

19:57-2

October 29, 1969

LEGISLATIVE NOTES ON R.S. 19:57-2 et seq.
(Absentee Civilian & Military Service Voting)

1968 Amendment

COPY NO. 2

1968, Chapter 238

S619 - Introduced April 1 by Dumont

No statement

Assembly Committee Substitute became law (combined with S642)

S642 - Introduced April 8 by Forsythe [and others].

No statement

Assembly Committee Substitute became law. (combined with S619)

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 619 and 642

STATE OF NEW JERSEY

ADOPTED JUNE 13, 1968

AN ACT concerning elections and amending the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211), repealing section 18 thereof and amending the "Presidential Ballot Law (1964)," approved July 1, 1964 (P. L. 1964, c. 134).

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

1 1. Section 2 (C. 19:57-2) of P. L. 1953, chapter 211 is amended
2 to read as follows:

3 2. Whenever used in this act, the following terms shall, unless
4 the context indicates otherwise, be construed to have the following
5 meaning:

6 "Absentee ballot" means any military service ballot or civilian
7 absentee ballot as herein defined.

8 "Absentee voter" means any person qualified to vote a military
9 service ballot or a civilian absentee ballot under the provisions of
10 this act.

11 "*Armed Forces of the United States*" means any branch or
12 department of the United States Army, Navy, Air Force, Coast
13 Guard or Marine Corps.

14 "Civilian absentee ballot" means a ballot for use by a civilian
15 absentee voter as prescribed by this act.

16 "Civilian absentee voter" means any qualified and registered
17 voter of the State who expects to be absent from the State on the
18 day of any election and any qualified and registered voter who will
19 be within the State on the day of any election but because of illness
20 or physical disability, including blindness or pregnancy, or because
21 of the observance of a religious holiday pursuant to the tenets of
22 his religion, or because of resident attendance at a school, college

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

23 or university, will be unable to cast his ballot at the polling place
24 in his election district on the day of the election.

25 "Election," "general election," "primary election for the gen-
26 eral election," "municipal election," and "special election" shall
27 mean, respectively, such elections as defined in the Title to which
28 this act is a supplement (R. S. 19:1-1 et seq.).

29 "Military service" means active service by any person, as a
30 member of any branch or department of the United States Army,
31 Navy, Air Force, Coast Guard or Marine Corps, or as a reservist
32 absent from his place of residence and undergoing training under
33 Army, Navy, Air Force, Coast Guard or Marine Corps direction,
34 at a place other than that of such person's residence.

35 ["Military service voter" means any person in the military
36 service, or any patient in any veterans' hospital, located in any
37 place other than the place of his residence who has been in the
38 military service in any war in which the United States has been
39 engaged and having been discharged or released from the military
40 service and who prior to entering the military service or prior to
41 being admitted as a patient in such hospital, was a resident of this
42 State and who, at the time of the holding of any election in this
43 State, while this act is in effect, is a resident of the United States,
44 is of the age of 21 years or more, is not disqualified by reason of
45 conviction of crime from voting in this State.]

46 "*Military service voter*" means a qualified elector under the
47 Constitution and the laws of this State who comes within one of the
48 following categories:

49 (a) *Persons in the military service and their spouses and*
50 *dependents.*

51 (b) *Patients in a veterans' hospital located in any place other*
52 *than the place of their residences who have been in the military*
53 *service in any war in which the United States has been engaged and*
54 *have been discharged or released from such service.*

55 (c) *Civilians attached to or serving with the Armed Forces of the*
56 *United States without this State and their spouses and dependents*
57 *when residing with or accompanying them.*

58 "Military service ballot" means a ballot for use by a military
59 service voter as prescribed by this act.

1 2. Section 3 (C. 19:57-3) of P. L. 1953, chapter 211 is amended to
2 read as follows:

3 3. The following persons shall be entitled to vote by absentec
4 ballot in any election to be held in this State, in the manner herein-
5 after provided:

6 A military service voter who may be absent on the day on which

7 such election is held from the election district in which he resides,
 8 whether such person is within or without this State *in the case of a*
 9 *military service voter as defined in paragraph (a) or (b) of section*
 10 *2, or without this State and within or without the United States*
 11 *in the case of any military service voter as defined in section 2,*
 12 *provided he has resided in this State at least 6 months and in the*
 13 *county in which he claims the right to vote at least 40 days counting*
 14 *the time he has been [in the military service or a patient in a*
 15 *veterans' hospital in said periods of residence] absent from the*
 16 *election district in which he resides because of the service, work,*
 17 *status or relationship entitling him to vote a military service ballot;*

18 A civilian absentee voter who expects to be or may be absent
 19 outside the State or the United States on the day on which an
 20 election is held or who may be within the State on the day of any
 21 election but because of illness or physical disability, or because of
 22 the observance of a religious holiday pursuant to the tenets of his
 23 religion, or because of resident attendance at a school, college or
 24 university, will be unable to cast his ballot at the polling place in
 25 his election district on the day of the election, provided he is a
 26 registered voter, and is not otherwise disqualified by law from
 27 voting in such election.

