

19:59-1 to 13

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:59-1 to 19:59-13 ("Overseas Residents Federal Election
Absentee Voting Law")

Laws of 1976 Chapter 23

Bill No. A1757 (Companion bill - A1758- NJSA 19:58-2 et al.)

Sponsor(s) Mc Manimon

Date Introduced March 8, 1976

Committee: Assembly State Gov't., Federal & Interstate Relations

Senate State Gov't., Federal & Interstate Relations

Amended during passage Yes No

Date of passage: Assembly April 1

Senate April 26

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Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

No recommendations in:

974.90 N.J. Election Law Revision Commission.
E38 The New Jersey Election Law Revision. Proposed Title
1975b 19A.

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CHAPTER 23 LAWS OF N. J. 1976
APPROVED 5-7-76

ASSEMBLY, No. 1757

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1976

By Assemblyman McMANIMON

Referred to Committee on State Government, Federal and
Interstate Relations

AN ACT concerning elections, providing for voting by absentee
ballot by citizens residing abroad formerly domiciled in New
Jersey for candidates for Federal office, and supplementing the
"Absentee Voting Law (1953)."

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

1 1. This act shall be known and may be cited as the "Overseas
2 Residents Federal Election Absentee Voting Law."

1 2. As used in this act:

2 a. "United States" means each of the several states, the Dis-
3 trict of Columbia, Commonwealth of Puerto Rico, Guam and the
4 Virgin Islands; the term does not mean or include American Samoa,
5 the Canal Zone or any other territory or possession of the United
6 States.

7 b. "Residing abroad" means residing outside the United States.

8 c. "Federal election" means any general, special or primary
9 held for the purpose of nominating or electing any candidate for
10 the office of President or Vice President of the United States,
11 Presidential elector, United States Senator or member of the
12 United States House of Representatives.

13 d. "Overseas Federal election voter" means any citizen of the
14 United States residing abroad who (1) immediately prior to his
15 departure from the United States was domiciled in New Jersey
16 and had all the qualifications to register and vote in New Jersey
17 other than having attained 18 years of age if he has since attained
18 that age, (2) does not maintain a residence and is not registered
19 or qualified to vote in New Jersey or elsewhere in the United States,
20 and (3) holds a valid passport or card of identity and registration
21 issued under authority of the Secretary of State of the United
22 States.

1 3. Upon compliance with the provisions of this act any person
2 meeting the qualifications of an "Overseas Federal election voter"
3 may apply for and vote by absentee ballot in any Federal election
4 held in the election district of this State in which he was formerly
5 domiciled.

1 4. Requests for an application to vote in a Federal election as
2 an overseas Federal election voter may be made by or on behalf
3 of an applicant to the county clerk of the county in which the ap-
4 plicant was formerly domiciled or to the Secretary of State of
5 New Jersey if the applicant does not know the county of his former
6 domicile. To qualify an applicant to be sent a ballot and to vote
7 in an election his completed application shall be received by the
8 appropriate county clerk on or before the thirtieth day preceding
9 the election.

1 5. a. An application for an overseas Federal election voter
2 ballot shall be in substantially the following form:

APPLICATION FOR AN OVERSEAS FEDERAL ELECTION VOTER BALLOT

3 I, the undersigned, certify the following as a basis for an appli-
4 cation as citizen of the United States residing outside the United
5 States to receive a Federal election ballot to be voted at the elec-
6 tion to be held on that is to say:
(date of election)

7 1. I am a citizen of the United States;
8 2. I presently reside at
9 (if mail should be addressed other than to my
10 residence, also provide address for mail)

11 3. I was born on (month, day, year)

12 4. a. I hold a valid U.S. Passport #, dated
13, or

14 b. I hold a United States Citizens Identity and Registration
15 Card (Form FS 225) dated issued by
16 (name and location of U.S. Embassy
17 or Consulate).

18 5. Immediately prior to taking up residence abroad I was domi-
19 ciled in New Jersey and resided at,
(street address)
20,
(municipality) (county)

21 (If formerly registered to vote from that address check here []).

22 6. I do not maintain a domicile in the United States and am not
23 registered, entitled or applying to vote in any state other than
24 New Jersey.

