

19:15-18

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 19:15-18 et al

(Voter challenges-
-elimination)

LAWS OF: 1991

CHAPTER: 249

Bill No: A2079

Sponsor(s): Charles

Date Introduced: Pre-filed

Committee: Assembly: State Government

Senate: State Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: March 1, 1990

Senate: June 20, 1991

Date of Approval: August 8, 1991

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/SLJ

[FIRST REPRINT]
ASSEMBLY, No. 2079

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman CHARLES

1 AN ACT concerning voter challenges, amending R.S.19:15-18,
2 R.S.19:15-21, R.S.19:15-24 and R.S.19:32-10 and
3 supplementing chapters 12, 15 and 32 of Title 19 of the Revised
4 Statutes.

5

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

8 1. R.S.19:15-18 is amended to read as follows:

9 19:15-18. The members of the district boards and any duly
10 authorized challenger, respectively, shall at any election
11 challenge every person who shall claim to have a right to vote
12 therein whom they or he shall know, suspect or believe not to be
13 qualified or entitled to so vote, and said members of the district
14 board or challenger shall have the power and right to ask all
15 [necessary] questions which are suitable and necessary to
16 determine such person's right.

17 No member of the district board and no duly authorized
18 challenger shall, however, challenge, delay or prevent the right to
19 vote of any person because of that person's race, color, national
20 origin, expected manner of casting a vote or residence in a
21 particular ward, housing complex or section of a municipality or
22 county¹, provided that nothing herein shall be construed to
23 prohibit a challenge based upon the failure of the challenged
24 voter to meet the applicable statutory residency qualification for
25 voting in the particular election district¹. Any member of the
26 district board or duly authorized challenger who violates this
27 section is guilty of a¹[crime of the fourth degree] disorderly
28 persons offense¹.

29 (cf: R.S.19:15-18)

30 2. (New section) a. Any voter whose name does not appear on
31 a challenge list prepared by the superintendent of elections of the
32 county but who is challenged as not qualified or entitled to vote
33 by a duly authorized challenger or by a member of a district
34 board of elections shall be permitted to establish his right to vote
35 by:

36 (1) signing an affidavit which states the voter's qualifications
37 to vote on forms to be supplied by the superintendent of elections
38 in those counties having a superintendent of elections or by the

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 8, 1990.

- 1 commissioner of registration in all other counties, and;
- 2 (2) presenting for inspection a suitable identifying document,
3 which may be, but is not limited to, the following:
- 4 (a) a valid New Jersey driver's license;
- 5 (b) a sample ballot which lists the voter's name and address;
- 6 (c) an official federal, State, county or municipal document
7 which lists the voter's name and address;
- 8 (d) a utility or telephone bill or tax or rent receipt dated; or
- 9 (e) a piece of mail postmarked, on or after the 60th day before
10 the day of the election at which the voter is challenged.
- 11 b. A copy of the affidavit signed by the challenged voter shall
12 be given to that person.
- 13 c. The affidavit, or a form attached to it, shall state:
- 14 (1) the means by which a person whose name does not appear
15 on a challenge list prepared by the superintendent of elections of
16 the county but who is challenged by a duly authorized challenger
17 or by a member of the district board of elections may seek to
18 establish the person's right to vote, as provided in subsection a.
19 of this section;
- 20 (2) that a challenger who succeeds in denying a voter the right
21 to vote must sign an affidavit stating the reason why the voter is
22 not entitled to vote and must furnish a copy of the affidavit to
23 the challenged voter, as provided in section 3 of P.L. , c.
24 (C.) (now pending before the Legislature as this bill);
- 25 (3) the legal remedy which a person whose name does not
26 appear on a challenge list prepared by the superintendent of
27 elections of the county but who is challenged by a duly authorized
28 challenger or by a member of the district board of elections and
29 denied the right to vote may use to seek permission to vote, as
30 provided in section 6 of P.L. , c. (C.), (now pending
31 before the Legislature as this bill).
- 32 d. In counties in which the primary language of 10% or more of
33 the registered voters is Spanish, the affidavit and instructions for
34 its completion and the information required by subsection c. of
35 this section shall appear in both English and Spanish.
- 36 3. (New section) If a person whose name does not appear on a
37 challenge list prepared by the superintendent of elections of the
38 county is challenged as not qualified or entitled to vote by a duly
39 authorized challenger or by a member of the district board of
40 elections and if this challenge is sustained by the district board of
41 elections, the person making the challenge shall specify the
42 grounds for the challenge in a signed affidavit on forms to be
43 supplied by the superintendent of elections in those counties
44 having a superintendent of elections or by the county clerk in all
45 other counties. This document also shall state that the
46 challenged voter has sought to establish his right to vote by
47 signing an affidavit which states the challenged voter's
48 qualifications to vote and by presenting a suitable identifying

