

19:15-8

LEGISLATIVE HISTORY CHECKLIST
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(Elections--absentee ballots)

NJSA: 19:15-8 et al

LAWS OF: 1994 **CHAPTER:** 154

BILL NO: A311

SPONSOR(S): Bagger and Augustine

DATE INTRODUCED: Pre-filed

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

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** March 10, 1994
SENATE: October 27, 1994

DATE OF APPROVAL: December 9, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 311
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen BAGGER and AUGUSTINE

1 AN ACT concerning ¹[applications for absentee ballots]
2 elections¹ and amending ¹R.S.19:15-8, R.S.19:52-3, and¹
3 P.L.1953, c.211.
4

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

7 ¹1. R.S.19:15-8 is amended to read as follows:
8 19:15-8. No person shall be allowed or permitted to be present
9 in the polling place or polling room during the progress of the
10 election except the officers connected with the election, the
11 several candidates, the duly authorized challengers, such voters
12 as are present for the purpose of voting and their dependent
13 children, and such officers as may be duly detailed to be present,
14 pursuant to this title, for preserving the peace or enforcing the
15 provisions hereof.¹

16 (cf: R.S.19:15-8)

17 ¹2. R.S.19:52-3 is amended to read as follows:

18 19:52-3. Where a voter presents himself for the purpose of
19 voting, the election officer shall follow the procedure as now
20 required by this title regarding the eligibility of a person to vote.
21 If such eligibility is established, one of the district election
22 officers shall announce the name of the voter and permit him to
23 pass to the booth of the voting machine for the purpose of casting
24 his vote. No voter shall remain in the voting machine booth
25 longer than two minutes, and having cast his vote the voter shall
26 at once emerge therefrom and leave the polling room; if he shall
27 refuse to leave after the lapse of two minutes he shall be
28 removed by the district election officers. Such election officers
29 shall ascertain the name and address of each voter in the manner
30 now provided by law before he enters the voting machine booth
31 for the purpose of voting. No voter after having entered and
32 emerged from the the voting machine booth shall be permitted to
33 reenter the same on any pretext whatever. Only one voter at a
34 time shall be permitted in the voting machine booth to vote.
35 However, a voter shall be permitted to be accompanied into the
36 voting machine booth by a dependent child.¹

37 (cf: R.S.19:52-3)

38 ¹[1.] 3.¹ Section 10 of P.L.1953, c.211 (C.19:57-10) is amended
39 to read as follows:

40 10. Upon receipt of any request for a civilian absentee ballot
41 or any application for a military absentee ballot from a military
42 service voter who is required under section 3 of this act to be

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.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly ASG committee amendments adopted February 10, 1994.

1 registered in the municipality where he intends to cast such
2 military absentee ballot, the county clerk shall, with the
3 cooperation of the Commissioner of Registration, cause the
4 signature of the applicant on the request to be compared with the
5 signature of said person appearing on the permanent registration
6 form, or the digitalized image of the voter's signature stored in
7 the data processing equipment of the ¹[county Board of Elections]
8 Commissioner of Registration or office of the county clerk¹ and
9 accessed by the clerk, in order to determine from such
10 examination and any other available information if the applicant
11 is a voter qualified to cast a ballot in the election in which he
12 desires to vote, and determine in case of a primary election in
13 which political party primary the voter is entitled to vote. The
14 Commissioner of Registration or the superintendent of elections
15 in counties having a superintendent of elections may investigate
16 any application or request for an absentee ballot.

17 If after such examination, the county clerk is satisfied that the
18 applicant is entitled to a ballot, he shall mark on the application
19 "Approved." If after such examination the county clerk
20 determines that the applicant is not entitled to a ballot, he shall
21 mark on the application "Disapproved" and shall so notify the
22 applicant, stating the reason therefor.

23 (cf: P.L.1977, c.47, s.7)

24 ^{14.} Section 22 of P.L.1953, c.211 (C.19:57-22) is amended to
25 read as follows:

26 22. The commissioner of registration upon receipt of such
27 information from the county clerk [shall, in the case of a military
28 service voter, remove the permanent registration form of each
29 such voter from the permanent registration binders, if it appears
30 therein, and file such forms in a special file designated "Military
31 File" and in the case of civilian absentee voters] shall mark the
32 applicant's duplicate voting record appearing on the signature
33 copy registers as follows:

34 In the proper column provided for the recording of the number
35 of the voter's ballot at the election in which the applicant wishes
36 to vote, the commissioner of registration shall record therein in
37 red ink, in the case of a civilian absentee voter, the initial "A,"
38 which shall mean that a civilian absentee ballot was delivered or
39 mailed to the applicant by the county clerk, and in the case of a
40 military absentee voter, the initial "M," which shall mean that a
41 military service ballot was delivered or mailed to the applicant
42 by the county clerk.

