

19:1-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 136

NJSA: 19:1-1 (Provides for separate presidential primary election on last Tuesday in February)

BILL NO: A30 (Substituted for S550/1297/2402)

SPONSOR(S): Greenstein and others

DATE INTRODUCED: March 7, 2005

COMMITTEE: **ASSEMBLY:** State Government; Appropriations
SENATE:

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 20, 2005

SENATE: June 23, 2005

DATE OF APPROVAL: July 7, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute for A30 enacted)

A30

[SPONSOR'S STATEMENT:](#) (Begins on page 55 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [3-7-2005 \(State Gov't\)](#)
[6-9-2005 \(Approp\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

S550/1297/2402

[SPONSOR'S STATEMENT \(S550\):](#) (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1297\):](#) (Begins on page 56 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S2402\):](#) (Begins on page 55 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [5/26/2005 \(State Gov't\)](#)
[6-16-2005 \(Bud & App\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE \(S2402\):](#) [Yes](#)

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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No

P.L. 2005, CHAPTER 136, *approved July 7, 2005*
Assembly Committee Substitute for
Assembly, No. 30

1 AN ACT establishing separate presidential primary election and
2 amending various sections of the statutory law.

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

6
7 1. R.S.19:1-1 is amended to read as follows:

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this State
10 or any political subdivision thereof elect persons to fill public office or
11 pass on public questions.

12 "General election" means the annual election to be held on the first
13 Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any political
16 subdivision thereof nominate candidates to be voted for at general
17 elections, or elect persons to fill party offices[, or] .

18 "Presidential primary election" means the procedure whereby the
19 members of a political party in this State or any political subdivision
20 thereof elect persons to serve as delegates and alternates to national
21 conventions.

22 "Municipal election" means an election to be held in and for a
23 single municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal , school and
27 special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this State
34 or any of its political subdivisions filled at elections by the electors of
35 the State or political subdivision.

36 "Public question" includes any question, proposition or referendum
37 required by the legislative or governing body of this State or any of its
38 political subdivisions to be submitted by referendum procedure to the
39 voters of the State or political subdivision for decision at elections.

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 "Political party" means a party which, at the election held for all of
2 the members of the General Assembly next preceding the holding of
3 any primary election held pursuant to this Title, polled for members of
4 the General Assembly at least 10% of the total vote cast in this State.

5 "Party office" means the office of delegate or alternate to the
6 national convention of a political party or member of the State, county
7 or municipal committees of a political party.

8 "Masculine" includes the feminine, and the masculine pronoun
9 wherever used in this Title shall be construed to include the feminine.

10 "Presidential year" means the year in which electors of President
11 and Vice-President of the United States are voted for at the general
12 election.

13 "Election district" means the territory within which or for which
14 there is a polling place or room for all voters in the territory to cast
15 their ballots at any election.

16 "District board" means the district board of registry and election
17 in an election district.

18 "County board" means the county board of elections in a county.

19 "Superintendent" means the superintendent of elections in counties
20 wherein the same shall have been appointed.

21 "Commissioner" means the commissioner of registration in
22 counties.

23 "File" or "filed" means deposited in the regularly maintained office
24 of the public official wherever said regularly maintained office is
25 designated by statute, ordinance or resolution.

26 (cf: P.L.1995, c.278, s.13)

27

28 2. R.S.19:2-1 is amended to read as follows:

29 19:2-1. **[Primary]** Presidential primary elections for delegates and
30 alternates to national conventions of political parties **[and]** shall be
31 held in each presidential year on the last Tuesday in February.

32 Primary elections for the general election shall be held in each year
33 on the Tuesday next after the first Monday in June~~[,]~~ .

34 All primary elections shall occur between the hours of 6:00 A.M.
35 and 8:00 P.M., Standard Time. Primary elections for special elections
36 shall be held not earlier than 30 nor later than 20 days prior to the
37 special elections.

38 (cf: P.L.2001, c.245, s.1)

39

40 3. R.S.19:3-3 is amended to read as follows:

41 19:3-3. Delegates and alternates to the national conventions of the
42 political parties held in each presidential year shall be elected at the
43 presidential primary election to be held on the last Tuesday **[next**
44 **after the first Monday]** in **[June]** February in that year.

45 The members of State, county and municipal committees of the

1 political parties shall be chosen at the primary for the general election
2 as hereinafter provided.