1 document, the identity of which shall be specified by the
2 challenger. A copy of the challenger's affidavit shall be given to
3 the challenged voter.

4 4. R.S.19:15-21 is amended to read as follows:

5 19:15-21. If a person shall be challenged as not qualified or
6 entitled to vote, the judge may forthwith tender to him an oath
7 or affirmation, in the following form:

8 "You do swear (or affirm, as the case may be), that you are a
9 citizen of the United States; that you have resided in [the] this
10 State [6 months,] and in this county for [40] 30 days next before
11 this election, and not elsewhere; that you are now a resident of
12 this election district; that, as far as you know and verily believe,
13 you are [21] 18 years of age, and in all respects qualified to vote
14 in this election, in this election district, and that you have not
15 voted elsewhere in this election," and if the person so challenged
16 shall refuse to take the oath or affirmation so tendered to him,
17 he shall be deemed not to be qualified or entitled to vote.

18 (cf: P.L.1964, c.7, s.2)

19 5. R.S.19:15-24 is amended to read as follows:

20 19:15-24. The district boards shall not give a ballot to any
21 person unless they shall be satisfied that such person is in all
22 respects qualified and entitled to vote; and for the purpose of
23 satisfying themselves as to the right of any person who shall
24 claim a right to vote they shall have power to examine such
25 person, and any other person or persons, under oath or
26 affirmation, touching such right, except as hereinbefore
27 restricted. The board shall determine the right of the voter to
28 vote, after making use of, and giving due weight to, the evidence
29 afforded by his signature, if any, [and] such answers, and [if] an
30 affidavit which states the challenged voter's qualifications to
31 vote and a suitable identifying document, as provided under
32 section 2 of P.L. , c. (C.) (now pending before the
33 Legislature as this bill). If any member of the board shall give or
34 assent to give a ballot to any person challenged, without requiring
35 him to take the oath or affirmation hereinbefore prescribed to be
36 made upon such challenge, and the person shall not be qualified
37 and entitled to vote, the member so giving or assenting to give a
38 ballot, shall be deemed to have given to such person a ballot,
39 knowing it to be illegal. The question as to the giving of the
40 ballot to the person shall be put in the following form: "Shall a
41 ballot be given to this person by this board?"

42 If a majority of the board shall decide to give a ballot to such
43 voter or in case of a tie vote, the voter shall be given a ballot and
44 allowed to vote. If a majority of the board shall decide against
45 giving a ballot to the voter no ballot shall be given. The board
46 upon demand of a member of the board or any other citizen shall
47 forthwith issue a warrant for the arrest of such person and
48 deliver the same to a peace officer, who shall forthwith arrest

1 him, and the right to challenge voters shall exist until the ballot
2 shall have been deposited in the ballot box.

3 Every such challenge and the determination of the board shall
4 in every instance be recorded in the signature comparison record,
5 in the column "Sig. Comp. by," used at the election at which the
6 challenge has been made.

7 Any member of a district board who refuses or neglects to
8 comply with the provisions of this section may be summarily
9 removed from office by the county board, or any judge of the
10 Superior Court assigned to the county [or a judge of the County
11 Court of the county].