28 This act shall be liberally construed to effectuate these purposes.

1 3. Section 4 (C. 19:57-4) of P. L. 1953, chapter 211 is amended
 2 to read as follows:

3 4. At any time not less than 8 days prior to an election in which
 4 he desires to vote, a civilian absentee voter may apply to the person
 5 designated in section 6 of this act, for a civilian absentee ballot.
 6 Such application or request shall be made in writing, shall be signed
 7 by the applicant and shall state his or her place of voting residence
 8 and the address to which said ballot shall be sent, and the reason
 9 for which the ballot is requested.

10 Any [person in] military service voter [or patient in a veterans'
 11 hospital] desiring to vote in any election or any relative or friend
 12 of a [person in] military service voter [or patient in a veterans'
 13 hospital] who believes that such [person] voter will desire to vote
 14 in any election, may apply to the person designated in section 6
 15 of this act for a military service ballot to be sent to such [person]
 16 voter.

1 4. Section 5 (C. 19:57-5) of P. L. 1953, chapter 211 is amended
 2 to read as follows:

3 5. The form of application to be used by a relative or friend of
 4 a [person in the military service or in a veterans' hospital] *military*
 5 *service voter* shall be substantially as follows:

APPLICATION BY RELATIVE OR FRIEND FOR A MILITARY SERVICE BALLOT

6 The undersigned, residing at in
 (street and number or R.D. route)
 7 in the county of
 (name of city or other municipality)
 8 in the State of does hereby make application
 9 for a military service ballot to be voted at the election to be held
 10 on for
 (date of election) (name of [person in] military service
 11 [.....
voter and serial number if in military service,) or veterans'
 12 whose serial number is, whose home
 hospital)]
 13 address is at in
 (street and number or R. D. route) (name of city
 14 in the county of in the
 or other municipality)

15 State of New Jersey and who is stationed or can be found at
 16

17 He is of the age of 21 years, has resided in the State of New
 18 Jersey at least 6 months and in said county at least 40 days count-
 19 ing the time that he has been [in the military service or a patient
 20 in a veterans' hospital or both,] *absent from the election district*
 21 *in which he resides because of the service, work, status or relation-*
 22 *ship in the category indicated below* and I verily believe that he
 23 is qualified to vote as a military service voter in said election.

24 Place a (X) in the box preceding the applicable category below.

- 25 (a) A person in military service.
- 26 (b) A spouse or dependent of a person in category (a).
- 27 (c) A patient in a veterans' hospital.
- 28 (d) A civilian attached to or serving with the Armed Forces
 29 of the United States.
- 30 (e) A spouse or dependent of and accompanying or residing
 31 with a person in category (d).

32
 33 State of }
 34 County of } ss.

35 The undersigned, being duly sworn on his oath according to law,
 36 says that the contents of the foregoing application are true.

37 Sworn and subscribed to before me this day
 38 of A. D.
 39
 (name and title of officer taking affidavit)

40 Such affidavit shall be subscribed and sworn to before a person
41 authorized to administer oaths.

1 5. Section 7 (C. 19:57-7) of P. L. 1953, chapter 211 is amended
2 to read as follows:

3 7. The officer to whom the application for an absentee ballot may
4 be made pursuant to section 6 of this act shall publish or cause to
5 be published the following notices in substantially the following
6 forms:

7 NOTICE TO [PERSONS IN MILITARY SERVICE OR
8 PATIENTS IN VETERANS' HOSPITALS] *MILITARY SERV-*
9 *ICE VOTERS* AND TO THEIR RELATIVES AND FRIENDS

10 If you are in the military service *or the spouse or dependent of*
11 *a person in military service* or are a patient in a veterans' hos-
12 pital *or a civilian attached to or serving with the Armed Forces*
13 *of the United States without the State of New Jersey, or the spouse*
14 *or dependent of and accompanying or residing with a civilian*
15 *attached to or serving with the Armed Forces of the United States,*
16 and desire to vote, or if you are a relative or friend of [a person
17 who is in the military service or is a patient in a veterans' hospital]
18 *of any such person* who, you believe, will desire to vote in the
19 election to be held on
(municipal, primary, general or other)

20 kindly write to the undersigned at once
(date of election)

21 making application for a military service ballot to be voted in said
22 election to be forwarded to you, [if you are in the military service
23 or are a patient in a veterans' hospital,] stating your name, age,
24 serial number *if you are in military service*, home address and the
25 address at which you are stationed or can be found, or if you desire
26 the military service ballot for a relative or friend then make an
27 application under oath for a military service ballot to be forwarded
28 to him, stating in your application that he is over the age of 21 years
29 and stating his name, serial number *if he is in military service*, home
30 address and the address at which he is stationed or can be found.

