

# 19:12-7.1

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2005 **CHAPTER:** 149

**NJSA:** 19:12-7.1 (Requires posting of a voter information notice called the voter's bill of rights)

**BILL NO:** A32 (Substituted for S30/2461)

**SPONSOR(S):** Quigley and others

**DATE INTRODUCED:** March 7, 2005

**COMMITTEE:** **ASSEMBLY:** State Government; Consumer Affairs  
**SENATE:**

**AMENDED DURING PASSAGE:** Yes

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

**SENATE:** June 23, 2005

**DATE OF APPROVAL:** July 12, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

**A32**

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes [3-7-2005 \(State Gov't\)](#)  
[6-16-2005 \(Con. Aff.\)](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes [5-17-2005](#)  
[7-15-2005](#)

**S30/S2461**

[SPONSOR'S STATEMENT \(S30\):](#) (Begins on page 6 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S2461\):](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

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

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**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 8/2/07

P.L. 2005, CHAPTER 149, *approved July 12, 2005*  
Assembly, No. 32 (*First Reprint*)

1 **AN ACT** providing for the posting of a voter information notice,  
2 supplementing Title 19 of the Revised Statutes and amending  
3 R.S.19:12-7.

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

7  
8 1. (New section) a. A county board of elections shall have posted  
9 a voter information notice, which shall be referred to as a voter's bill of  
10 rights, in a conspicuous location in each polling place before the opening  
11 of the polls on the day of any election.

12 The notice shall contain:

13 the date of the election and the hours during which polling places  
14 will be open;

15 a statement that sample ballots are available at the polling place for  
16 review by the voter;

17 instruction for the use of the voting machine in that polling place  
18 and an explanation of what instructions for voting are available at the  
19 polling place for the voter;

20 instruction for a voter who is voting for the first time;

21 instruction for a voter who is required to provide identification  
22 pursuant to the federal "Help America Vote Act of 2002" and R.S.19:15-  
23 17 prior to casting a vote;

24 instruction on how to cast a vote if the voter cannot be present at  
25 a polling place on the day of the election;

26 an explanation of the right of the voter to vote in privacy,  
27 regardless of the voter's physical abilities;

28 an explanation of the right of the voter to a provisional ballot and  
29 the circumstances under which a voter has a right to such a ballot;

30 an explanation of the right of the voter to receive a replacement  
31 ballot for a ballot that has been spoiled, destroyed, lost or never received;

32 an explanation of the right of the voter to ask for and receive  
33 assistance in voting;

34 an explanation of the right of the voter to take a reasonable  
35 amount of time in casting a vote on a voting machine;

36 an explanation of the right of the voter to bring written material  
37 into the polling place for the voter's personal use in casting a vote;

38 instruction on how to contact the appropriate officials if a voter's  
39 right to vote or right to otherwise participate in the electoral process has  
40 been challenged or violated;

**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:**

<sup>1</sup> Assembly ACO committee amendments adopted June 16, 2005.

1           general information on federal and State laws that prohibit acts of  
2 fraud or misrepresentation and the penalties for those acts; and

3           such other statement, instruction or explanation the Attorney  
4 General may deem appropriate to ensure the full and knowledgeable  
5 participation of the voter in the process.

6           The requirement to post this notice in each polling place shall not  
7 replace, supersede or void any other requirement set forth in law for the  
8 posting of information in each polling place apart from the voter  
9 information notice.

10          b. The Attorney General shall prescribe the form and specific  
11 content of the voter information notice, which may be comprised of more  
12 than one page. If the notice is comprised of more than one page, each  
13 page shall be posted separately. <sup>1</sup>~~【The】~~ For an election district in which  
14 the primary language of 10 percent or more of the registered voters is a  
15 language other than English, the<sup>1</sup> Attorney General shall prescribe an  
16 official version of the voter information notice in <sup>1</sup>~~【Spanish】~~ that other  
17 language or languages<sup>1</sup> for use in <sup>1</sup>~~【an】~~ that<sup>1</sup> election district <sup>1</sup>~~【where the~~  
18 ~~sample of the official election ballot for that district is required by law to~~  
19 ~~be printed bilingually in English and Spanish】~~<sup>1</sup>. The notice shall be posted  
20 in English and in <sup>1</sup>~~【Spanish】~~ the other language or languages<sup>1</sup> in the  
21 polling places in each such district. <sup>1</sup>~~【The alternate language shall be~~  
22 ~~determined based on information from the latest federal decennial census.~~<sup>1</sup>

23          c. A county board of elections may modify or supplement the  
24 voter information notice used in a county or municipality to provide  
25 additional information specific to that county or a municipality in that  
26 county, provided, however, that any such modification or supplementation  
27 shall be submitted to the Attorney General for prior approval.

28          d. The voter information notice shall be printed on each sample  
29 ballot, to the extent practicable, or if not practicable, information on how  
30 to view or obtain a copy of the voter information notice shall be printed  
31 on each sample ballot.

32          e. The voter information notice, including one modified or  
33 supplemented pursuant to subsection c. of this section, shall be made  
34 accessible on the official Internet site of the State by the Attorney General  
35 and each county board of elections shall ensure that the official Internet  
36 site of the county contains a link to that notice.

37          f. The provisions of this section shall not give rise to a legal cause  
38 of action.

39          g. The State shall be liable for the costs incurred by local  
40 government entities for compliance with this section, and they shall be  
41 reimbursed for those costs, upon application, by the State Treasurer.

42  
43          2. R.S.19:12-7 is amended to read as follows:

44          19:12-7. a. The county board in each county shall cause to be  
45 published in a newspaper or newspapers which, singly or in combination,  
46 are of general circulation throughout the county, a notice containing the

1 information specified in subsection b. hereof, except for such of the  
2 contents as may be omitted pursuant to subsection c. or d. hereof. Such  
3 notice shall be published once during the 30 days next preceding the day  
4 fixed for the closing of the registration books for the primary election,  
5 once during the calendar week next preceding the week in which the  
6 primary election is held, once during the 30 days next preceding the day  
7 fixed for the closing of the registration books for the general election, and  
8 once during the calendar week next preceding the week in which the  
9 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 each  
14 political party, and in each presidential year for the selection of delegates  
15 and alternates to national conventions of political parties, will be held on  
16 the day and between the hours and at the places provided for by or  
17 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 date  
20 on which the books are closed for registration or transfer of registration.