12 (cf: P.L.1953, c.19, s.16)

13 6. (New section) Any person whose name does not appear on a
14 challenge list prepared by the superintendent of elections of the
15 county but who is challenged and denied the right to vote on the
16 day of a municipal, primary, general, or special election by a duly
17 authorized challenger or by a member of a district board of
18 elections, may apply to a Superior Court judge sitting at the
19 county seat for permission to vote. No papers need be filed; the
20 court shall entertain oral applications. The challenged voter may
21 appear pro se or with counsel. The challenger or the member of
22 the district board, as the case may be, may appear or be
23 represented by counsel. The challenged voter shall be permitted
24 to state by oath or affirmation the facts which the voter believes
25 establish eligibility to vote, shall furnish a copy of the affidavit
26 the voter signed when challenged, a copy of the affidavit signed
27 by the challenger and the identifying document found invalid by
28 the challenger and the district board. The rules of evidence shall
29 not apply to those proceedings. The judge shall grant the
30 application and provide the challenged voter with written
31 authorization to vote on that day if the judge finds the following
32 facts to be established by the testimony of the applicant or, in
33 the case of a dispute of facts or some questions as to the
34 challenged voter's credibility, by a preponderance of the
35 following evidence:

36 a. The challenged voter is at least 18 years old and a citizen of
37 the United States and of this State, has resided in the county at
38 least 30 days prior to the date of the election, and has not been
39 convicted of a crime which would disenfranchise a person under
40 the laws of this State, and either:

41 b. The challenged voter is properly registered at his location;
42 or

43 c. The challenged voter was properly registered at his location
44 as of the last election at which the challenged voter voted but
45 has moved to another location within the county since then and in
46 good faith attempted to register at the new address within the
47 time prescribed by law.

48 For the purposes of this section, a good faith attempt to

1 register shall include: completing the prescribed registration
2 form no later than 29 days before the election in the presence of
3 a person who appears to be over 18 years old and says that he or
4 she can and will witness the form and mail it to the register for
5 the applicant; completing a form received in the mail from the
6 commissioner of registration, superintendent of elections or the
7 county board which states that information has been received
8 that the applicant has moved and placing the completed form in a
9 proper mailbox with proper postage, if necessary, no later than 29
10 days before the election; completing a registration form in any
11 government office; and reasonably relying upon the oral
12 statements of an official at a polling place that they will insure
13 proper reregistration.

14 The judge of the Superior Court having the application shall
15 cause a full record of the proceeding to be taken
16 stenographically, transcribed and filed in the office of the county
17 clerk of the county, which record shall be open and public
18 record. All costs and expenses of such proceedings shall be paid
19 by the county.

20 7. R.S.19:32-10 is amended to read as follows:

21 19:32-10. In respect to each general, primary, municipal and
22 special election, the superintendent shall prepare for each
23 election district [in municipalities not having permanent
24 registration] in the county a challenge list containing the names,
25 alphabetically arranged, and the addresses of all persons who
26 have lost the right to register from the addresses within such
27 election district from which they registered at the last preceding
28 election. Such challenge list shall be delivered to the respective
29 district boards in such municipalities at least one-half hour before
30 the commencement of registration. The chairman of the
31 respective district boards shall challenge the registration of any
32 person applying to them for registration under any name on such
33 challenge list, unless it shall affirmatively appear after strict
34 examination of the voter, and, if necessary, of others, that such
35 voter is domiciled at a new address within the election district.
36 At the close of the last day of registration, the challenge list
37 with the remarks of the district board or of any member or
38 members thereof to be noted thereon shall be signed and certified
39 as true by each member of the respective district boards and
40 returned to the superintendent in a sealed envelope provided
41 therefor.