31 Forms of application can be obtained from the undersigned.

32 Dated

33
(signature and title of county clerk, municipal clerk or other official
as the case may be)

34
(address of county clerk, municipal clerk or other official)

34A NOTICE TO PERSONS DESIRING ABSENTEE BALLOTS

35 If you are a qualified and registered voter of the State who
36 expects to be absent outside the State on ,
(date of election)

37 or a qualified and registered voter who will be within the State on
38 but because of illness or physical disabil-
(date of election)

39 ity, or because of the observance of a religious holiday pursuant
40 to the tenets of your religion, or because of resident attendance
41 at a school, college or university, will be unable to cast your ballot
42 at the polling place in your district on said date, and you desire
43 to vote in the election to
(municipal, primary, general or other)

44 be held on kindly write or
(date of election)

45 apply in person to the undersigned at once requesting that a
46 civilian absentee ballot be forwarded to you. Such request must
47 state your home address, and the address to which said ballot should
48 be sent, and must be signed with your signature, and state the
49 reason why you will not be able to vote at your usual polling place.
50 No civilian absentee ballot will be furnished or forwarded to any
51 applicant unless request therefor is received not less than 8 days
52 prior to the election, and contains the foregoing information.

53 Dated
54
(signature and title of county clerk, municipal clerk or other official
as the case may be)

54A
(address of county clerk, municipal clerk or other official)

55 Such notices shall be separately published prior to the fortieth
56 day immediately preceding the holding of any election.

57 Notices relating to any State-wide or countywide election shall
58 be published by the county clerk in at least 2 newspapers published
59 in the county. All other officials charged with the duty of publishing
60 such notices shall publish the same in at least one newspaper pub-
61 lished in each municipality or district in which the election is to
62 be held or if no newspaper be published in said municipality, then
63 in a newspaper published in the county and circulating in such
64 municipality, municipalities or district.

1 6. Section 17 C. 19:57-17) of P. L. 1953, chapter 211 is amended
2 to read as follows:

3 17. Upon the said margin of said flap on the envelopes to be sent
4 to military service voters there shall be printed a certificate in the
5 following form:

6 I hereby certify that

7 1. I am a citizen of the United States;

8 2. The date of my birth was

9 3. On the date of the (Description of election in which ballot is
10 used to be printed here.) election I will have resided in New Jersey
11 for and in
(years or months)

12 county for ;
(years, months or days)

13 4. My home address is at
(street and number, if any, or rural
14 ; in ;
route) (city, borough, town, township or village)

15 5. My military service voter's address [or veterans' hospital
16 address] is

17 6. [My serial number is]

18 I am (place a cross (X) in the box preceding the applicable cate-
19 gory below, and insert serial number where required):

20 (a) A person in military service.

21 My serial number is

22 (b) A spouse or dependent of a person in category (a) whose
23 serial number is

24 (c) A patient in a veterans' hospital.

24A (d) A civilian attached to or serving with the Armed Forces
25 of the United States.

26 (e) A spouse or dependent of and residing with a person in
27 category (d).

28
(write your usual signature above)

29
(print your name clearly above)

30 [Sworn and subscribed to before me this day
31 of, A. D. at
32 in the State or Country of

33
(signature and rank of commanding officer
of officer administering oath)

34
(rank of title of officer)

35 Said certificate shall be sworn to before the military service
36 voter's commanding officer or the superintendent of the veterans'
37 hospital in which the military service voter is a patient.]

38 PENALTY FOR FRAUDULENT VOTING

39 Any person who, knowingly, violates any of the provisions of this
40 act,* or who, not being entitled to vote thereunder, fraudulently
41 votes or attempts to vote thereunder or enables or attempts to

42 enable another person, not entitled to vote thereunder, to vote
43 fraudulently thereunder or who prevents or attempts to prevent
44 by fraud the voting of any person legally entitled to vote under
45 this act, shall be guilty of a misdemeanor, and upon conviction
46 thereof shall be subject, in addition to such other penalties as are
47 authorized by law, to disenfranchisement unless and until pardoned
48 or restored by law to the right of suffrage.

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

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

51 Upon said margin of said flap on the inner envelopes to be sent
52 to civilian absentee voters there shall be printed a certificate in
53 the following form:

54 I am unable to leave my place of confinement at
55 (home
56 because
57 address, hospital address or other place of confinement)
58 of permanent and total disability previously certified.]

59 I,, do solemnly swear that I am a
60 registered voter of the State of New Jersey, and that I have resided
61 in the county of continuously since
62
63 (month, date and year)

64 My address in said county is
65 (street and number, if any, or
66 rural route)
67 where I have resided since
68 (month, date and year)

69 I will be a resident of the State of New Jersey at the above
70 address on
71 (date of election)

72A FILL IN ONLY IF YOU HAVE MOVED OR INTEND TO MOVE YOUR
73B RESIDENCE AFTER
74
75 (county clerk insert date of fortieth day before election)

76A AND BEFORE THE ELECTION
77 I moved or will move to the above address from my previous
78 home address at
79 (Street and number, if any, or rural route)
80 in the county of
81 (city, borough, town, township or village)
82 State of on
83 (give date)

84 Place a cross (X) in the box preceding the applicable statement
85 below.

72 My reason for voting this absentee ballot is:

73 I will be absent from the State on the date of the election.

74 I am unable to leave my place of confinement at
(home

75 because of
address, hospital address or other place of confinement)

76 and will, therefore,
(name of sickness or physical disability)

77 be unable to cast my ballot at the polling place in my election dis-
78 trict on the date of the election.