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

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

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

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

46 (2) For the general election:

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

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

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

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

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

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

33 (3) For a school election:

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

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

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

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

1 voter's registration and to vote in the school election by provisional ballot  
 2 at the polling place of the district in which the voter resides on the day of  
 3 the election,

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

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

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

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

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

31 g. Notices required to be published or posted pursuant to this  
 32 section shall set forth a general description of the contents of the voter  
 33 information notice provided for in section 1 of P.L. , c . (C. )(now  
 34 pending before the Legislature as this bill), how the notice may be viewed  
 35 or obtained prior to the day of an election, and that the notice will be  
 36 posted in each polling place on the day of an election.

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

38

39 3. This act shall take effect on the 60th day following enactment.

40

41

42

43

44 Requires posting of a voter information notice called the voter's bill of  
 45 rights.

# ASSEMBLY, No. 32

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 7, 2005

**Sponsored by:**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Assemblyman ANTHONY CHIAPPONE**

**District 31 (Hudson)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

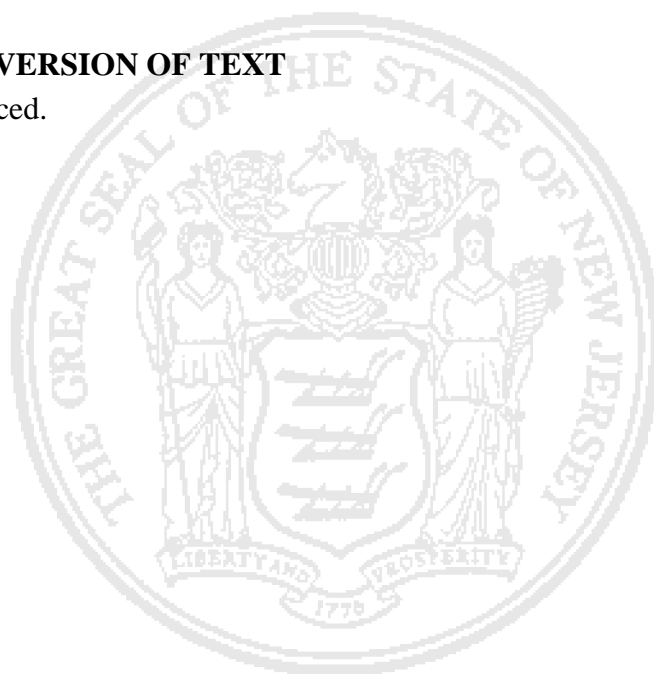
**Assemblyman Azzolina**

**SYNOPSIS**

Requires posting of a voter information notice called the voter's bill of rights.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT providing for the posting of a voter information notice,  
2 supplementing Title 19 of the Revised Statutes and amending  
3 R.S.19:12-7.

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

7  
8 1. (New section) a. A county board of elections shall have posted a  
9 voter information notice, which shall be referred to as a voter's bill of  
10 rights, in a conspicuous location in each polling place before the opening  
11 of the polls on the day of any election.

12 The notice shall contain:

13 the date of the election and the hours during which polling places will  
14 be open;

15 a statement that sample ballots are available at the polling place for  
16 review by the voter;

17 instruction for the use of the voting machine in that polling place and  
18 an explanation of what instructions for voting are available at the polling  
19 place for the voter;

20 instruction for a voter who is voting for the first time;

21 instruction for a voter who is required to provide identification pursuant  
22 to the federal "Help America Vote Act of 2002" and R.S.19:15-17 prior  
23 to casting a vote;

24 instruction on how to cast a vote if the voter cannot be present at a  
25 polling place on the day of the election;

26 an explanation of the right of the voter to vote in privacy, regardless of  
27 the voter's physical abilities;

28 an explanation of the right of the voter to a provisional ballot and the  
29 circumstances under which a voter has a right to such a ballot;

30 an explanation of the right of the voter to receive a replacement ballot  
31 for a ballot that has been spoiled, destroyed, lost or never received;

32 an explanation of the right of the voter to ask for and receive assistance  
33 in voting;

34 an explanation of the right of the voter to take a reasonable amount of  
35 time in casting a vote on a voting machine;

36 an explanation of the right of the voter to bring written material into the  
37 polling place for the voter's personal use in casting a vote;

38 instruction on how to contact the appropriate officials if a voter's right  
39 to vote or right to otherwise participate in the electoral process has been  
40 challenged or violated;

41 general information on federal and State laws that prohibit acts of fraud  
42 or misrepresentation and the penalties for those acts; and

43 such other statement, instruction or explanation the Attorney General  
44 may deem appropriate to ensure the full and knowledgeable participation

**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.**

1 of the voter in the process.

2 The requirement to post this notice in each polling place shall not  
3 replace, supersede or void any other requirement set forth in law for the  
4 posting of information in each polling place apart from the voter  
5 information notice.

6 b. The Attorney General shall prescribe the form and specific content  
7 of the voter information notice, which may be comprised of more than one  
8 page. If the notice is comprised of more than one page, each page shall  
9 be posted separately. The Attorney General shall prescribe an official  
10 version of the voter information notice in Spanish for use in an election  
11 district where the sample of the official election ballot for that district is  
12 required by law to be printed bilingually in English and Spanish. The  
13 notice shall be posted in English and in Spanish in the polling places in  
14 each such district.

15 c. A county board of elections may modify or supplement the voter  
16 information notice used in a county or municipality to provide additional  
17 information specific to that county or a municipality in that county,  
18 provided, however, that any such modification or supplementation shall  
19 be submitted to the Attorney General for prior approval.

