

19:53B-21

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 152

NJSA: 19:53B-21 (County board of elections to prepare reports concerning emergency and provisional ballots)

BILL NO: A37 (Substituted for S976/2395)

SPONSOR(S): Diegnan and others

DATE INTRODUCED: March 7, 2005

COMMITTEE: **ASSEMBLY:** State Government
SENATE:

AMENDED DURING PASSAGE: Yes

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

SENATE: June 27, 2005

DATE OF APPROVAL: July 12, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)

A37

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: Yes [3-14-2005](#)
[6-20-2005](#)

LEGISLATIVE FISCAL ESTIMATE: No

S976/S2395

[SPONSOR'S STATEMENT \(S976\):](#) (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT: \(S2395\):](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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No

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No

IS 8/8/07

P.L. 2005, CHAPTER 152, *approved July 12, 2005*

Assembly, No. 37 (*Second Reprint*)

1 **AN ACT** requiring county boards of elections to prepare reports
2 concerning use of emergency ²[,] and ² provisional [and
3 advance]² ballots and supplementing ¹[P.L.1992, c.3 (C.19:53B-1
4 et seq.) and P.L.1999, c.232 (C.19:53C-1 et seq.)] ²[Title 19 of
5 the Revised Statutes¹] P.L.1992, c.3 (C.19:53B-1 et seq.) and
6 P.L.1999, c.232 (C.19:53C-1 et seq.)².

7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10

11 1. Within 15 calendar days after an election or three days after the
12 certification of the results of that election, whichever occurs later, the
13 county board of election in each county shall prepare a report which
14 lists by election district, and includes a county wide total by category
15 for, the number of emergency ballots, including any spoiled, void, or
16 invalid emergency ballots, used in the election. The report shall be a
17 government record that is available for public inspection and copying
18 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

19

20 2. Within 15 calendar days after an election or three days after the
21 certification of the results of that election, whichever occurs later, the
22 county board of election in each county shall prepare a report which
23 lists by election district, and includes a county wide total by category
24 for, the number of provisional ballots, including any spoiled, void, or
25 invalid provisional ballots, used in the election. The report shall be a
26 government record that is available for public inspection and copying
27 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

28

29 ²[3. Within 15 calendar days after an election or three days after
30 the certification of the results of that election, whichever occurs later,
31 the county board of election in each county shall prepare a report
32 which lists by election district, and includes a county wide total by
33 category for, the number of advance ballots, including any spoiled,
34 void, or invalid advance ballots, used in the election. The report shall
35 be a government record that is available for public inspection and
36 copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et
37 seq.).]²

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 floor amendments adopted March 14, 2005.

² Senate floor amendments adopted June 20, 2005.

1 ²[4.] 3.² This act shall take effect immediately.

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6 _____

7 Requires county boards of elections to prepare reports concerning use
of emergency and provisional ballots.

ASSEMBLY, No. 37

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman NELLIE POU

District 35 (Bergen and Passaic)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