79 I will be unable to attend at my polling place on the date of
80 the election because of the observance of a religious holiday, pur-
81 suant to the tenets of my religion.

82 I will be unable to attend at my polling place on the date of
83 the election because I will be in resident attendance at
(name of

84 located in
school, college or university) (name of city or town)

85 New Jersey.

86 I marked the enclosed ballot in secret.

87
(signature of absentee voter)

88
(print your name clearly above)

89 [State of }
90 County of } ss.
91 Country of }

92 being duly sworn, deposes and says
93 that the statements on the foregoing declaration are true.

94
(signature of absentee voter)

95 Sworn to and subscribed before me this day
96 of, 19.... and I hereby certify that the affiant
97 exhibited the enclosed ballot to me unmarked, and that he then in
98 my presence and in the presence of no other person and in such
99 manner that I could not see his vote, marked such ballot and en-
100 closed and sealed the same in this envelope without my seeing or
101 knowing his vote, and that the affiant was not solicited or advised
102 by me to vote for or against any candidate or proposition.

103
(signature of officer authorized by law, of the place
where the oath is administered, to administer oaths)

104]
(title of officer)

PENALTY FOR FRAUDULENT VOTING

105 Any person who, knowingly, violates any of the provisions of this
106 act,* or who, not being entitled to vote thereunder, fraudulently
107 votes or attempts to vote thereunder or enables or attempts to en-
108 able another person, not entitled to vote thereunder, to vote fraud-
109 ulently thereunder or who prevents or attempts to prevent by fraud
110 the voting of any person legally entitled to vote under this act, shall
111 be guilty of a misdemeanor, and upon conviction thereof shall be
112 subject, in addition to such other penalties as are authorized by law,
113 to disenfranchisement unless and until pardoned or restored by law
114 to the right of suffrage.

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

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

1 7. Section 18 of P. L. 1953, chapter 211 (C. 19:57-18) is repealed.

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

3 19. In addition to the foregoing, the certificate to be used on the
4 margin of the flap of the inner envelope forwarded with any
5 absentee ballot intended to be voted in any primary election for the
6 general election shall contain the following statement similarly
7 signed and sworn to:

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

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

18
(signature of absentee voter)

19 [Sworn and subscribed to before me this
20 day of A. D. at
21 in the State or Country of

22
(signature and rank of commanding
officer) or

23
(signature of officer authorized by
law, of the place where the oath is
administered, to administer oaths)

24]
(title of officer)

25 *PENALTY FOR FRAUDULENT VOTING*

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

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

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

1 9. Section 23 of P. L. 1953, chapter 211 (C. 19:57-23) is amended
 2 to read as follows:

3 23. Any absentee voter shall be entitled to mark any absentee
 4 ballot, so forwarded to him, for voting at any election by indicating
 5 his choice of candidates for the offices named, and as to public
 6 questions, if any, stated, thereon in accordance with election laws of
 7 this State, except that in such ballots to be voted in any primary
 8 election for the general election his choice shall be limited to the
 9 candidates of his political party or to any person or persons whose
 10 names are written thereon by him. When so marked, such ballot
 11 shall be placed in said inner envelope, which shall then be sealed,
 12 and the voter shall then fill in the form of certificate attached to said
 13 inner envelope, at the end of which he shall sign and print his name
 14 in his own handwriting¹, and the certificate shall be sworn to in the
 15 case of a military service voter before a commissioned officer, non-
 16 commissioned officer, or petty officer in the Armed Forces of the
 17 United States or the superintendent of the veterans' hospital in
 18 which the military service voter is a patient or some person author-
 19 ized to take an oath; and in the case of a civilian absentee voter
 20 before an official authorized by law to administer oaths in the place
 21 where the oath is administered². The inner envelope with the
 22 certificate shall then be placed in said outer envelope, which shall
 23 then be sealed.

24 A blind absentee voter shall be entitled to assistance in the mark-
 25 ing of his ballot and in completing and signing of the certificate. In
 26 such case the person providing such assistance shall add on the face
 27 of the certificate "Voter Assisted by _____" signing
 28 his name thereto.

29 Said sealed outer envelope with the inner envelope and the ballot
30 enclosed therein shall then be mailed with sufficient postage to the
31 county board of elections to which it is addressed.

