election system since it was overhauled under Governor Woodrow Wilson nearly a century ago. These laws will promote access, accuracy and accountability in elections. They will strengthen the voting process and lend further credibility to future election results."

Turner said, "The American people have fought hard during our history to secure the right to vote for all adult citizens. When our constituents take the time to exercise this right, they deserve the assurance that their vote will be counted each and every time, without fail. It has become clear with the voting problems we have seen in other states, that we need to ensure that every vote is recorded on a piece of paper that can be verified by the voter before leaving the polling booth and can be manually counted by election officials if needed."

Vitale said, "The variety of issues that are debated during a Presidential campaign more closely mirror the interests that affect New Jerseyan's every day. New Jersey is in so many ways a microcosm reflecting the needs of the nation as a whole. In the next race to the presidency, candidates will need the support of the Garden State to cement their standing as either party's pick for the presidential nomination, if they are to truly represent the needs and wishes of the people."

Gill said, "As we move forward with more sophisticated methods of voting, we need to assure voters that their ballots are tamper-proof, and their votes will indeed be counted. A voter-verified paper trail, used in the event of a machine recount, will preserve the integrity of the voting process, and ensure that democracy does not become an unintended victim of the advance of technology."

Greenstein said, "The sad truth is that New Jersey has not been viewed by presidential candidates as fertile ground for growing support, but rather as a money tree to be shaken. New Jersey voters deserve the clout befitting a bellwether state. They deserve to have their voices heard when it comes to national politics."

Mayer said, “Voters should never have to lie about why they wish to vote by absentee ballot. Working parents whose hectic schedules may keep them from visiting the voting booth on Election Day and senior citizens who prefer filling out their ballots at the kitchen table should be given every ability to receive an absentee ballot with no questions asked.”

Congressman Rush Holt also praised the reforms, saying, “Anything of value should be auditable, especially something as precious as a vote. I applaud your commitment to ensuring that the vote of each New Jerseyan is counted in a verifiable way. I look forward to continuing to work with you to ensure that the results of every election in the State of New Jersey are verifiable and auditable.”