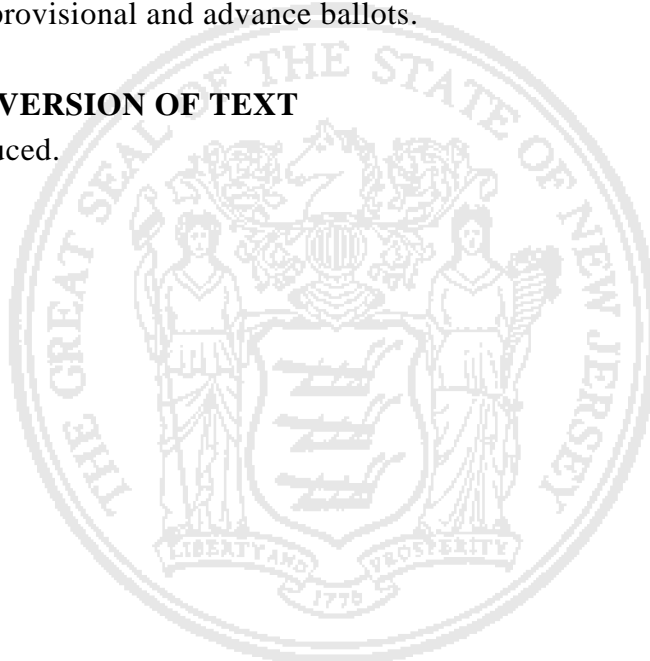
Assemblyman Azzolina

SYNOPSIS

Requires county boards of elections to prepare reports concerning use of emergency, provisional and advance ballots.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring county boards of elections to prepare reports
2 concerning use of emergency, provisional and advance ballots and
3 supplementing P.L.1992, c.3 (C.19:53B-1 et seq.) and P.L.1999,
4 c.232 (C.19:53C-1 et seq.).
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. Within 15 calendar days after an election or three days after the
10 certification of the results of that election, whichever occurs later, the
11 county board of election in each county shall prepare a report which
12 lists by election district, and includes a county wide total by category
13 for, the number of emergency ballots, including any spoiled, void, or
14 invalid emergency ballots, used in the election. The report shall be a
15 government record that is available for public inspection and copying
16 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
17

18 2. Within 15 calendar days after an election or three days after the
19 certification of the results of that election, whichever occurs later, the
20 county board of election in each county shall prepare a report which
21 lists by election district, and includes a county wide total by category
22 for, the number of provisional ballots, including any spoiled, void, or
23 invalid provisional ballots, used in the election. The report shall be a
24 government record that is available for public inspection and copying
25 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
26

27 3. Within 15 calendar days after an election or three days after the
28 certification of the results of that election, whichever occurs later, the
29 county board of election in each county shall prepare a report which
30 lists by election district, and includes a county wide total by category
31 for, the number of advance ballots, including any spoiled, void, or
32 invalid advance ballots, used in the election. The report shall be a
33 government record that is available for public inspection and copying
34 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
35

36 4. This act shall take effect immediately.
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39 STATEMENT
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41 The purpose of this bill is to help protect the integrity of the
42 electoral process in this State by increasing accountability for the use
43 of emergency, provisional and advance ballots. It provides that
44 following each election, the county board of election in every county
45 will prepare reports listing the number of emergency, provisional and
46 advance ballots used in the election, including any spoiled, void, or

A37 DIEGNAN, POU

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- 1 invalid emergency, provisional and advance ballots. Each report will
- 2 list the number of such ballots by election district and include a county
- 3 wide total. The reports will be available for public inspection and
- 4 copying.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 37

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably
Assembly, No. 37.

This bill provides that following each election, the county board of elections in every county will prepare reports listing the number of emergency ballots, provisional ballots and advance ballots used in the election, including any spoiled, void, or invalid emergency, provisional or advance ballots. Each report will list the number of such ballots by election district and include a county-wide total. The reports will be available for public inspection and copying.

STATEMENT TO
ASSEMBLY, No. 37

with Assembly Floor Amendments
(Proposed By Assemblyman DIEGNAN)

ADOPTED: MARCH 14, 2005

This Assembly floor amendment makes a technical change in the title of this bill by deleting the citations listed therein and inserting instead the Title of the Revised Statutes that would be supplemented by the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 37

with Senate Floor Amendments
(Proposed By Senator BARK)

ADOPTED: JUNE 20, 2005

This floor amendment deletes a provision concerning reports to be made after an election on advance ballots used. These ballots do not exist under current law; they would have been created under pending legislation.

These amendments make this bill identical to Senate, Nos. 976/2395 SCS.

SENATE, No. 976

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

Sponsored by:

Senator MARTHA W. BARK

District 8 (Burlington)

SYNOPSIS

Requires absentee ballot totals be reported as group to ensure voter confidentiality.

CURRENT VERSION OF TEXT

As introduced.