1 10. Section 25 (C. 19:57-25) of P. L. 1953, chapter 211 is amended
2 to read as follows:

3 25. It shall not be necessary to qualify any military service voter
4 to vote by a military service ballot in any county, that he shall be
5 or shall have been registered to vote in any election district of this
6 State at the time of any election or at any other time, if his name
7 has been certified by the county clerk of the county to the commis-
8 sioner of registration of the county as hereinbefore provided. Any
9 military service ballot returned to any county board of elections
10 in the envelopes required by this act shall be counted in determining
11 the result of any election in which it is to be voted in the election
12 district indicated by the military service voter's home address
13 appearing on the certificate or certificates attached to or accom-
14 panying the inner envelope, containing such military service ballot,
15 if such certificate or certificates contain information which would
16 qualify the military service voter to vote in said election district
17 if he were registered to vote therein, and if said certificate or cer-
18 tificates have been filled in and purport to have been executed and
19 sworn to in the manner required by this act and if such military
20 service ballot has been so marked as to comply with the require-
21 ments of the election laws of this State and in computing the length
22 of residence, in the county and State, of any military service voter
23 the time which shall have elapsed during his [military service or
24 while a patient in any such veterans' hospital] *absence from the*
25 *election district in which he resides because of the service, work,*
26 *status or relationship entitling him to vote a military service ballot*
27 shall be counted.

1 11. Section 29 of P. L. 1953, chapter 211 (C. 19:57-29) is amended
2 to read as follows:

3 29. Any military service voter who returns to his place of resi-
4 dence within this State, within 10 days before such election, and who
5 has not received a military service ballot, may appear in person be-
6 fore, and apply in writing to, the proper county clerk for a military
7 service ballot, and shall be entitled to receive a military service
8 ballot upon being properly identified and to cast the same by pre-
9 senting it in person to the proper county board of elections, prop-
10 erly marked, enclosed and sealed in the inner envelope provided for
11 that purpose, with the certificate or certificates on the flap of the
12 inner envelope duly filled in and signed [and sworn to before a per-
13 son qualified to take an oath, upon being properly identified,] at any

19 will not attempt to vote in the election to be held on
(date of election)

20 at any place other than my present place of residence but I am
21 eligible to vote for electors for President and Vice-President of the
22 United States in said election at my present place of residence by
23 a " Presidential Ballot."

24 Applicant
(signature)

25 Applicant
(print name here)

26 [Sworn and subscribed to before
27 me this day
28 of A. D.

29
(signature of officer taking oath)

30
(title of officer taking oath)

31 Said certificate shall be sworn to before any officer authorized to
32 take an oath in the State of New Jersey.]

33 *PENALTY FOR FRAUDULENT VOTING*

34 *Any person who, knowingly, violates any of the provisions of this*
35 *act,* or who, not being entitled to vote thereunder, fraudulently*
36 *votes or attempts to vote thereunder or enables or attempts to*
37 *enable another person, not entitled to vote thereunder, to vote*
38 *fraudulently thereunder or who prevents or attempts to prevent by*
39 *fraud the voting of any person legally entitled to vote under this act,*
40 *shall be guilty of a misdemeanor, and upon conviction thereof shall*
41 *be subject, in addition to such other penalties as are authorized by*
42 *law, to disenfranchisement unless and until pardoned or restored*
43 *by law to the right of suffrage.*

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

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

1 14. Section 19 of P. L. 1964, chapter 134 (C. 19:58-19) is amended
2 to read as follows:

3 19. Upon the said margin of said flap on the inner envelope to be
4 sent to a removed resident there shall be printed a certificate in
5 affidavit form substantially as follows:

6 State of

7 County of

8 I, the undersigned, do hereby certify that:

9 1. I am a citizen of the United States;

10 2. I was born on;
(date of birth)

11 3. I reside at in
(street and number or R. D. route)

12 in
13 (name of city or municipality) (name of county)
14 county in the State of and I have
15 (name of State)

14 resided at this address since my removal from my former address in
15 New Jersey and expect to continue to reside there until and on the
16 date of said election;

17 4. I formerly resided at in
18 (street and number or R. D. route)

18 in
19 (name of city or municipality) (name of county)

19 county in New Jersey and I was registered as a voter, and continued
20 to reside; at said address until my removal to my present address;

21 5. Because of the insufficient period of my residence at my present
22 address I am unable to vote there at the election to be held on
23 but I believe that I am eligible to vote at my
24 (date of election)

24 former residence in the State of New Jersey for electors for Presi-
25 dent and Vice-President of the United States at such election.

26 Applicant
27 (signature)

27 Applicant
28 (print name here)

28 [Sworn and subscribed to before
29 me this day
30 of A. D.

31
32 (signature of officer taking oath)

32
33 (title of officer taking oath)

33 Said certificate shall be sworn to before any officer authorized to
34 take an oath in the State in which it is executed.]

35 *PENALTY FOR FRAUDULENT VOTING*

36 *Any person who, knowingly, violates any of the provisions of this*
37 *act,* or who, not being entitled to vote thereunder, fraudulently*
38 *votes or attempts to vote thereunder or enables or attempts to*
39 *enable another person, not entitled to vote thereunder, to vote*
40 *fraudulently thereunder or who prevents or attempts to prevent by*
41 *fraud the voting of any person legally entitled to vote under this*
42 *act, shall be guilty of a misdemeanor, and upon conviction thereof*
43 *shall be subject, in addition to such other penalties as are author-*
44 *ized by law, to disenfranchisement unless and until pardoned or*
45 *restored by law to the right of suffrage.*

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

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

1 15. Section 21 of P. L. 1964, c. 134 (C. 19:58-21) is amended to
2 read as follows:

3 21. Any voter shall be entitled to mark any Presidential ballot, so
4 forwarded to him, for voting at any election by indicating his choice
5 of candidates for the offices named. When so marked, such ballot
6 shall be placed in said inner envelope, which shall then be sealed,
7 and the voter shall then fill in the form of certificate attached to said
8 inner envelope, at the end of which he shall sign and print his name
9 in his own handwriting, and the certificate shall be sworn to before
10 an official authorized by law to administer oaths in the place where
11 the oath is administered. The inner envelope with the certificate
12 shall then be placed in said outer envelope, which shall then be
13 sealed.