3 (cf: P.L.1976, c.26, s.1)

4

5 4. Section 6 of P.L.1976, c. 83 (C.19:4-15) is amended to read as
6 follows:

7 6. a. No county board shall make division of an election district
8 in any year in the period commencing 75 days before the presidential
9 primary election in each presidential year or the primary election for
10 the general election, and the day of the general election.

11 b. To facilitate the use of Federal decennial census populations for
12 apportionment and redistricting purposes and notwithstanding the
13 provisions of this or any other law, no election districts shall, except
14 with the prior approval of the [Secretary of State] Attorney General,
15 be created, abolished, divided or consolidated between January 1 of
16 any year whose last digit is 7 and December 1 of any year whose last
17 digit is 0.

18 (cf: P.L.1976, c.83, s.6)

19

20 5. R.S.19:6-2 is amended to read as follows:

21 19:6-2. a. The following persons may apply in writing to the
22 county board, on a form prepared and furnished by the county board,
23 for appointment as a member of a district board of any municipality in
24 the county in which he or she resides: (1) a legal voter who is a
25 member of a political party by virtue of having voted in a party
26 primary or who has filed a party declaration form for the ensuing
27 presidential primary or primary election for the general election with
28 the commissioner of the county in which the voter is registered and
29 who, for two years prior to making written application, has not
30 espoused the cause of another political party or its candidates; (2) a
31 legal voter who is not affiliated with a political party; (3) a United
32 States citizen and resident of this State who is 16 or 17 years of age,
33 attends a secondary school and has the written permission of his or her
34 parent or guardian to serve as a member of the board if appointed; or
35 (4) a United States citizen and resident of this State who is 16 or 17
36 years of age and has graduated from a secondary school or has passed
37 a general educational development test, GED, and has the written
38 permission of his or her parent or guardian to serve as a member of the
39 board if appointed.

40 b. The application, signed by the applicant under his or her oath,
41 shall state: (1) the applicant's name and address; (2) the applicant's
42 age, if the applicant is less than 18 years of age; (3) the political party
43 to which he or she belongs or, if the applicant is not affiliated with a
44 political party, the fact that the applicant is not so affiliated; (4) that
45 the applicant is of good moral character and has not been convicted of
46 any crime involving moral turpitude; and (5) that the applicant

1 possesses the following qualifications: eyesight, with or without
2 correction, sufficient to read nonpareil type; ability to read the English
3 language readily; ability to add and subtract figures correctly; ability
4 to write legibly with reasonable facility; reasonable knowledge of the
5 duties to be performed by the applicant as an election officer under the
6 election laws of this State; and health sufficient to discharge his or her
7 duties as an election officer.

8 c. If an applicant for appointment to a district board is 16 or 17
9 years of age, then the applicant shall provide to the county board,
10 along with the application provided under subsection b. of this section:
11 (1) a written document signed by the applicant's parent or guardian
12 giving the applicant permission to serve as a member of a district
13 board if appointed and (2) if an election, meeting or training is
14 scheduled to take place when school is in session, a written document
15 from his or her school that acknowledges the applicant's application
16 for appointment as a member of a district board and excuses the
17 applicant from school on the dates of service if appointed, except that
18 the requirement contained in subparagraph (2) of this subsection shall
19 not apply to a United States citizen and resident of this State who is
20 16 or 17 years of age and has graduated from a secondary school or
21 has passed a general educational development test, GED.

22 d. No person shall be precluded from applying to serve as a
23 member of a district board of any municipality for failure to vote in
24 any year such person was ineligible to vote by reason of age or
25 residence.

26 e. In no case shall a person 16 or 17 years of age be permitted to
27 serve as a member of a district board on the day of an election for
28 more than the number of hours permitted for such a person to work
29 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
30 supplemented.