20 d. The voter information notice shall be printed on each sample ballot,  
21 to the extent practicable, or if not practicable, information on how to view  
22 or obtain a copy of the voter information notice shall be printed on each  
23 sample ballot.

24 e. The voter information notice, including one modified or  
25 supplemented pursuant to subsection c. of this section, shall be made  
26 accessible on the official Internet site of the State by the Attorney General  
27 and each county board of elections shall ensure that the official Internet  
28 site of the county contains a link to that notice.

29 f. The provisions of this section shall not give rise to a legal cause of  
30 action.

31 g. The State shall be liable for the costs incurred by local government  
32 entities for compliance with this section, and they shall be reimbursed for  
33 those costs, upon application, by the State Treasurer.

34

35 2. 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 combination,  
38 are of general circulation throughout the county, a notice containing the  
39 information specified in subsection b. hereof, except for such of the  
40 contents as may be omitted pursuant to subsection c. or d. hereof. Such  
41 notice shall be published once during the 30 days next preceding the day  
42 fixed for the closing of the registration books for the primary election,  
43 once during the calendar week next preceding the week in which the  
44 primary election is held, once during the 30 days next preceding the day  
45 fixed for the closing of the registration books for the general election, and  
46 once during the calendar week next preceding the week in which the  
47 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 each  
5 political party, and in each presidential year for the selection of delegates  
6 and alternates to national conventions of political parties, will be held on  
7 the day and between the hours and at the places provided for by or  
8 pursuant to this Title.

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

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

15       (d) The existence of registration and voting aids, including: (i) the  
16 availability of registration and voting instructions at places of registration  
17 as provided under R.S.19:31-6; and (ii), if available, the accessibility of  
18 voter information to the deaf by means of a telecommunications 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 primary election is held, that a voter who,  
23 prior to the election, shall have moved within the same county without (i)  
24 filing, on or before the 29th day preceding the election, a notice of change  
25 of residence with the commissioner of registration of the county or the  
26 municipal clerk of the municipality in which the voter resides on the day  
27 of the election, (ii) returning the confirmation notice sent to the voter by  
28 the commissioner of registration of the county, if such a notice has been  
29 sent to the voter, or (iii) otherwise notifying the commissioner of  
30 registration of the voter's change of address within the county shall be  
31 permitted to correct the voter's registration and to vote in the primary  
32 election by provisional ballot at the polling place of the district in which  
33 the voter resides on the day of the election. The notice shall further  
34 provide that the voter may contact the county commissioner of  
35 registration or municipal clerk to determine the proper polling place  
36 location for the voter.

37       (2) For the general election:

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

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

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

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

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

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

23 (3) For a school election:

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

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

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

28 (d) That a voter who, prior to the election, shall have moved within the  
29 same county without (i) filing, on or before the 29th 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 registration  
34 of the county, if such a notice has been sent to the voter, or (iii) otherwise  
35 notifying the commissioner of registration of the voter's change of address  
36 within the county shall be permitted to correct the voter's registration and  
37 to vote in the school election by provisional ballot at the polling place of  
38 the district in which the voter resides on the day of the election,

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

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

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

47 (1) The municipal officers or party positions to be filled, or nominations

1 made, or municipal public questions to be voted upon by the voters of any  
2 municipality, shall be set forth in at least one newspaper having general  
3 circulation in such municipality;

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

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

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

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

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

19 g. Notices required to be published or posted pursuant to this section  
20 shall set forth a general description of the contents of the voter  
21 information notice provided for in section 1 of P.L. , c . (C. )(now  
22 pending before the Legislature as this bill), how the notice may be viewed  
23 or obtained prior to the day of an election, and that the notice will be  
24 posted in each polling place on the day of an election.

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

26

27 3. This act shall take effect on the 60th day following enactment.

28

29

30

STATEMENT

31

32 This bill requires the posting in each polling place by a county board of  
33 elections of a voter information notice. The notice would be referred to  
34 as a voter's bill of rights.

35 The notice shall contain:

36 the date of the election and the hours during which polling places will  
37 be open;

38 a statement that sample ballots are available at the polling place for  
39 review by the voter;

40 instruction for the use of the voting machine in that polling place and  
41 an explanation of what instructions for voting are available at the polling  
42 place for the voter;

43 instruction for a voter who is voting for the first time;

44 instruction for a voter who is required to provide identification pursuant  
45 to the federal "Help America Vote Act of 2002" and R.S.19:15-17 prior  
46 to casting a vote;

47 instruction on how to cast a vote if the voter cannot be present at a

1 polling place on the day of the election;  
2 an explanation of the right of the voter to vote in privacy, regardless of  
3 the voter's physical abilities;  
4 an explanation of the right of the voter to a provisional ballot and the  
5 circumstances under which a voter has a right to such a ballot;  
6 an explanation of the right of the voter to receive a replacement ballot  
7 for a ballot that has been spoiled, destroyed, lost or never received;  
8 an explanation of the right of the voter to ask for and receive assistance  
9 in voting;  
10 an explanation of the right of the voter to take a reasonable amount of  
11 time in casting a vote on a voting machine;  
12 an explanation of the right of the voter to bring written material into the  
13 polling place for the voter's personal use in casting a vote;  
14 instruction on how to contact the appropriate officials if a voter's right  
15 to vote or right to otherwise participate in the electoral process has been  
16 challenged or violated;  
17 general information on federal and State laws that prohibit acts of fraud  
18 or misrepresentation and the penalties for those acts; and  
19 such other statement, instruction or explanation the Attorney General  
20 may deem appropriate to ensure the full and knowledgeable participation  
21 of the voter in the process.

22 The bill provides that none of its provisions are to give rise to a legal  
23 cause of action.

24 The Attorney General will prescribe the form and content of the voter  
25 information notice, including an official version of the notice in Spanish  
26 for use in election districts where the sample ballot is required to be  
27 printed bilingually in English and Spanish. The notice will be posted in  
28 each polling place of such district in English and in Spanish.