1 16. Section 24 of P. L. 1964, chapter 134 (C. 19:58-24) is amended
2 to read as follows:

3 24. It shall not be necessary to qualify any new resident to vote by
4 a Presidential ballot in any county that he shall be or shall have been
5 registered to vote in any election district of this State or elsewhere
6 at any time. Any Presidential ballot, returned to any county board
7 of elections by a new resident in the envelopes required by this act,
8 shall be counted in determining the result of any election in which
9 it is to be voted in the election district indicated by the voter's
10 present or former address in this State appearing on the certificate
11 attached to the inner envelope, containing such ballot, if such
12 certificate contains information which would qualify the voter to
13 vote in said election district, pursuant to the provisions of this act,
14 and if said certificate has been filled in and purports to have been
15 executed and sworn to in the manner required by this act and if
16 such ballot has been so marked as to comply with the requirements
17 of this act.

1 17. This act shall take effect July 1, 1968.

SENATE, No. 619

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1968

By Senator DUMONT

Referred to Committee on Revision and Amendments of Laws

AN ACT concerning elections and amending the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211), repealing section 18 thereof and amending the "Presidential Ballot Law (1964)," approved July 1, 1964 (P. L. 1964, c. 134).

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

1 1. Section 17 of P. L. 1953, chapter 211 (C. 19:57-17) is
2 amended to read as follows:

3 17. Upon the said margin of said flap on the envelopes to be sent
4 to military service voters there shall be printed a certificate in the
5 following form:

6 I hereby certify that

7 1. I am a citizen of the United States;

8 2. The date of my birth was

9 3. On the date of the (Description of election in which ballot is
10 used to be printed here.) election I will have resided in New Jersey
11 for and in county
(years or months)

12 for
(years, months or days)

13 4. My home address is at;
(street and number, if any, or rural route)

14 in;
(city, borough, town, township or village)

15 5. My military service address or veterans' hospital address
16 is

17 6. My serial number is

18
(write your usual signature above)

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

19
print your name clearly above)

20 **【**Sworn and subscribed to before me this day of
21, A. D. at

22 in the State or Country of

23
(signature and rank of commanding officer)

24 Said certificate shall be sworn to before the military service
25 voter's commanding officer or the superintendent of the veterans'
26 hospital in which the military service voter is a patient.】

PENALTY FOR FRAUDULENT VOTING

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

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

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

37 Upon said margin of said flap on the inner envelopes to be sent
38 to civilian absentee voters there shall be printed a certificate in the
39 following form:

40 **【** I am unable to leave my place of confinement at
(home address,
41 because of permanent
hospital address or other place of confinement)
42 and total disability previously certified.】

43 I,, do solemnly
44 swear that I am a registered voter of the State of New Jersey, and
45 that I have resided in the county of
46 continuously since
(month, date and year)

47 My address in said county is
(street and number, if any,
48 where I have resided since
or rural route) (month, date and year)

49 I will be a resident of the State of New Jersey at the above
50 address on
(date of election)

FILL IN ONLY IF YOU HAVE MOVED OR INTEND TO
MOVE YOUR RESIDENCE AFTER

51
(county clerk insert date of fortieth day before election)

AND BEFORE THE ELECTION

52 I moved or will move to the above address from my previous
53 home address at
(street and number, if any, or rural route)

54 in the county of
(city, borough, town, township or village)

55 State of on
(give date)

56 Place a cross (X) in the box preceding the applicable statement
57 below.

58 My reason for voting this absentee ballot is:

59 I will be absent from the State on the date of the election.

60 I am unable to leave my place of confinement at
61 because
(home address, hospital address or other place of confinement)

62 of and will,
(name of sickness or physical disability)

63 therefore, be unable to cast my ballot at the polling place in my
64 election district on the date of the election.

65 I will be unable to attend at my polling place on the date of
66 the election because of the observance of a religious holiday, pur-
67 suant to the tenets of my religion.

68 I will be unable to attend at my polling place on the date of
69 the election because I will be in resident attendance at
(name of school,

70 located in
college or university) (name of city or town)

71 New Jersey.

72 I marked the enclosed ballot in secret.

73
(signature of absentee voter)

74
(print your name clearly above)

75 [State of }
76 County of } ss.
77 Country of }

78 being duly sworn, deposes

79 and says that the statements on the foregoing declaration are true.