43 Whenever the commissioner of registration receives from the
44 county clerk notice that [a civilian] an absentee ballot has been
45 forwarded to a voter, during the time when the signature copy
46 registers are in the custody of other election officials pursuant to
47 this Title, or are in transit to or from such officials, the said
48 commissioner shall, prior to the opening of the polls on election
49 day, forward to each district board of elections a list of all
50 [civilian] absentee voters to whom ballots have been sent but
51 whose duplicate voting record has not been marked in the manner
52 herein prescribed. Such lists may be prepared in the same
53 manner as a challenge sheet and may be included therein together
54 with other causes for challenge. No district board of elections

1 shall permit any person to vote whose registration record shall be
2 marked with the initial A or M in red ink or whose name shall
3 appear on any list or notice furnished by the commissioner of
4 registration to the effect that such voter has received an
5 absentee ballot.

6 Whenever a civilian absentee ballot has been delivered to a
7 voter less than 7 days prior to an election and up to 3 p.m. of the
8 day before the election, and the signature copy registers are in
9 the custody of other election officials, or in transit to or from
10 such officials, the county clerk shall prepare a master list of all
11 such ballots, which list shall be transmitted to the commissioner
12 of registration in sufficient time to permit such commissioner to
13 notify the appropriate municipal clerk. The municipal clerk shall
14 notify the judge of the district election board to mark the voter's
15 record accordingly.¹

16 (cf: P.L.1972, c. 31, s.3)

17 ¹5. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to
18 read as follows:

19 32. As soon as practicable after such election, the
20 commissioner of registration shall cause to be marked all
21 duplicate voting records which have not been marked with a red
22 "A or M" in accordance with this act, to show that [a civilian]
23 an absentee ballot was delivered or forwarded to the respective
24 registered voters. For each civilian absentee ballot, and for each
25 military absentee ballot cast by a military service voter who is
26 required under section 3 of this act to be registered in the
27 municipality where he intends to cast such absentee ballot, that
28 has been voted, received and counted, the commissioner of
29 registration shall also, by reference to the certificates removed
30 from the inner envelopes of such ballots, cause to be written or
31 stamped the word "Voted" in the space provided in the duplicate
32 voting record for recording the ballot number of the voter's
33 ballot in such election, and in the case of a primary election for
34 the general election he shall also cause to be written or stamped
35 in the proper space of the record of voting form the first three
36 letters of the name of the political party primary in which such
37 ballot was voted. The record of voting forms in the original
38 permanent registration binders shall be conformed to the
39 foregoing entries in the duplicate forms.¹

40 (cf: P.L.1977, c. 47, s.16)

41 ¹[2.] 6.¹ This act shall take effect immediately.

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46 Allows dependent child to accompany voter at polls; permits
47 comparison of voter's signature on absentee ballot application
48 with digitalized image thereof on registration forms; eliminates
49 separate filing of military absentee voters' registration form.

ASSEMBLY, No. 311
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen BAGGER and AUGUSTINE

1 AN ACT concerning applications for absentee ballots and
2 amending P.L.1953, c.211.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 10 of P.L.1953, c.211 (C.19:57-10) is amended to
7 read as follows:

8 10. Upon receipt of any request for a civilian absentee ballot
9 or any application for a military absentee ballot from a military
10 service voter who is required under section 3 of this act to be
11 registered in the municipality where he intends to cast such
12 military absentee ballot, the county clerk shall, with the
13 cooperation of the Commissioner of Registration, cause the
14 signature of the applicant on the request to be compared with the
15 signature of said person appearing on the permanent registration
16 form, or the digitalized image of the voter's signature stored
17 in the data processing equipment of the county Board of Elections
18 and accessed by the clerk, in order to determine from such
19 examination and any other available information if the applicant
20 is a voter qualified to cast a ballot in the election in which he
21 desires to vote, and determine in case of a primary election in
22 which political party primary the voter is entitled to vote. The
23 Commissioner of Registration or the superintendent of elections
24 in counties having a superintendent of elections may investigate
25 any application or request for an absentee ballot.

26 If after such examination, the county clerk is satisfied that the
27 applicant is entitled to a ballot, he shall mark on the application
28 "Approved." If after such examination the county clerk
29 determines that the applicant is not entitled to a ballot, he shall
30 mark on the application "Disapproved" and shall so notify the
31 applicant, stating the reason therefor.