S976 BARK

2

1 AN ACT concerning the canvassing of absentee ballots and amending
2 P.L.1953, c.211.

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

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

9 31. On the day of each election each county board of elections
10 shall open in the presence of the commissioner of registration or his
11 assistant or assistants the inner envelopes in which the absentee
12 ballots, returned to it, to be voted in such election, are contained,
13 except those containing the ballots which the board or the Superior
14 Court has rejected, and shall remove from said inner envelopes the
15 absentee ballots and shall then proceed to count and canvass the votes
16 cast on such absentee ballots, but no absentee ballot shall be counted
17 in any primary election for the general election if the ballot of the
18 political party marked for voting thereon differs from the designation
19 of the political party in the primary election of which such ballot is
20 intended to be voted as marked on said envelope by the county board
21 of elections. The votes cast by absentee ballots by all persons shall be
22 reported as a group and not by separate individual categories.
23 Immediately after the canvass is completed, the respective county
24 boards of election shall certify the result of such canvass to the county
25 clerk or the municipal or district clerk or other appropriate officer as
26 the case may be showing the result of the canvass by municipality and
27 ward, and the votes so counted and canvassed shall be counted in
28 determining the result of said election.

29 The county board of elections shall, immediately after the canvass
30 is completed for a primary election, certify the results of the votes cast
31 for members of the county committees to the respective municipal
32 clerks, which votes shall be counted in determining the result of said
33 election.

34 (cf: P.L.1991, c.91, s.260)

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36 2. This act shall take effect immediately.

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STATEMENT

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41 Currently, military absentee ballots are counted and listed separately
42 from other absentee ballot totals. Because of the small number of
43 military absentee ballots and the separate listing, it may be apparent

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.

S976 BARK

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1 whom the voter supported. This bill amends the law to ensure that all
2 absentee ballots are reported as a group and not by separate individual
3 categories, thereby keeping confidential whom the voter supported.

SENATE, No. 2395

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 14, 2005

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Requires county boards of elections to prepare reports concerning use of emergency, provisional and advance ballots.

CURRENT VERSION OF TEXT

As introduced.



S2395 BRYANT

2

1 AN ACT requiring county boards of elections to prepare reports
2 concerning use of emergency, provisional and advance ballots and
3 supplementing P.L.1992, c.3 (C.19:53B-1 et seq.) and P.L.1999,
4 c.232 (C.19:53C-1 et seq.).
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
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9 1. Within 15 calendar days after an election or three days after the
10 certification of the results of that election, whichever occurs later, the
11 county board of election in each county shall prepare a report which
12 lists by election district, and includes a county wide total by category
13 for, the number of emergency ballots, including any spoiled, void, or
14 invalid emergency ballots, used in the election. The report shall be a
15 government record that is available for public inspection and copying
16 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
17

18 2. Within 15 calendar days after an election or three days after the
19 certification of the results of that election, whichever occurs later, the
20 county board of election in each county shall prepare a report which
21 lists by election district, and includes a county wide total by category
22 for, the number of provisional ballots, including any spoiled, void, or
23 invalid provisional ballots, used in the election. The report shall be a
24 government record that is available for public inspection and copying
25 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
26

27 3. Within 15 calendar days after an election or three days after the
28 certification of the results of that election, whichever occurs later, the
29 county board of election in each county shall prepare a report which
30 lists by election district, and includes a county wide total by category
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32 invalid advance ballots, used in the election. The report shall be a
33 government record that is available for public inspection and copying
34 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).
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36 4. This act shall take effect immediately.
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41 The purpose of this bill is to help protect the integrity of the
42 electoral process in this State by increasing accountability for the use
43 of emergency, provisional and advance ballots. It provides that
44 following each election, the county board of election in every county
45 will prepare reports listing the number of emergency, provisional and
46 advance ballots used in the election, including any spoiled, void, or

S2395 BRYANT

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- 1 invalid emergency, provisional and advance ballots. Each report will
- 2 list the number of such ballots by election district and include a county
- 3 wide total. The reports will be available for public inspection and
- 4 copying.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 976 and 2395

STATE OF NEW JERSEY

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate, Nos. 976 and 2395.

This substitute provides that following each election, the county board of elections in every county will prepare reports listing the number of emergency ballots and provisional ballots used in the election, including any spoiled, void, or invalid emergency or provisional ballots. Each report will list the number of such ballots by election district and include a county-wide total. The reports will be available for public inspection and copying.

As reported, this is identical to Assembly No. 37.