80
(signature of absentee voter)

81 Sworn to and subscribed before me this day
82 of, 19.... and I hereby certify
83 that the affiant exhibited the enclosed ballot to me unmarked, and
84 that he then in my presence and in the presence of no other person
85 and in such manner that I could not see his vote, marked such
86 ballot and enclosed and sealed the same in this envelope without
87 my seeing or knowing his vote, and that the affiant was not solicited
88 or advised by me to vote for or against any candidate or
89 proposition.

90
(signature of officer authorized by law, of
the place where the oath is administered,
to administer oaths)

91]
(title of officer)

PENALTY FOR FRAUDULENT VOTING

92 *Any person who, knowingly, violates any of the provisions of*
93 *this act,* or who, not being entitled to vote thereunder, fraudulently*
94 *votes or attempts to vote thereunder or enables or attempts to*
95 *enable another person, not entitled to vote thereunder, to vote*
96 *fraudulently thereunder or who prevents or attempts to prevent*
97 *by fraud the voting of any person legally entitled to vote under*
98 *this act, shall be guilty of a misdemeanor, and upon conviction*
99 *thereof shall be subject, in addition to such other penalties as are*
100 *authorized by law, to disenfranchisement unless and until pardoned*
101 *or restored by law to the right of suffrage.*

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

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

1 2. Section 18 of P. L. 1953, chapter 211 (C. 19:57-18) is repealed.

1 3. Section 19 of P. L. 1953, chapter 211 (C. 19:57-19) is amended
2 to read as follows:

3 19. In addition to the foregoing, the certificate to be used on the
4 margin of the flap of the inner envelope forwarded with any
5 absentee ballot intended to be voted in any primary election for the
6 general election shall contain the following statement similarly
7 signed and sworn to:

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

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

17A
(signature of absentee voter)

18 [Sworn and subscribed to before me this
19 day of A. D. at
20 in the State or Country of

20A
(signature and rank of commanding
officer) or

20B
(signature of officer authorized by
law, of the place where the oath is
administered, to administer oaths)

20c]
(title of officer)

PENALTY FOR FRAUDULENT VOTING

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

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

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

1 4. Section 23 of P. L. 1953, chapter 211 (C. 19:57-23) is amended
2 to read as follows:

3 23. Any absentee voter shall be entitled to mark any absentee
4 ballot, so forwarded to him, for voting at any election by indicating
5 his choice of candidates for the offices named, and as to public
6 questions, if any, stated, thereon in accordance with election laws of
7 this State, except that in such ballots to be voted in any primary
8 election for the general election his choice shall be limited to the
9 candidates of his political party or to any person or persons whose
10 names are written thereon by him. When so marked, such ballot
11 shall be placed in said inner envelope, which shall then be sealed,
12 and the voter shall then fill in the form of certificate attached to said

13 inner envelope, at the end of which he shall sign and print his name
 14 in his own handwriting], and the certificate shall be sworn to in the
 15 case of a military service voter before a commissioned officer, non-
 16 commissioned officer, or petty officer in the Armed Forces of the
 17 United States or the superintendent of the veterans' hospital in
 18 which the military service voter is a patient or some person author-
 19 ized to take an oath; and in the case of a civilian absentee voter
 20 before an official authorized by law to administer oaths in the place
 21 where the oath is administered]. The inner envelope with the
 22 certificate shall then be placed in said outer envelope, which shall
 23 then be sealed.

24 A blind absentee voter shall be entitled to assistance in the mark-
 25 ing of his ballot and in completing and signing of the certificate. In
 26 such case the person providing such assistance shall add on the face
 27 of the certificate "Voter Assisted by _____" signing
 28 his name thereto.

29 Said sealed outer envelope with the inner envelope and the ballot
 30 enclosed therein shall then be mailed with sufficient postage to the
 31 county board of elections to which it is addressed.

1 5. Section 25 of P. L. 1953, chapter 211 (C. 19:57-25) is amended
 2 to read as follows:

3 25. It shall not be necessary to qualify any military service voter
 4 to vote by a military service ballot in any county, that he shall be or
 5 shall have been registered to vote in any election district of this
 6 State at the time of any election or at any other time, if his name has
 7 been certified by the county clerk of the county to the commissioner
 8 of registration of the county as hereinbefore provided. Any
 9 military service ballot returned to any county board of elections in
 10 the envelopes required by this act shall be counted in determining
 11 the result of any election in which it is to be voted in the election
 12 district indicated by the military service voter's home address
 13 appearing on the certificate or certificates attached to or accom-
 14 panying the inner envelope, containing such military service ballot,
 15 if such certificate or certificates contain information which would
 16 qualify the military service voter to vote in said election district
 17 if he were registered to vote therein, and if said certificate or cer-
 18 tificates have been filled in and [purport to have been executed and
 19 sworn to in the manner required by this act and] if such military
 20 service ballot has been so marked as to comply with the require-
 21 ments of the election laws of this State and in computing the length
 22 of residence, in the county and State, of any military service voter
 23 the time which shall have elapsed during his military service or
 24 while a patient in any such veterans' hospital shall be counted.