29 A county board of elections may modify or supplement the voter  
30 information notice used in a county or municipality to provide additional  
31 information specific to the county or municipality, with the prior approval  
32 of the Attorney General.

33 The bill requires the voter information notice to be printed on each  
34 sample ballot, to the extent practicable. If not practicable, information on  
35 how to obtain or view a copy of the voter information notice will be  
36 printed on each sample ballot.

37 The bill requires the voter information notice to be accessible on the  
38 official Internet site of the State.

39 Finally, the bill makes the State liable for the costs incurred by local  
40 government entities for compliance with this bill, and will be reimbursed  
41 for those costs, upon application, by the State Treasurer.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 32

# STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably Assembly, No. 32.

This bill requires the posting in each polling place by a county board of elections of a voter information notice. The notice would be referred to as a voter's bill of rights.

The notice will contain:

the date of the election and the hours during which polling places will be open;

a statement that sample ballots are available at the polling place for review by the voter;

instruction for the use of the voting machine in that polling place and an explanation of what instructions for voting are available at the polling place for the voter;

instruction for a voter who is voting for the first time;

instruction for a voter who is required to provide identification pursuant to the federal "Help America Vote Act" of 2002 and N.J.S.A.19:15-17 prior to casting a vote;

instruction on how to cast a vote if the voter cannot be present at a polling place on the day of the election;

an explanation of the right of the voter to vote in privacy, regardless of the voter's physical abilities;

an explanation of the right of the voter to a provisional ballot and the circumstances under which a voter has a right to such a ballot;

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts; and

such other statement, instruction or explanation the Attorney General may deem appropriate to ensure the full and knowledgeable participation of the voter in the process.

The bill provides that none of its provisions are to give rise to a legal cause of action.

The Attorney General will prescribe the form and content of the voter information notice, including an official version of the notice in Spanish for use in election districts where the sample ballot is required to be printed bilingually in English and Spanish. The notice will be posted in each polling place of such district in English and in Spanish. A county board of elections may modify or supplement the voter information notice to provide additional information specific to the county or municipality, with the prior approval of the Attorney General. The bill requires the voter information notice to be printed on each sample ballot, to the extent practicable. If not practicable, information on how to obtain or view a copy of the voter information notice will be printed on each sample ballot. The bill requires the voter information notice to be accessible on the official Internet site of the State.

Finally, the bill makes the State liable for the costs incurred by local government entities for compliance with this bill, and provides for reimbursement for those costs, upon application, by the State Treasurer.



# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 32

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 32.

This bill requires a county board of elections to post a voter information notice in each polling place. The notice would be referred to as a voter's bill of rights.

The notice is to contain the following information:

the date of the election and the hours during which polling places will be open;

a statement that sample ballots are available at the polling place for review by the voter;

instruction for the use of the voting machine in that polling place and an explanation of what instructions for voting are available at the polling place for the voter;

instruction for a voter who is voting for the first time;

instruction for a voter who is required to provide identification pursuant to the federal "Help America Vote Act of 2002" and N.J.S.A.19:15-17 prior to casting a vote;

instruction on how to cast a vote if the voter cannot be present at a polling place on the day of the election;

an explanation of the right of the voter to vote in privacy, regardless of the voter's physical abilities;

an explanation of the right of the voter to a provisional ballot and the circumstances under which a voter has a right to such a ballot;

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts; and

such other statement, instruction or explanation the Attorney General may deem appropriate to ensure the full and knowledgeable participation of the voter in the process.

The bill provides that none of its provisions are to give rise to a legal cause of action.

The Attorney General will prescribe the form and content of the voter information notice, including an official version of the notice in languages other than English for use in election districts where the primary language of 10 percent or more of the registered voters is a language other than English. The notice will be posted in each polling place of such district in English and in that other language or languages. A county board of elections may modify or supplement the voter information notice to provide additional information specific to the county or municipality, with the prior approval of the Attorney General. The bill requires the voter information notice to be printed on each sample ballot, to the extent practicable. If not practicable, information on how to obtain or view a copy of the voter information notice will be printed on each sample ballot. The bill requires the voter information notice to be accessible on the official Internet site of the State.

Finally, the bill makes the State liable for the costs incurred by local government entities for compliance with this bill, and provides for reimbursement for those costs, upon application, by the State Treasurer.

These amendments make this bill identical to the Senate Committee Substitute for Senate Bill Nos. 30 and 2461.

#### COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to require the Attorney General to develop versions of the notice in languages other than English for use in election districts where the primary language of 10 percent or more of the registered voters is a language other than English. This alters a requirement in the original version of the bill to develop a notice in Spanish for use in districts where the sample ballot is required to be printing in both English and Spanish.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 32**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: MAY 17, 2005

**SUMMARY**

**Synopsis:** Requires posting of a voter information notice called the voter's bill of rights.

**Type of Impact:** Indeterminate Increased Expenditures-State General Fund and County Funds

**Agencies Affected:** Department of Law and Public Safety; Counties

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate-See Comments Below		

- ! Requires the posting in each polling place by a county board of elections of a voter information notice containing certain information, the printing of the notice on each sample ballot to the extent practicable, the inclusion of the notice on the official Internet site of the State and counties, and the printing of a reference to the notice in required newspaper announcements of up-coming elections.
- ! The State will be liable for the costs incurred by local government entities for compliance with this bill, except for additional costs, if any, for the pre-election announcements.
- ! The cost of this bill cannot be determined because implementation depends on a variety of factors and decisions to be made by the Attorney General and each county board of elections. The implementation may be accomplished with available resources and personnel in some instances, or there may be increased printing and publication costs in other instances.

**BILL DESCRIPTION**

Assembly Bill No. 32 of 2005 requires the posting in each polling place by a county board of elections of a voter information notice containing certain specified information. The notice would be referred to as a voter's bill of rights.