42 After the last day of registration and before each general,
43 primary, municipal and special election, the superintendent shall
44 also prepare for each election district a challenge list containing
45 the names, alphabetically arranged, and addresses of all persons
46 registered in the district whom he believes or has reason to
47 suspect are not entitled to vote at the election in the district.
48 Such challenge list shall be delivered to the respective district

1 boards at least one-half hour before the opening of the polls at
2 each election. The chairman of the respective district boards
3 shall challenge the vote of any person presenting himself to vote
4 under any name on the challenge list. The challenge list shall
5 contain a column headed "remarks", and the chairman of the
6 respective district boards shall enter therein opposite the names
7 on such list whether any person applying to vote under any name
8 thereon who was challenged was allowed to vote, and the reason
9 for allowing him to vote.

10 All persons whose names appear on any challenge list before
11 being allowed to vote shall subscribe to an affidavit on forms
12 supplied by the superintendent to the respective district boards
13 together with the challenge list. Any members of the district
14 boards are hereby empowered to take such affidavits. The
15 affidavit shall show that the affiant is eligible to vote in that
16 district and shall set forth the place of his residence, the fact
17 that he actually resides at that place, the length of time of such
18 residence, and also all the facts necessary to qualify him as a
19 voter under the constitution of this state. A copy of the affidavit
20 signed by the challenged voter shall be given to the affiant. At
21 the close of the polls the affidavits shall be returned to the
22 superintendent in an envelope provided therefor and they shall be
23 preserved in the office of the superintendent.

24 If a person applying to vote under any name on the challenge
25 list is challenged and does not vote, there shall be entered
26 opposite his name in such column the words "challenged, but did
27 not vote". If no person applies to vote under any name on such
28 challenge list, there shall be noted opposite each such name in
29 such column the words "no application". At the close of the polls
30 the challenge list shall be signed and certified as true by each
31 member of the respective district boards and returned to the
32 superintendent of the county in a sealed envelope provided
33 therefor.

34 If a person applying to vote is challenged and denied the right
35 to vote because that person's name appears on a challenge list
36 prepared by the superintendent of elections, that challenged
37 voter may apply to a Superior Court Judge sitting at the county
38 seat for permission to vote, as provided in R.S.19:32-18.

39 The superintendent, concurrently with delivering the challenge
40 lists, shall deliver to the commissioner a true copy, certified by
41 him as correct, of each challenge list delivered by him pursuant
42 to this section to each district board in municipalities having
43 permanent registration.

44 The superintendent shall prepare duplicates of all challenge
45 lists provided for in this section, and shall keep duplicate
46 challenge lists on file in his office from the time of their
47 preparation until the close of the third general election following
48 their preparation. The original challenge lists shall also be kept

1 on file for two years after the general election following their
2 preparation. All such challenge lists shall be open to inspection
3 by any citizen at any time the superintendent's office is open for
4 business.

5 (cf: R.S.19:32-10)

6 8. (New section) a. The county board in each county shall
7 cause to be published in a daily newspaper of general circulation
8 throughout the county, a notice containing the information
9 specified in subsection b. hereof. This notice shall be published
10 once on the seventh day preceding the day fixed for a municipal,
11 primary, general or special election and once on the day
12 preceding the day fixed for a primary, general or special election,

13 b. At the top of the notice the words "Public Notice to All
14 Registered Voters of [insert appropriate name] County" shall be
15 printed in at least 30-point bold-faced capital type. Next
16 underneath, the words "You are hereby advised of the following
17 procedure to be used for the [insert appropriate date and type of
18 election] election:" shall be printed in at least 12-point
19 bold-faced type.

