

19:58-2 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:58-2 et al. ("Presidential Ballot Law")

Laws of 1976 Chapter 24

Bill No. A1758 (Companion to A1757- NJSA 19:59-1 to 13)

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 Amendments during passage denoted by asterisks.

Date of passage: Assembly April 5

Senate April 26

Date of approval May 7, 1976

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

Compare:

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

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Former

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Proposed

19A:1-1 Part I- pp.10-16;
Part II- p.3
19A:37-2 I- p.195
II- p.44
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19A:37-4 Part I - p.195
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19A:37-5 Part I- p.195
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Not enacted
19A:37-6) {Part I- p.196
19A:37-7) {Part II- p.45
19A:37-10 Part I- p.197
Part II- p.45
19A:37-12 Part I- Part I- p.197
Part II- p.45
Not enacted
19A:37-16 Part I- p.198
Part II- p.46
Not enacted

ASSEMBLY, No. 1758

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1976

By Assemblyman McMANIMON

Referred to Committee on State Government, Federal and
and Interstate Relations

AN ACT to amend the "Presidential Ballot Law (1964)," approved
July 1, 1964 (P. L. 1964, c. 134) and to repeal sections 7, 18 and
24 of said act.

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

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

3 2. As used in this act unless the context otherwise indicates the
4 following terms shall have the following meaning:

5 **["New resident" means a citizen of the United States, of the age**
6 **of 18 years, who has or shall have become a resident of this**
7 **State, and of the county in which he claims his vote, at least 30**
8 **days next before a Presidential Election and who by reason of the**
9 **fact that he will not have been a resident of this State for 6 months**
10 **at the time of said election will not be qualified to vote for the other**
11 **candidates, and upon any public question, to be voted for, and upon,**
12 **at said election and who is not eligible to vote in said election else-**
13 **where.]**

14-15 **[A person who has registered less than 40 days but at least 30**
16 **days next before a Presidential Election shall be considered a new**
17 **resident for purposes of this act.]**

18 "Removed resident" means a person, who was formerly a resi-
19 dent of one of the counties of this State but who has, or shall have,
20 removed to another state **[or]** the District of Columbia, *Puerto*
21 *Rico, Guam, the Virgin Islands* or to another county within this
22 State*,* **[or to a foreign country, which term for the purposes of**
23 **this act includes the Canal Zone and a territory or possession of the**
24 **United States,]** ***[for a temporary period and who has no actual**
25 **place of residence in this State]*** who has registered as a voter in

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

26 the county of his former residence in this State at the time of his
 27 removal therefrom, and who by reason of [his residence in the
 28 foreign country or] an insufficient period of residence in the state
 29 or the county, to which he has or shall have removed, will not be
 30 able to qualify to vote at a Presidential Election to be held in such
 31 state or county or elsewhere, except as he may be qualified to vote
 32 in this State, or in such other county of this State, for the election
 33 of electors for President and Vice-President of the United States,
 34 pursuant to this act.

35 "Presidential Election" means an election to be held for the
 36 election of electors for President and Vice-President of the United
 37 States.

38 "Presidential ballot" means a ballot to be cast at a Presidential
 39 Election pursuant to this act.

40 ["Removed to a foreign country for a temporary period" means
 41 a removed resident presently residing in a foreign country who has
 42 no intention of establishing a domicile or permanent residence in
 43 such foreign country but who has no actual place of residence in
 44 this State.]

1 2. Section 3 of P. L. 1964, c. 134 (C. 19:58-3) is amended to
 2 read as follows:

3 3. Any [new resident and any] removed resident shall be entitled
 4 to qualify and vote for electors for President and Vice-President
 5 of the United States in any Presidential Election to be held in
 6 this State in the manner provided in this act.

1 3. Section 4 of P. L. 1964, c. 134 (C. 19:58-4) is amended to read
 2 as follows:

3 4. Any certificate filed by an applicant for a Presidential ballot
 4 as to the disqualification of a removed resident, who does not re-
 5 side in this State, to vote for electors for President and Vice-
 6 President of the United States in the election district [or foreign
 7 country] in which he resides shall be sufficient authority for said
 8 clerks and boards to make any determination in connection with
 9 the subject matter of such certificate.