The Attorney General will prescribe the form and content of the voter information notice, including an official version of the notice in Spanish for use in election districts where the sample ballot is required to be printed bilingually in English and Spanish. The notice will be posted in each polling place of such district in English and in Spanish.

A county board of elections may modify or supplement the voter information notice used in a county or municipality to provide additional information specific to the county or municipality, with the prior approval of the Attorney General.

The bill requires the voter information notice to be printed on each sample ballot, to the extent practicable. If not practicable, information on how to obtain or view a copy of the voter information notice will be printed on each sample ballot.

The bill requires the voter information notice to be accessible on the official Internet site of the State and the county sites to refer to the notice.

Finally, the bill makes the State liable for the costs incurred by local government entities for compliance with section one of this bill, and reimbursement for those costs will be made, upon application, by the State Treasurer.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services is unable to estimate the cost of this bill due to the variety of factors and the decisions that need to be made by the Attorney General and each county board of elections for implementation. However, in general, there may be an indeterminate increased cost to the State and counties. The Office of Legislative Services anticipates the Attorney General can accomplish what is required by the bill (development of the form and content of the voter information notice in English and Spanish and the posting of the notice on the official Internet site of the State) through the use of available resources and personnel. The county boards of elections may incur some minimal cost (which will be reimbursed by the State) for an initial copy of the notice for each of the approximately 6,300 polling places in the State or if copies are lost or polling places added. This cost may increase if the Attorney General requires the notice to be of a certain size on certain type of paper with certain fonts and graphics, or if the content of the notice is changed frequently or periodically. There may be additional costs when a county board of elections determines that the printing of the voter information notice on the sample ballot for an election is practicable; if such printing is determined not be practicable then the cost may be minimal. The bill requires the county board of elections to ensure that the county Internet site contains a link to the voter information notice that is on the State site. This may be accomplished with available resources or personnel. Finally, counties may incur indeterminate minimal costs for adding to required pre-election newspaper notices a reference to the voter information notice, if additional space or lines are required.

Section: *State Government*

Analyst: *Aggie Szilagyi*  
*Section Chief*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 32

### STATE OF NEW JERSEY

#### 211th LEGISLATURE

DATED: JULY 15, 2005

#### SUMMARY

**Synopsis:** Requires posting of a voter information notice called the voter's bill of rights.

**Type of Impact:** Indeterminate Increased Expenditures - State General Fund and County Funds

**Agencies Affected:** Department of Law and Public Safety; Counties

#### Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost	Indeterminate-See Comments Below		

- ! Requires the posting in each polling place by a county board of elections of a voter information notice containing certain information, the printing of the notice on each sample ballot to the extent practicable, the inclusion of the notice on the official Internet site of the State and counties, and the printing of a reference to the notice in required newspaper announcements of up-coming elections.
- ! The State will be liable for the costs incurred by local government entities for compliance with this bill, except for additional costs, if any, for the pre-election announcements.
- ! The cost of this bill cannot be determined because implementation depends on a variety of factors and decisions to be made by the Attorney General and each county board of elections. The implementation may be accomplished with available resources and personnel in some instances, or there may be increased printing and publication costs in other instances.

#### BILL DESCRIPTION

Assembly Bill No. 32 (1R) of 2005 requires the posting in each polling place by a county board of elections of a voter information notice containing certain specified information. The notice would be referred to as a voter's bill of rights.

The Attorney General will prescribe the form and content of the voter information notice, including an official version of the notice in a language other than English for use in an election district when 10 percent or more of the registered voters in the election district have a primary

language other than English. The alternate language is to be determined based on information from the latest federal decennial census. The notice will be posted in each polling place of such district in English and; if appropriate, another language.

A county board of elections may modify or supplement the voter information notice used in a county or municipality to provide additional information specific to the county or municipality, with the prior approval of the Attorney General.

The bill requires the voter information notice to be printed on each sample ballot, to the extent practicable. If not practicable, information on how to obtain or view a copy of the voter information notice will be printed on each sample ballot.

The bill requires the voter information notice to be accessible on the official Internet site of the State and the county sites to refer to the notice.

Finally, the bill makes the State liable for the costs incurred by local government entities for compliance with section one of this bill, and reimbursement for those costs will be made, upon application, by the State Treasurer.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services is unable to estimate the cost of this bill due to the variety of factors and the decisions that need to be made by the Attorney General and each county board of elections for implementation. However, in general, there may be an indeterminate increased cost to the State and counties. The Office of Legislative Services anticipates the Attorney General can accomplish what is required by the bill (development of the form and content of the voter information notice in English and other languages and the posting of the notice on the official Internet site of the State) through the use of available resources and personnel. The county boards of elections may incur some minimal cost (which will be reimbursed by the State) for an initial copy of the notice for each of the approximately 6,300 polling places in the State or if copies are lost or polling places added. This cost may increase if the Attorney General requires the notice to be of a certain size on certain type of paper with certain fonts and graphics, or if the content of the notice is changed frequently or periodically. There may be additional costs when a county board of elections determines that the printing of the voter information notice on the sample ballot for an election is practicable; if such printing is determined not be practicable then the cost may be minimal. The bill requires the county board of elections to ensure that the county Internet site contains a link to the voter information notice that is on the State site. This may be accomplished with available resources or personnel. Finally, counties may incur indeterminate minimal costs for adding to required pre-election newspaper notices a reference to the voter information notice, if additional space or lines are required.

Section: *State Government*

Analyst: *Aggie Szilagyi*  
*Section Chief*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# SENATE, No. 30

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 19, 2005

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Requires posting of a voter information notice called the voter's bill of rights.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT providing for the posting of a voter information notice,  
2 supplementing Title 19 of the Revised Statutes and amending  
3 R.S.19:12-7.

4

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

7

8 1. (New section) a. A county board of elections shall have posted  
9 a voter information notice, which shall be referred to as a voter's bill  
10 of rights, in a conspicuous location in each polling place before the  
11 opening of the polls on the day of any election.