20 The body of the notice shall be printed in at least 10-point
21 bold-faced type and shall set forth:

22 (1) that any person attempting to vote may be challenged by a
23 duly authorized challenger for a political party or a candidate or
24 on a public question, or by a member of the district board of
25 elections, because the voter's name appears on a challenge list
26 prepared by the superintendent of elections of the county or
27 because the challenger or board member has good cause to
28 believe that the voter is not entitled to vote;

29 (2) that members of the district board and all duly authorized
30 challengers are prohibited from challenging, delaying or
31 preventing the right to vote of any person because of that
32 person's race, color, national origin, expected manner of casting
33 a vote or residence in a particular ward, housing complex or
34 section of a municipality or county;

35 (3) the means by which any person who is challenged because
36 that person's name appears on a challenge list prepared by the
37 superintendent of elections of the county may seek to establish
38 the person's right to vote, as provided in R.S.19:32-18;

39 (4) the means by which any person whose name does not appear
40 on a challenge list prepared by the superintendent of elections of
41 the county but who is challenged by a duly authorized challenger
42 or by a member of the district board of elections may seek to
43 establish the person's right to vote, as provided in section 2 of
44 P.L. , c. (C.) (now pending before the Legislature as
45 this bill);

46 (5) that any challenger who succeeds in denying a voter the
47 right to vote must sign an affidavit stating the reason why the
48 voter is not entitled to vote and must furnish a copy of the

1 affidavit to the challenged voter, as provided in section 3 of
2 P.L. , c. (C.) (now pending before the Legislature as
3 this bill);

4 (6) the legal remedy which any person whose name does not
5 appear on a challenge list prepared by the superintendent but who
6 is challenged by a duly authorized challenger or by a member of
7 the district board of elections and denied the right to vote may
8 use to seek permission to vote, as provided in section 6 of
9 P.L. , c. (C.) (now pending before the Legislature as
10 this bill);

11 (7) that forms to register complaints about the conduct of an
12 election shall be available at each polling place in the county; and

13 (8) the names of the chairman, secretary, clerk and members
14 of the county board of elections and a telephone number at which
15 they may be reached for more information.

16 c. In counties in which the primary language of 10% or more of
17 the registered voters is Spanish, two notices containing the
18 information in subsection b. of this section shall appear
19 side-by-side, one in English and one in Spanish. The notices shall
20 be identical in size, content and type face.

21 d. The cost of publishing the notices required by this section
22 shall be paid by the respective counties.

23 9. (New section) On the day of every municipal, primary,
24 general, special or annual or special school election the
25 superintendent of elections in counties having a superintendent of
26 elections or the county board of elections in all other counties
27 shall provide to each polling place in the county sufficient
28 numbers of a form on which voters or persons attempting to vote
29 may register any complaint regarding the conduct of the election
30 at the polling place where they voted or attempted to vote. In
31 counties in which the primary language of 10% or more of the
32 registered voters is Spanish, the form for the complaint shall
33 appear in both English and Spanish. The form shall protect the
34 anonymity of the complainant, if that person so wishes, and shall
35 be accompanied by an envelope with the proper postage and the
36 name and address of the superintendent of elections of the county
37 or the chairman of the county board of elections, as the case may
38 be. A complaint may be used by the superintendent of elections
39 or any other municipal or State investigatory agency to conduct
40 an investigation into possible violation of the State election law.
41 Copies of the form containing the complaint shall be available
42 from the superintendent of elections or the county board of
43 elections, as the case may be. The original form of the
44 complaint, or a copy, shall be kept on file with the superintendent
45 of elections or the county board of elections, as the case may be,
46 for two years after the election for which it was filed.

47 10. This act shall take effect on the 90th day after the date of
48 enactment.

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ELECTIONS

Eliminates certain other challenges and provides a statutory
remedy for certain persons denied the right to vote.

1 of the county board of elections and a telephone number at which
2 they may be reached for more information.

3 c. In counties in which the primary language of 10% or more of
4 the registered voters is Spanish, two notices containing the
5 information in subsection b. of this section shall appear
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7 be identical in size, content and type face.