25 7. I understand that any false statement knowingly made in this
26 application subjects me to the penalties provided by law for fraudu-
27 lent voting.

28 Applicant
(Signature)

29 Dated: Applicant
(Print or type name)

30 b. There shall also be sent to the applicant such instructions and
31 portions of the law or regulations as the Secretary of State shall
32 direct.

1 6. Each county clerk, upon receipt of an application for an over-
2 seas Federal election voter ballot shall determine whether or not
3 the applicant is qualified to vote such a ballot, make a list of those
4 applications approved and disapproved which list shall be open
5 to inspection by election officials and the public and shall forward
6 an overseas Federal election voter ballot to each person whose
7 application is approved. As to each voter whose application is
8 approved the county clerk shall deliver to the county board of
9 elections the completed application form for retention by the board
10 for signature comparison with that on the certificate on the inner
11 envelope containing the ballot upon its receipt.

1 7. The county clerk shall prescribe the form of oversease Fed-
2 eral election voter ballot which shall be of such a character that it
3 can be voted only for nominating or electing candidates for the
4 office of President or Vice President of the United States, Presi-
5 dential elector, United States Senator and member of the United
6 States House of Representatives, or such thereof as are to be
7 nominated or elected at the election.

1 8. Each county clerk shall send, with each overseas Federal
2 election voter ballot, appropriate printed instructions for its com-
3 pletion and return, together with an inner and outer envelope
4 similar to that required as to civilian absentee ballots with a legend
5 on the inner envelope stating "Overseas Federal Election Ballot."
6 The printed instructions shall include a copy of the following
7 notice:

PENALTY FOR FRAUDULENT VOTING.

8 Any person who, knowingly violates any of the provisions of the
9 Overseas Residents Federal Election Absentee Voting Law, or who,
10 not being entitled to vote thereunder, fraudulently votes or at-
11 tempts to vote thereunder or enables or attempts to enable another
12 person, not entitled to vote thereunder, to vote fraudulently there-
13 under or who prevents or attempts to prevent by fraud the voting
14 of any person legally entitled to vote under this act, shall be guilty

15 of an indictable offense, and upon conviction thereof shall be sub-
16 ject, in addition to such other penalties as are authorized by law,
17 to disenfranchisement unless and until pardoned or restored by
18 law to the right of suffrage.

1 9. Upon the margin of the flap of the inner envelope to be sent
2 to an overseas Federal election voter shall be printed a certificate
3 substantially as follows:

4 I, the undersigned, residing at
5 am the person who applied for, received and
6 voted the enclosed Overseas Federal Election Ballot.

7 Dated: Voter
(Signature)

8 Voter
(Print or type name)

1 10. Upon completion of the ballot by indicating his choice of
2 candidates for the offices named, the ballot shall be placed in the
3 inner envelope and sealed. Upon completion and signing in his
4 handwriting the certificate attached to the inner envelope, the
5 inner envelope shall be place in the outer envelope which when
6 sealed shall be mailed postage prepaid to the county board of
7 elections whose address is printed thereon.

1 11. On receipt of each overseas Federal election ballot the sig-
2 nature on the certificate on the inner envelope shall be compared
3 to that on the person's application. Ballots shall be approved, dis-
4 approved, processed, counted and disputes in connection therewith
5 shall be handled in the same manner as is applicable to other ab-
6 sentee ballots. No ballot received after the time designated for
7 the closing of the polls shall be counted.

1 12. A separate application shall be made for each Federal elec-
2 tion in which an overseas citizen desires to vote.

1 13. To effectuate the purposes of this act and its administration,
2 the Secretary of State is authorized to promulgate such rules and
3 regulations as he deems necessary and desirable.

1 14. This act shall take effect immediately.

STATEMENT

This bill authorized U.S. citizens formerly domiciled in New Jersey now residing in a foreign country to vote in New Jersey for candidates for Federal office by absentee ballot. This bill is mandated by the recently enacted "Overseas Citizens Voting Rights Act of 1975" enacted by the Congress in January.

A companion bill (Assembly No. 1758) makes appropriate amendments to the Presidential Ballot Law (1964).