12 The notice shall contain:

13 the date of the election and the hours during which polling places  
14 will be open;

15 a statement that sample ballots are available at the polling place for  
16 review by the voter;

17 instruction for the use of the voting machine in that polling place  
18 and an explanation of what instructions for voting are available at the  
19 polling place for the voter;

20 instruction for a voter who is voting for the first time;

21 instruction for a voter who is required to provide identification  
22 pursuant to the federal "Help America Vote Act of 2002" and  
23 R.S.19:15-17 prior to casting a vote;

24 instruction on how to cast a vote if the voter cannot be present at  
25 a polling place on the day of the election;

26 an explanation of the right of the voter to vote in privacy,  
27 regardless of the voter's physical abilities;

28 an explanation of the right of the voter to a provisional ballot and  
29 the circumstances under which a voter has a right to such a ballot;

30 an explanation of the right of the voter to receive a replacement  
31 ballot for a ballot that has been spoiled, destroyed, lost or never  
32 received;

33 an explanation of the right of the voter to ask for and receive  
34 assistance in voting;

35 an explanation of the right of the voter to take a reasonable amount  
36 of time in casting a vote on a voting machine;

37 an explanation of the right of the voter to bring written material  
38 into the polling place for the voter's personal use in casting a vote;

39 instruction on how to contact the appropriate officials if a voter's  
40 right to vote or right to otherwise participate in the electoral process  
41 has been challenged or violated;

42 general information on federal and State laws that prohibit acts of  
43 fraud or misrepresentation and the penalties for those acts; and

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

**Matter underlined thus is new matter.**

1 such other statement, instruction or explanation the Attorney  
2 General may deem appropriate to ensure the full and knowledgeable  
3 participation of the voter in the process.

4 The requirement to post this notice in each polling place shall not  
5 replace, supersede or void any other requirement set forth in law for  
6 the posting of information in each polling place apart from the voter  
7 information notice.

8 b. The Attorney General shall prescribe the form and specific  
9 content of the voter information notice, which may be comprised of  
10 more than one page. If the notice is comprised of more than one page,  
11 each page shall be posted separately. The Attorney General shall  
12 prescribe an official version of the voter information notice in Spanish  
13 for use in an election district where the sample of the official election  
14 ballot for that district is required by law to be printed bilingually in  
15 English and Spanish. The notice shall be posted in English and in  
16 Spanish in the polling places in each such district.

17 c. A county board of elections may modify or supplement the  
18 voter information notice used in a county or municipality to provide  
19 additional information specific to that county or a municipality in that  
20 county, provided, however, that any such modification or  
21 supplementation shall be submitted to the Attorney General for prior  
22 approval.

23 d. The voter information notice shall be printed on each sample  
24 ballot, to the extent practicable, or if not practicable, information on  
25 how to view or obtain a copy of the voter information notice shall be  
26 printed on each sample ballot.

27 e. The voter information notice, including one modified or  
28 supplemented pursuant to subsection c. of this section, shall be made  
29 accessible on the official Internet site of the State by the Attorney  
30 General and each county board of elections shall ensure that the  
31 official Internet site of the county contains a link to that notice.

32 f. The provisions of this section shall not give rise to a legal cause  
33 of action.

34 g. The State shall be liable for the costs incurred by local  
35 government entities for compliance with this section, and they shall be  
36 reimbursed for those costs, upon application, by the State Treasurer.

37  
38 2. R.S.19:12-7 is amended to read as follows:

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

1 week in which the primary election is held, once during the 30 days  
2 next preceding the day fixed for the closing of the registration books  
3 for the general election, and once during the calendar week next  
4 preceding the week in which the general election is held.

5 b. Such notice shall set forth:

6 (1) For the primary election:

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

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

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

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

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

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

44 (2) For the general election:

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

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

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

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

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

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

33 (3) For a school election:

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

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

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

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

1 correct the voter's registration and to vote in the school election by  
2 provisional ballot at the polling place of the district in which the voter  
3 resides on the day of the election,

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

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

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

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

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

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

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

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

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

33 g. Notices required to be published or posted pursuant to this  
34 section shall set forth a general description of the contents of the voter  
35 information notice provided for in section 1 of P.L. , c. (C. )(now  
36 pending before the Legislature as this bill), how the notice may be  
37 viewed or obtained prior to the day of an election, and that the notice  
38 will be posted in each polling place on the day of an election.

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

40

41 3. This act shall take effect on the 60th day following enactment.

42

43

44

#### STATEMENT

45

46 This bill requires the posting in each polling place by a county

1 board of elections of a voter information notice. The notice would be  
2 referred to as a voter's bill of rights.

3 The notice shall contain:

4 the date of the election and the hours during which polling places  
5 will be open;

6 a statement that sample ballots are available at the polling place for  
7 review by the voter;

8 instruction for the use of the voting machine in that polling place  
9 and an explanation of what instructions for voting are available at the  
10 polling place for the voter;

11 instruction for a voter who is voting for the first time;

12 instruction for a voter who is required to provide identification  
13 pursuant to the federal "Help America Vote Act of 2002" and  
14 R.S.19:15-17 prior to casting a vote;

15 instruction on how to cast a vote if the voter cannot be present at  
16 a polling place on the day of the election;

17 an explanation of the right of the voter to vote in privacy,  
18 regardless of the voter's physical abilities;

19 an explanation of the right of the voter to a provisional ballot and  
20 the circumstances under which a voter has a right to such a ballot;

21 an explanation of the right of the voter to receive a replacement  
22 ballot for a ballot that has been spoiled, destroyed, lost or never  
23 received;

24 an explanation of the right of the voter to ask for and receive  
25 assistance in voting;

26 an explanation of the right of the voter to take a reasonable amount  
27 of time in casting a vote on a voting machine;

28 an explanation of the right of the voter to bring written material  
29 into the polling place for the voter's personal use in casting a vote;

30 instruction on how to contact the appropriate officials if a voter's  
31 right to vote or right to otherwise participate in the electoral process  
32 has been challenged or violated;

33 general information on federal and State laws that prohibit acts of  
34 fraud or misrepresentation and the penalties for those acts; and

35 such other statement, instruction or explanation the Attorney  
36 General may deem appropriate to ensure the full and knowledgeable  
37 participation of the voter in the process.