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11 general, special or annual or special school election the
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13 elections or the county board of elections in all other counties
14 shall provide to each polling place in the county sufficient
15 numbers of a form on which voters or persons attempting to vote
16 may register any complaint regarding the conduct of the election
17 at the polling place where they voted or attempted to vote. In
18 counties in which the primary language of 10% or more of the
19 registered voters is Spanish, the form for the complaint shall
20 appear in both English and Spanish. The form shall protect the
21 anonymity of the complainant, if that person so wishes, and shall
22 be accompanied by an envelope with the proper postage and the
23 name and address of the superintendent of elections, of the
24 county or the chairman of the county board of elections, as the
25 case may be. A complaint may be used by the superintendent of
26 elections or any other municipal or State investigatory agency to
27 conduct an investigation into possible violation of the State
28 election law. Copies of the form containing the complaint shall
29 be available from the superintendent of elections or the county
30 board of elections, as the case may be. The original form of the
31 complaint, or a copy, shall be kept on file with the superintendent
32 of elections or the county board of elections, as the case may be,
33 for two years after the election for which it was filed.

34 10. This act shall take effect on the 90th day after the date of
35 enactment.

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STATEMENT

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40 This bill revises existing and establishes additional procedures
41 regarding election day challenges to a person's right to vote.

42 With respect to questions posed by district board members and
43 authorized challengers to a person claiming the right to vote on
44 the day of an election, the bill adds to the existing requirement
45 that these questions be necessary the further requirement that
46 they be suitable. It disallows challenges based upon a person's
47 race, color, national origin, expected manner of casting a vote or
48 residence. Any violation of these provisions is made a crime of
49 the fourth degree.

1 Under the bill, if a voter whose name does not appear on an
2 official challenge list is duly challenged, that voter may establish
3 a right to vote by (1) signing an affidavit stating voting
4 qualifications, and (2) presenting suitable identifying documents,
5 such as a driver's license, sample ballot, dated receipt for a
6 utility, tax or rent bill, or the like. In determining such a voter's
7 right to vote, the district board is to give due weight to the
8 evidence provided by the affidavit. If the board sustains the
9 challenge, the challenger must specify the grounds thereof in a
10 signed affidavit, which shall also contain both a statement that
11 the voter has sought to establish a right to vote by affidavit of
12 qualification and a specification of the documentation
13 accompanying that affidavit.

14 The voter whose right to vote has thus been denied may apply
15 to Superior Court for permission to vote. The application shall be
16 heard in informal proceedings at which the rules of evidence shall
17 not apply. The application shall be granted if the court finds that
18 the challenged voter is qualified to vote and either (1) is properly
19 registered at his location or (2) was properly so registered as of
20 the last election but has since moved within the county and made
21 a timely good faith attempt to register from his new address.

22 The bill requires the county board of elections to publish, in a
23 newspaper of countywide circulation, a notice setting forth: the
24 legally authorized procedure by which a person who attempts to
25 vote may be challenged; the legal prohibition against the use of
26 superfluous grounds for challenging or interfering with a person's
27 right to vote; the means by which a person challenged may
28 establish that right and may appeal the denial of that right
29 following a successful challenge thereof; and other information
30 that could aid a person seeking to vindicate the right to vote.

31 Finally, the bill requires that each polling place shall be
32 provided on election day with forms on which a voter or person
33 seeking to vote may register any complaint regarding the conduct
34 of the election; it also authorizes the use of information entered
35 on such a form in any official investigation into possible violation
36 of the State election laws.

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ELECTIONS

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41 Eliminates certain other challenges and provides a statutory
42 remedy for certain persons denied the right to vote.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2079

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 2079.

This bill revises and extends the statutory provisions governing election day challenges to a person's right to vote.

With respect to questions posed by district board members and authorized challengers to a person claiming the right to vote on the day of an election, the bill adds to the existing requirement that these questions be necessary the further requirement that they be suitable. It disallows challenges based upon a person's race, color, national origin, expected manner of casting a vote or residence, except that a challenge based upon the person's failure to meet the statutory residency qualification for voting in the particular election district would not be prohibited. Any violation of these provisions is made a disorderly persons offense.