1 4. Section 5 of P. L. 1964, c. 134 (C. 19:58-5) is amended to
 2 read as follows:

3 5. An application form for a Presidential ballot may be obtained
 4 [by a new resident] from the clerk of the municipality, or the
 5 county clerk of the county, [in which the applicant will have resided
 6 at least 40 days next before the election in which the ballot is to be
 7 voted, and by a removed resident from the clerk of the munici-
 8 pality, or the county clerk of the county,] in which such applicant
 9 was last registered to vote in this State prior to the date of such
 10 election.

1 5. Section 6 of P. L. 1964, c. 134 (C. 19:58-6) is amended to
2 read as follows:

3 6. Application forms for Presidential ballots to be made by
4 **[new residents and]** removed residents and forms of affidavits of
5 residence shall be prepared by the county clerk and shall be
6 printed on paper of a different color from that used for applica-
7 tions for military service and civilian absentee ballots and sufficient
8 quantities thereof shall be furnished by the county clerk to each
9 municipal clerk in his county not later than August 1 preceding
10 such election.

1 6. Section 7 of P. L. 1964, c. 134 (C. 19:58-7) is repealed.

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

3 8. An application for a Presidential ballot to be made by a re-
4 moved resident shall be in substantially the following form:

APPLICATION FOR PRESIDENTIAL BALLOT—

REMOVED RESIDENT

5 I, the undersigned, do hereby apply for a Presidential ballot to
6 be voted at the election to be held on and
(date of election)

7 do hereby certify that:

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

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

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

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

12 county in the State of and I have
(name of state ***[or]*** *, *territory, commonwealth, or** District
of Columbia)

13 resided at this address since my removal from my former address
14 in New Jersey and expect to continue to reside there until and on
15 the date of said election; **[or]** (if applicable)

16 I reside at in
(street and number)

17 in the country of
(name of city or municipality)

18 and I have resided at this
(name of foreign country, territory,
possession or Canal Zone)

18A address since my removal from my former address in New Jersey
19 and expect to continue to reside there until and on the date of said

20 election, but I do not intend to establish a domicile or permanent
21 residence in said country, territory, possession or Canal Zone;】

22 4. I formerly resided and was registered as a voter at
23 in
(street and number or R. D. route) (name of city or municipality)
24 in county in New Jersey and I
(name of county)

25 continued to reside there until my removal to my present address;

26 5. I am unable to vote in said election at any place other than
27 that of my former residence in New Jersey, where I believe that I
28 am eligible to vote for electors for President and Vice-President
29 of the United States by a Presidential ballot.

30 Applicant
(signature)

31 Applicant
(print name here)

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

3 9. Applications for Presidential ballots shall be made, as pre-
4 scribed by this act, to the clerk of the county, in which the ballot is
5 to be voted, in person or by mail not later than 7 days preceding
6 the date upon which the election, in which such ballots are to be
7 voted, is to be held.

8 Each application for a Presidential ballot by a removed resident,
9 who does not reside in this State【, except for a removed resident
10 who resides in a foreign country, territory, possession or zone for
11 a temporary period,】 shall be accompanied by a certificate of the
12 commissioner of registration or other officer in charge of registra-
13 tion of voters in the election district in which the applicant resides,
14 certifying that the applicant will not be entitled to vote for the
15 electors for President and Vice-President of the United States in
16 such election district, at the election at which such ballot is to be
17 voted, by reason of an insufficient period of residence in the state
18 to which he has so removed.

1 9. Section 12 of P. L. 1964, c. 134 (C. 19:58-12) is amended to
2 read as follows:

3 12. Each county clerk, upon receipt of applications for Presi-
4 dential ballots for 【new residents and】 removed residents shall
5 make a 【separate】 list 【of each】 of them according to the munici-
6 palities of the addresses, or former addresses, in this State of the
7 voters making such applications, which list shall be open to exam-
8 ination at all times by the county board of elections, the commis-
9 sioner of registration, and the superintendent of elections in

10 counties in which there is a superintendent of elections, of the
11 county.

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

3 14. The county clerk, upon receipt of an application for a Presi-
4 dential ballot, based upon the applicant's removal from this State
5 to another state ***[or]*** *,* the District of Columbia, *Puerto Rico*,
6 *Guam*, *or* *the Virgin Islands**,* **[United States territory,**
7 **possession or zone or to a foreign country]** ***[for a temporary**
8 **period]*** or from one county of this State to another county of this
9 State, shall notify the commissioner of registration thereof and the
10 commissioner of registration shall thereupon transfer the appli-
11 cant's permanent registration forms to a Presidential ballot file
12 until after the election and then to the inactive file.