32 (cf: P.L.1977, c.47, s.7)

33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill permits county clerks to use the digitalized image of
39 the voter's signature stored in the data processing equipment of
40 a county Board of Elections and accessed by the clerk to
41 determine the validity of the signature of any person applying for
42 a military or civilian absentee ballot.

43 Under current law, the signatures on all applications for

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 absentee ballots must be checked manually for authenticity
2 against the voter's signature in the signature copy register books.

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7 _____
8 Permits use of digitalized image of voter's signature to
determine validity of absentee ballot application signature.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 311

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1994

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 311.

This bill revises the provisions of the election statute that govern (1) admittance of persons other than voters and election personnel into the polling booth, (2) the comparison of the signature of an absentee ballot applicant on the person's ballot request form with the signature of the person that is on permanent file with the commissioner of registration, and (3) the procedure used to record the distribution of absentee ballots to military service voters.

With respect to the admittance of persons other than voters into the polling booth: current law restricts entry to the polling place to election officers, candidates, authorized challengers, voters, and peace officers; entry to the voting machine booth itself is restricted to a single voter at a time. Under the bill, a dependent child would be permitted to accompany a voter into both areas.

With respect to the signature comparison: under current law, the signatures on all applications by qualified voters for civilian or military absentee ballots must be checked by the county clerk against the applicant's signature on his or her permanent registration form "in order to determine . . . if the applicant is a voter qualified to cast a ballot in the election in which he desires to vote, and determine in the case of a primary election in which political party primary the voter is entitled to vote." The bill permits county clerks to use the digitalized image of the applicant's signature, stored in the data processing equipment of the county commissioner of registration or the county clerk and accessed by the clerk, to determine the validity of the signature on the absentee ballot application.

With respect to the recording of military service ballot distribution: under current law, when military service voters vote by absentee ballot, the commissioner of registration is directed to remove the permanent registration forms of those voters from the permanent registration binders and file the forms in a special file designated "Military File". The bill provides that, instead of this procedure, the commissioner of registration is to record the distribution of military service ballots by marking the voter's duplicate voting record appearing in the signature copy register with the letter "M". This procedure is similar to that used to record the distribution of civilian absentee ballots, except that in the latter case, the duplicate voting record is marked with the letter "A".

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS

The committee adopted amendments to the legislation to incorporate (1) the provision permitting a dependent child to accompany a voter into the polling place and the voting machine booth, (2) the provision directing that the distribution of absentee ballots to military service voters shall be recorded by means of a mark entered on the voter's duplicate voting record, rather than by filing the voter's permanent registration form in a "Military File" and (3) the correction of a reference.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 311

STATE OF NEW JERSEY

DATED: JUNE 6, 1994

The Senate State Government Committee reports favorably Assembly, No. 311(1R).

This bill revises the provisions of the election statute that govern: 1) admittance of persons other than voters and election personnel into the polling booth; 2) the comparison of the signature of an absentee ballot applicant on the person's ballot request form with the signature of the person that is on permanent file with the commissioner of registration; and 3) the procedure used to record the distribution of absentee ballots to military service voters.

With respect to the admittance of persons other than voters into the polling booth: current law restricts entry to the polling place to election officers, candidates, authorized challengers, voters, and peace officers; entry to the voting machine booth itself is restricted to a single voter at a time. Under the bill, a dependent child would be permitted to accompany a voter into both areas.

With respect to the signature comparison: under current law, the signatures on all applications by qualified voters for civilian or military absentee ballots must be checked by the county clerk against the applicant's signature on his or her permanent registration form "in order to determine . . . if the applicant is a voter qualified to cast a ballot in the election in which he desires to vote, and determine in the case of a primary election in which political party primary the voter is entitled to vote." The bill permits county clerks to use the digitalized image of the applicant's signature, stored in the data processing equipment of the county commissioner of registration or the county clerk and accessed by the clerk, to determine the validity of the signature on the absentee ballot application.

With respect to the recording of military service ballot distribution: under current law, when military service voters vote by absentee ballot, the commissioner of registration is directed to remove the permanent registration forms of those voters from the permanent registration binders and file the forms in a special file designated "Military File". The bill provides that, instead of this procedure, the commissioner of registration is to record the distribution of military service ballots by marking the voter's duplicate voting record appearing in the signature copy register with the letter "M". This procedure is similar to that used to record the distribution of civilian absentee ballots, except that in the latter case, the duplicate voting record is marked with the letter "A".