20 at any place other than my present place of residence but I am
21 eligible to vote for electors for President and Vice-President of the
22 United States in said election at my present place of residence by
23 a “ Presidential Ballot.”

24 Applicant
(signature)

25 Applicant
(print name here)

26 [Sworn and subscribed to before
27 me this day
28 of A. D.

29
(signature of officer taking oath)

30
(title of officer taking oath)

31 Said certificate shall be sworn to before any officer authorized to
32 take an oath in the State of New Jersey.]

PENALTY FOR FRAUDULENT VOTING

33 *Any person who, knowingly, violates any of the provisions of this*
34 *act,* or who, not being entitled to vote thereunder, fraudulently*
35 *votes or attempts to vote thereunder or enables or attempts to*
36 *enable another person, not entitled to vote thereunder, to vote*
37 *fraudulently thereunder or who prevents or attempts to prevent by*
38 *fraud the voting of any person legally entitled to vote under this act,*
39 *shall be guilty of a misdemeanor, and upon conviction thereof shall*
40 *be subject, in addition to such other penalties as are authorized by*
41 *law, to disenfranchisement unless and until pardoned or restored*
42 *by law to the right of suffrage.*

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

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

1 8. Section 19 of P. L. 1964, chapter 134 (C. 19:58-19) is amended
2 to read as follows:

3 19. Upon the said margin of said flap on the inner envelope to be
4 sent to a removed resident there shall be printed a certificate in
5 affidavit form substantially as follows:

6 State of

7 County of

8 I, the undersigned, do hereby certify that:

9 1. I am a citizen of the United States;

10 2. I was born on ;
(date of birth)

11 3. I reside at in
(street and number or R. D. route)

12 in
(name of city or municipality) (name of county)

13 county in the State of and I have
(name of State)

14 resided at this address since my removal from my former address in
15 New Jersey and expect to continue to reside there until and on the
16 date of said election;

17-23 4. I formerly resided at in
(street and number or R. D. route)

24 in
(name of city or municipality) (name of county)

25 county in New Jersey and I was registered as a voter, and continued
26 to reside; at said address until my removal to my present address;

27 5. Because of the insufficient period of my residence at my present
28 address I am unable to vote there at the election to be held on
29 but I believe that I am eligible to vote at my
(date of election)

30 former residence in the State of New Jersey for electors for Presi-
31 dent and Vice-President of the United States at such election.

32 Applicant
(signature)

33 Applicant
(print name here)

34 [Sworn and subscribed to before
35 me this day
36 of A. D.

37
(signature of officer taking oath)

38
(title of officer taking oath)

39 Said certificate shall be sworn to before any officer authorized to
40 take an oath in the State in which it is executed.]

PENALTY FOR FRAUDULENT VOTING

41 *Any person who, knowingly, violates any of the provisions of this*
42 *act,* or who, not being entitled to vote thereunder, fraudulently*
43 *votes or attempts to vote thereunder or enables or attempts to*
44 *enable another person, not entitled to vote thereunder, to vote*
45 *fraudulently thereunder or who prevents or attempts to prevent by*
46 *fraud the voting of any person legally entitled to vote under this*
47 *act, shall be guilty of a misdemeanor, and upon conviction thereof*
48 *shall be subject, in addition to such other penalties as are author-*
49 *ized by law, to disenfranchisement unless and until pardoned or*
50 *restored by law to the right of suffrage.*

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

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

1 9. Section 21 of P. L. 1964, c. 134 (C. 19:58-21) is amended to read
2 as follows:

3 21. Any voter shall be entitled to mark any Presidential ballot, so
4 forwarded to him, for voting at any election by indicating his choice
5 of candidates for the offices named. When so marked, such ballot
6 shall be placed in said inner envelope, which shall then be sealed,
7 and the voter shall then fill in the form of certificate attached to said
8 inner envelope, at the end of which he shall sign and print his name
9 in his own handwriting¹, and the certificate shall be sworn to before
10 an official authorized by law to administer oaths in the place where
11 the oath is administered². The inner envelope with the certificate
12 shall then be placed in said outer envelope, which shall then be
13 sealed.

1 10. Section 24 of P. L. 1964, chapter 134 (C. 19:58-24) is amended
2 to read as follows:

3 24. It shall not be necessary to qualify any new resident to vote by
4 a Presidential ballot in any county that he shall be or shall have been
5 registered to vote in any election district of this State or elsewhere
6 at any time. Any Presidential ballot, returned to any county board
7 of elections by a new resident in the envelopes required by this act,
8 shall be counted in determining the result of any election in which
9 it is to be voted in the election district indicated by the voter's
10 present or former address in this State appearing on the certificate
11 attached to the inner envelope, containing such ballot, if such
12 certificate contains information which would qualify the voter to
13 vote in said election district, pursuant to the provisions of this act,
14 and if said certificate has been filled in and ³purports to have been
15 executed and sworn to in the manner required by this act and⁴ if
16 such ballot has been so marked as to comply with the requirements
17 of this act.

1 11. This act shall take effect July 1, 1968.