31 (cf: P.L.2002, c.125, s.1)

32
33 6. R.S.19:6-3 is amended to read as follows:

34 19:6-3. a. (1) The county board shall, on or before January 10 of
35 each presidential year and on or before April 1 of every other year,
36 appoint the members of the district boards in the manner prescribed by
37 paragraph (2) of this subsection. The members of any district board
38 shall be equally apportioned between the two political parties which at
39 the last preceding general election held for the election of all of the
40 members of the General Assembly cast the largest and next largest
41 number of votes respectively in this State for members of the General
42 Assembly, except that if the county board is unable to fill all of the
43 positions of the members of a particular district board from among
44 qualified members of those two political parties, the county board shall
45 appoint to any such unfilled position an otherwise qualified person
46 who is unaffiliated with any political party, but no such appointment

1 of an unaffiliated person shall be made prior to January 15 of each
2 presidential year and prior to March 25 of every other year, and in no
3 event shall more than two such unaffiliated persons serve at the same
4 time on any district board.

5 (2) In making appointments of members of the several district
6 boards of the county, the county board shall consult with the
7 chairperson of the county committee of each of the two political
8 parties referred to in paragraph (1) of this subsection. On or before
9 January 1 of each presidential year and on or before March 15 of
10 ~~[each]~~ every other year, the county board shall transmit to each of
11 those chairpersons a list of those positions on the membership of the
12 several district boards that are subject to apportionment under that
13 paragraph (1) to the political party of which that chairperson is a
14 member, and to which the county board has been unable to make an
15 appointment from among qualified members of that political party.
16 The county board shall include with each such list a request that the
17 chairperson to whom that list is transmitted return to the board a list
18 of the names of candidates for those unfilled positions. On or before
19 January 1 of each presidential year and on or before March 25 of every
20 other year, the county board shall, on the basis of the lists so returned
21 to it, fill as many of the remaining unfilled positions in the membership
22 of the several district boards as possible, and shall assign or reassign
23 appointees as necessary to ensure that the membership of each district
24 board within the county shall include at least one member of each of
25 the two political parties. The county board shall then appoint to any
26 unfilled position on a district board an otherwise qualified person who
27 is unaffiliated with any political party.

28 b. In case the county board shall neglect, refuse or be unable to
29 appoint and certify the members of the district boards as herein
30 provided, the Assignment Judge of the Superior Court shall, before
31 January 25 of each presidential year or before April 10 ~~[in each]~~ of
32 every other year, make such appointments and certifications.

33 (cf: P.L.1996, c.120, s.3)

34
35 7. R.S.19:6-10 is amended to read as follows:

36 19:6-10. Each district board shall, on or before the second
37 Tuesday next preceding the presidential primary election in those years
38 when such an election is held or the primary election for the general
39 election in every other year, meet and organize by the election of one
40 of its members as judge, who shall be chairman of the board, and
41 another of its members as inspector. The judge and inspector shall not
42 be members or voters of the same political party. In case of failure to
43 elect a judge as herein provided, after balloting or voting three times,
44 the senior member of the board in respect to length of continuous
45 service as a member of such district board shall become judge, and in
46 case of failure to elect an inspector after balloting or voting three

1 times, the next senior member of the board in respect to length of
2 continuous service as a member of such district board shall become
3 inspector; provided, that both the chairman and the inspector shall not
4 be members or voters of the same political party. The other members
5 of the board shall be clerks of election, and shall perform all the duties
6 required by law of the clerks of district boards.

7 (cf: P.L.1996, c.120, s.5)

8

9 8. R.S.19:6-18 is amended to read as follows:

10 19:6-18. During the 30-day period immediately preceding
11 December 5 of the year preceding each presidential year and February
12 15 [in each] of every other year, the chairman and vice-chairlady of
13 each county committee and the State committeeman and State
14 committeewoman of each of such two political parties, respectively
15 shall meet and jointly, in writing, nominate one person residing in the
16 county of such county committee chairman, duly qualified, for member
17 of the county board in and for such county for the succeeding year, in
18 the case of the presidential year.

19 If more than two members are elected to the State committee of
20 any party from a county, the State committeeman and State
21 committeewoman who shall participate in the process of nomination
22 shall be those holding full votes who received the greatest number of
23 votes in their respective elections for members of the State committee.

24 If nomination be so made, the said county committee chairman
25 shall certify the nomination so made to the State chairman and to the
26 Governor, and the Governor shall commission such appointees, who
27 shall be members of opposite parties, on or before January 1 of each
28 presidential year or on or before March 1 in every other year, as the
29 case may be. If nomination be not so made on account of a tie vote in
30 the said meeting of the county committee chairman, county committee
31 vice-chairlady, State committeeman and State committeewoman, in
32 respect to such nomination, the said county committee chairman shall
33 certify the fact of such a tie vote to the State chairman, who shall have
34 the deciding vote and who shall certify, in writing, to the Governor,
35 the nomination made by his deciding vote. Appointees to county
36 boards of election pursuant to this section shall continue in office for
37 2 years from either January 1 or March 1, as the case may be, next
38 after their appointment.