Under the bill, if a voter whose name does not appear on an official challenge list is duly challenged, that voter may establish a right to vote by (1) signing an affidavit stating voting qualifications, and (2) presenting suitable identifying documents, such as a New Jersey driver's license, a sample ballot or other official government document listing the voter's name and address, a dated receipt for a utility, tax or rent bill, or a piece of mail bearing a recent postmark. In determining such a voter's right to vote, the district board is to give due weight to the evidence provided by the affidavit and documentation. If the board sustains the challenge, the challenger must specify the grounds thereof in a signed affidavit, which shall also contain both a statement that the voter has sought to establish a right to vote by affidavit of qualification and a specification of the documentation accompanying that affidavit. A copy of this challenger's affidavit must be given to the challenged voter.

A voter whose right to vote has been successfully challenged at the polls may apply to Superior Court for permission to vote. The application shall be heard in informal proceedings at which the rules of evidence shall not apply. The application shall be granted if the court finds that the challenged voter is qualified to vote and either (1) is properly registered at the proper location or (2) was properly so registered as of the last election but has since moved within the county and made a timely good faith attempt to register from the new address.

The bill requires the county board of elections to publish, in a newspaper of countywide circulation, a notice setting forth: the legally authorized procedure by which a person who attempts to vote may be challenged; the legal prohibition against the use of superfluous grounds for challenging or interfering with a person's right to vote; the means by which a person challenged may establish that right and may appeal the denial of that right following a successful challenge thereof; and other information that could aid a person seeking to vindicate the right to vote.

Finally, the bill requires that each polling place shall be provided on election day with forms on which a voter or person seeking to vote may register any complaint regarding the conduct of the election; it also authorizes the use of information entered on such a form in any official investigation into possible violation of the State election laws.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill (1) to clarify that the restriction against residency-based challenges does not apply to challenges directed at a person's failure to meet the statutory residency qualification for voting in the district, and (2) to provide that a violation of the restrictions on questions and challenges is to be a disorderly persons offense rather than a crime of the fourth degree.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2079

STATE OF NEW JERSEY

DATED: JUNE 7, 1990

The Senate State Government and Federal and Interstate Relations Committee reports favorably Assembly, No. 2079 [1R].

This bill concerns election day challenges to a person's right to vote. It provides that if a voter whose name does not appear on an official challenge list is duly challenged, that voter may establish a right to vote by (1) signing an affidavit stating his voting qualifications, and (2) presenting a suitable identifying document, such as a New Jersey driver's license, a sample ballot or other official government document listing his name and address, a dated receipt for a utility, tax or rent bill, or a piece of mail bearing a recent postmark. If the board sustains the challenge, the challenger must specify the grounds for the challenge in a signed affidavit, a copy of which shall be given to the challenged voter.

A voter whose right to vote has been successfully challenged at the polls may apply to Superior Court for permission to vote. The application shall be heard in informal proceedings at which the rules of evidence shall not apply. The application shall be granted if the court finds that the challenged voter is qualified to vote and either (1) is properly registered at the proper location or (2) was properly so registered as of the last election but has since moved within the county and made a timely good faith attempt to register from the new address.

The bill stipulates that each polling place shall be provided on election day with forms on which a voter or person seeking to vote may register any complaint regarding the conduct of the election. It also authorizes the use of information entered on such a form in any official investigation into possible violation of the State's election laws.

The bill adds to the existing requirement that questions posed by district board members and authorized challengers to a person claiming the right to vote on the day of an election be necessary, the further requirement that they also be suitable. It disallows challenges based upon a person's race, color, national origin, expected manner of casting a vote or residence; except that a challenge based upon the person's failure to meet the statutory residency qualification for voting in the particular election district would not be prohibited. Any violation of these provisions shall be a disorderly persons offense.

Finally, the bill requires the county board of elections to publish, in a newspaper of countywide circulation, a notice setting forth: the legally authorized procedure by which a person who attempts to vote may be challenged; the legal prohibition against the use of superfluous grounds for challenging or interfering with a person's right to vote; the means by which a person challenged may establish that right and may appeal the denial of that right following a successful challenge thereof; and other information that could aid a person seeking to vindicate the right to vote.