1 *11. Section 17 of P. L. 1964, c. 134 (C. 19:58-17) is amended to
2 read as follows:

3 17. Each county clerk shall send, with each Presidential ballot,
4 appropriate printed directions for the preparation and trans-
5 mission of such ballot, together with an inner and outer envelope
6 of the character described in the act hereby supplemented in the
7 case of civilian absentee ballots, except that there shall be printed
8 on each inner envelope a legend which shall read **[“New Resident**
9 **—Presidential Ballot” or]** **[“Removed Resident—Presidential**
10 **Ballot [.]” [as the case may be].***

1 ***[11.]*** *12.* Section 18 of P. L. 1964, c. 134 (C. 19:58-18) is
2 repealed.

1 ***[12.]*** *13.* Section 19 of P. L. 1964, c. 134 (C. 19:58-19) is
2 amended 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, or (if applicable)
8 Country of
9 I, the undersigned, do hereby certify that:
10 1. I am a citizen of the United States;
11 2. I was born on;
(date of birth)
12 3. I reside at in
(street and number or R. D. route)
13 in
(name of city or municipality) (name of county)

14 county in the State of and I have
(name of ***[State]*** *state, territory, commonwealth, or* or District
of Columbia)

15 resided at this address since my removal from my former address
16 in New Jersey and expect to continue to reside there until and on
17 the date of said election; **[**or (if applicable)

18 I reside at in
(street and number)

19, in the country of
(name of city or municipality)

20 and I have resided at
(name of foreign country, territory,
possession or Canal Zone)

21 this address since my removal from my former address in New
22 Jersey and expect to continue to reside there until and on the date
23 of said election, but I do not intend to establish a domicile or per-
24 manent residence in said country, territory, possession or Canal
25 Zone;**]**

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

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

28 county in New Jersey and I was registered as a voter, and con-
29 tinued to reside at said address until my removal to my present
30 address;

31 5. ***[**(Place a cross (X) in the box preceding the applicable cate-
32 gory below) :

33 (a) **]*** Because of the insufficient period of my residence at my
34 present address, ***[**or

35 (b) Because of my residence in a foreign country, territory,
36 possession or Canal Zone for a temporary period.**]***

37 I am unable to vote at the election to be held on
38 but I believe that I am eligible to vote at
(date of election)

39 my former residence in the State of New Jersey for electors for
40 President and Vice-President of the United States at such election.

41 Applicant
(signature)

42 Applicant
(print name here)

1 ***[13.]** ***14.** Section 24 of P. L. 1964, c. 134 (C. 19:58-24) is
2 repealed.

1 ***[14.]** ***15.** This act shall take effect immediately.

21 this address since my removal from my former address in New
22 Jersey and expect to continue to reside there until and on the date
23 of said election, but I do not intend to establish a domicile or per-
24 manent residence in said country, territory, possession or Canal
25 Zone;■

26 4. I formerly resided at in
(street and number or R. D. route)
27 in
(name of city or municipality) (name of county)

28 county in New Jersey and I was registered as a voter, and con-
29 tinued to reside at said address until my removal to my present
30 address;

31 5. (Place a cross (X) in the box preceding the applicable cate-
32 gory below) :

33 (a) Because of the insufficient period of my residence at my
34 present address, or

35 (b) Because of my residence in a foreign country, territory,
36 possession or Canal Zone for a temporary period.

37 I am unable to vote at the election to be held on
38 but I believe that I am eligible to vote at
(date of election)

39 my former residence in the State of New Jersey for electors for
40 President and Vice-President of the United States at such election.

41 Applicant
(signature)

42 Applicant
(print name here)

1 13. Section 24 of P. L. 1964, c. 134 (C. 19:58-24) is repealed.

1 14. This act shall take effect immediately.

STATEMENT

This bill is a companion bill to Assembly No. 1757, the "Overseas Residents Federal Election Absentee Voting Law."

The amendments delete from the "Presidential Ballot Law" provisions relating to the right of new residents of New Jersey to vote for President. Reduction of the residence requirements to vote to 30 days make such provisions unnecessary. The amendments continue to authorize a former New Jersey voter not yet qualified to vote in another county or state to vote for President in his former voting district. Provisions for former residents living abroad are now covered by the "Overseas Residents Federal Election Absentee Voting Law."