38 The bill provides that none of its provisions are to give rise to a  
39 legal cause of action.

40 The Attorney General will prescribe the form and content of the  
41 voter information notice, including an official version of the notice in  
42 Spanish for use in election districts where the sample ballot is required  
43 to be printed bilingually in English and Spanish. The notice will be  
44 posted in each polling place of such district in English and in Spanish.

45 A county board of elections may modify or supplement the voter  
46 information notice used in a county or municipality to provide

1 additional information specific to the county or municipality, with the  
2 prior approval of the Attorney General.

3 The bill requires the voter information notice to be printed on each  
4 sample ballot, to the extent practicable. If not practicable, information  
5 on how to obtain or view a copy of the voter information notice will  
6 be printed on each sample ballot.

7 The bill requires the voter information notice to be accessible on the  
8 official Internet site of the State.

9 Finally, the bill makes the State liable for the costs incurred by  
10 local government entities for compliance with this bill, and will be  
11 reimbursed for those costs, upon application, by the State Treasurer.

**SENATE, No. 2461**

---

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

---

INTRODUCED MAY 5, 2005

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Provides for Voters Bill of Rights to be posted in certain places.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT providing for a Voters Bill of Rights and supplementing Title  
2 19 of the Revised Statutes.

3

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

6

7 1. a. The State of New Jersey hereby declares that each voter has  
8 the right:

9 To cast a ballot and to have the vote accurately counted.

10 To a voting system that accurately records the voter's preference.

11 To an explanation if the voter's registration is in question.

12 To cast a provisional ballot in accordance with law if the voter's  
13 registration is in question.

14 To have the voter's questions concerning voting procedures  
15 answered clearly and expeditiously.

16 To have a written explanation of the voting process posted in a  
17 conspicuous place at the polling place.

18 To request and receive assistance in voting.

19 To receive instruction in the use of the equipment for voting during  
20 early voting or on election day.

21 To vote even if the voter is waiting in line at the appropriate polling  
22 place at the close of the polls.

23 To vote free of intimidation, threat or coercion.

24 To receive a replacement ballot for a ballot that has been spoiled,  
25 destroyed, lost or never received.

26 To a sample ballot that is accurate and delivered in a timely manner.

27 To have access to the voting process if the voter is elderly, an  
28 individual with a disability, a member of a minority group, serving in  
29 the military or located out of the territorial United States.

30 This subsection shall be known as the Voters Bill of Rights.

31 b. The Attorney General, each superintendent of elections, and  
32 each county and municipal clerk shall:

33 (1) make the Voters Bill of Rights readily available to the public  
34 pursuant to the guidelines issued by the Attorney General;

35 (2) maintain a copy of the Voters Bill of Rights in the office for  
36 reproduction and distribution to the public upon request and at such  
37 times as deemed appropriate; and

38 (3) ensure that the Voters Bill or Rights is posted in a conspicuous  
39 place at each polling place.

40 c. The Attorney General shall ensure that the Voters Bill of Rights  
41 is posted on the official Internet site of the State of New Jersey, and  
42 shall develop guidelines for making the information readily available  
43 to the public.

44 d. For an election district in which the primary language of 10% or  
45 more of the registered voters is a language other than English, the  
46 Attorney General shall approve an official version of the Voters Bill

1 of Rights in that other language or languages for use in that election  
2 district. The notice shall be distributed and posted in English and in the  
3 alternate language in each such district. The alternate language shall  
4 be determined based on information from the latest federal decennial  
5 census.

6 e. The costs incurred by the State or a county or municipality to  
7 comply with the provisions of this section shall be paid out of federal  
8 funds received by the State pursuant to "Help America Vote Act of  
9 2002," Pub.L.107-252 (42 U.S.C. 15301 et seq.) or any other federal  
10 law, to the extent such funds are available and payment with such  
11 funds is practical and permitted. The Attorney General shall determine  
12 the manner in which counties and municipalities are reimbursed from  
13 federal funds for the incurred costs.

14

15 2. This act shall take effect on the January 1 next following  
16 enactment.

17

18

19

#### STATEMENT

20

21 This bill establishes the Voters Bill of Rights and declares that each  
22 voter has the right:

23 To cast a ballot and to have the vote accurately counted.

24 To a voting system that accurately records the voter's preference.

25 To an explanation if the voter's registration is in question.

26 To cast a provisional ballot in accordance with law if the voter's  
27 registration is in question.

28 To have the voter's questions concerning voting procedures  
29 answered clearly and expeditiously.

30 To have a written explanation of the voting process posted in a  
31 conspicuous place at the polling place.

32 To request assistance in voting.

33 To receive instruction in the use of the equipment for voting during  
34 early voting or on election day.

35 To vote on election day if the voter is waiting in line at the  
36 appropriate polling place at the close of the polls.

37 To vote free of intimidation, threat or coercion.

38 To receive a replacement ballot for a ballot that has been spoiled,  
39 destroyed, lost or never received.

40 To a sample ballot that is accurate and delivered in a timely manner.

41 To have access to the voting process if the voter is elderly, an  
42 individual with a disability, a member of a minority group, serving in  
43 the military or located out of the territorial United States.

44 The bill also requires the Attorney General, each superintendent of  
45 elections, and each county and municipal clerk to make this list of  
46 voters rights readily available to the public; maintain a copy in the

1 office for reproduction and distribution to the public upon request and  
2 at such times as deemed appropriate; and ensure that the information  
3 is posted in a conspicuous place at each polling place. The Attorney  
4 General is to ensure that the information is posted on the official  
5 Internet site of the State of New Jersey

6 For an election district in which the primary language of 10% or  
7 more of the registered voters is a language other than English, the  
8 Attorney General must approve an official version of the Voters Bill  
9 of Rights in that other language or languages for use in that election  
10 district.

11 The costs incurred by the State or a county or municipality to  
12 comply with the provisions of this act will be paid out of federal funds  
13 received by the State from the federal government for the purpose of  
14 voter education pursuant to "Help America Vote Act of 2002,"  
15 Pub.L.107-252 (42 U.S.C. 15301 et seq.) or any other federal law, to  
16 the extent such funds are available and payment with such funds is  
17 practical and permitted.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 30 and 2461**

# **STATE OF NEW JERSEY**

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Nos. 30 and 2461.

This substitute requires the posting in each polling place by a county board of elections of a voter information notice. The notice would be referred to as a voter's bill of rights.

The notice will contain:

the date of the election and the hours during which polling places will be open;

a statement that sample ballots are available at the polling place for review by the voter;

instruction for the use of the voting machine in that polling place and an explanation of what instructions for voting are available at the polling place for the voter;

instruction for a voter who is voting for the first time;

instruction for a voter who is required to provide identification pursuant to the federal "Help America Vote Act of 2002" and N.J.S.A.19:15-17 prior to casting a vote;

instruction on how to cast a vote if the voter cannot be present at a polling place on the day of the election;

an explanation of the right of the voter to vote in privacy, regardless of the voter's physical abilities;

an explanation of the right of the voter to a provisional ballot and the circumstances under which a voter has a right to such a ballot;

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts; and

such other statement, instruction or explanation the Attorney General may deem appropriate to ensure the full and knowledgeable participation of the voter in the process.

The substitute provides that none of its provisions are to give rise to a legal cause of action.

The Attorney General will prescribe the form and content of the voter information notice, including an official version of the notice in a language other than English for use in election districts where the sample ballot is required to be printed in English and an alternative language or languages. The notice will be posted in each polling place of such district in English and such language or languages. A county board of elections may modify or supplement the voter information notice to provide additional information specific to the county or municipality, with the prior approval of the Attorney General. The substitute requires the voter information notice to be printed on each sample ballot, to the extent practicable. If not practicable, information on how to obtain or view a copy of the voter information notice will be printed on each sample ballot. The substitute requires the voter information notice to be accessible on the official Internet site of the State.

Finally, the substitute makes the State liable for the costs incurred by local government entities for compliance with this substitute, and provides for reimbursement for those costs, upon application, by the State Treasurer.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, Nos. 30 and 2461**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: JULY 8, 2005

**SUMMARY**

**Synopsis:** Requires posting of a voter information notice called the voter's bill of rights.

**Type of Impact:** Indeterminate Increased Expenditures - State General Fund and County Funds

**Agencies Affected:** Department of Law and Public Safety; Counties

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate-See Comments Below		

- ! Requires the posting in each polling place by a county board of elections of a voter information notice containing certain information, the printing of the notice on each sample ballot to the extent practicable, the inclusion of the notice on the official Internet site of the State and counties, and the printing of a reference to the notice in required newspaper announcements of up-coming elections.
- ! The State will be liable for the costs incurred by local government entities for compliance with this bill, except for additional costs, if any, for the pre-election announcements.
- ! The cost of this bill cannot be determined because implementation depends on a variety of factors and decisions to be made by the Attorney General and each county board of elections. The implementation may be accomplished with available resources and personnel in some instances, or there may be increased printing and publication costs in other instances.

**BILL DESCRIPTION**

Senate Committee Substitute for Senate Bill Nos. 30 and 2461 of 2005 requires the posting in each polling place by a county board of elections of a voter information notice containing certain specified information. The notice would be referred to as a voter's bill of rights.

The Attorney General will prescribe the form and content of the voter information notice, including an official version of the notice in a language other than English for use in an election district when 10 percent or more of the registered voters in the election district have a primary

language other than English. The alternate language is to be determined based on information from the latest federal decennial census. The notice will be posted in each polling place of such district in English; if appropriate, another language.

A county board of elections may modify or supplement the voter information notice used in a county or municipality to provide additional information specific to the county or municipality, with the prior approval of the Attorney General.

The bill requires the voter information notice to be printed on each sample ballot, to the extent practicable. If not practicable, information on how to obtain or view a copy of the voter information notice will be printed on each sample ballot.

The bill requires the voter information notice to be accessible on the official Internet site of the State and the county sites to refer to the notice.

Finally, the bill makes the State liable for the costs incurred by local government entities for compliance with section one of this bill, and reimbursement for those costs will be made, upon application, by the State Treasurer.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services is unable to estimate the cost of this bill due to the variety of factors and the decisions that need to be made by the Attorney General and each county board of elections for implementation. However, in general, there may be an indeterminate increased cost to the State and counties. The OLS anticipates the Attorney General can accomplish what is required by the bill (development of the form and content of the voter information notice in English and other languages and the posting of the notice on the official Internet site of the State) through the use of available resources and personnel. The county boards of elections may incur some minimal cost (which will be reimbursed by the State) for an initial copy of the notice for each of the approximately 6,300 polling places in the State or if copies are lost or polling places added. This cost may increase if the Attorney General requires the notice to be of a certain size on certain type of paper with certain fonts and graphics, or if the content of the notice is changed frequently or periodically. There may be additional costs when a county board of elections determines that the printing of the voter information notice on the sample ballot for an election is practicable; if such printing is determined not be practicable then the cost may be minimal. The bill requires the county board of elections to ensure that the county Internet site contains a link to the voter information notice that is on the State site. This may be accomplished with available resources or personnel. Finally, counties may incur indeterminate minimal costs for adding to required pre-election newspaper notices a reference to the voter information notice, if additional space or lines are required.

SCS for S30

3

Section: *State Government*

Analyst: *Aggie Szilagyi*  
*Section Chief*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.