39 The first appointment having been made pursuant to law for terms
40 of 1 and 2 years, respectively, the members subsequently appointed
41 each year shall fill the offices of the appointees whose terms expire in
42 that year.

43 (cf: P.L.1978, c.15, s.2)

44

45 9. R.S.19:6-22 is amended to read as follows:

46 19:6-22. a. (1) The county boards shall, at 10 a.m., on the

1 second Tuesday in January of each presidential year and on that same
2 day in March of every other year, or on such other day as they may
3 agree on within the first 15 days in January or March, as the case may
4 be, in each year, meet at the courthouse, or other place as provided
5 for, in their respective counties, and, subject to the provisions of
6 paragraph (2) of this subsection, organize by electing one of their
7 number to be chairman and one to be secretary; but the chairman and
8 secretary shall not be members of the same political party.

9 (2) In case of failure to elect a chairman after three ballots or viva
10 voce votes, the member having the greatest seniority on the board shall
11 be the chairman thereof, except that if the member having the greatest
12 seniority on the board so chooses, that member shall instead be
13 secretary of the board; in the event that that senior member so chooses
14 to become secretary, no election shall be held to choose a secretary of
15 the board, the board shall elect one of its members who is not of the
16 same political party as the secretary to be the chairman of the board,
17 and in the case of a failure again to elect a chairman after three ballots
18 or viva voce votes, the person among those members having the
19 greatest seniority on the board shall be the chairman thereof.

20 In any case of failure to elect a chairman, if two or more members
21 of the board who are eligible to become chairman have greatest and
22 equal seniority on the board, then the board shall, not later than the
23 fifth day following the organization meeting, notify the Governor of an
24 inability to fill the position of chairman either by election or on the
25 basis of seniority, including in that notice a certification of the names
26 of those senior members of the board. In addition, if the position of
27 secretary has not otherwise been filled under the foregoing provisions
28 of this paragraph, the board shall defer for the time being the election
29 of a secretary. Not later than the fifth day following receipt of the
30 notice, the Governor shall designate one of those senior members to
31 be chairman of the board and certify that designation to the board. If
32 the position of secretary was not filled at the initial meeting of the
33 county board to organize, then not later than the fifth day following
34 receipt of that certification, the board shall reconvene at the call of the
35 chairman so designated and shall elect a secretary of the board.

36 In case of failure to elect a secretary after three ballots or viva
37 voce votes, the member of the board having the greatest seniority shall
38 be secretary of the board, except that if that member has become
39 chairman because of election to that position or because of designation
40 as a result of the failure to elect a chairman, the member with the next
41 greatest seniority shall be secretary. In no case, however, shall the
42 chairman and secretary be members of the same political party.

43 Seniority for the purposes of this section shall be determined by the
44 total amount of time that a person has served as a member of the
45 board, beginning from the date that that person took the oath of office
46 as a member.

47 b. The boards shall have power in their discretion to hold their

1 meetings for any purpose, except organization, in any part of their
2 respective counties. Meetings may be called by either the chairman or
3 the secretary of the board, or at the request of any two members.

4 (cf: P.L.1996, c.90, s.1)

5

6 10. R.S.19:7-2 is amended to read as follows:

7 19:7-2. A candidate who has filed a petition for an office to be
8 voted for at [the] any primary election, and a candidate for an office
9 whose name may appear upon the ballot to be used in any election,
10 may also act as a challenger as herein provided and may likewise
11 appoint 2 challengers for each district in which he is to be voted for;
12 but only 2 challengers shall be allowed for each election district to
13 represent all the candidates nominated in and by the same original
14 petition. The appointment of the challengers shall be in writing under
15 the hand of the person or persons making same and shall specify the
16 names and residences of the challengers and the election districts for
17 which they are severally appointed. Whenever a public question shall
18 appear on the ballot to be voted upon by the voters of an election
19 district and application has been made by the proponents or opponents
20 of such public question for the appointment of challengers, the county
21 board may in its discretion appoint 2 challengers each to represent
22 such proponents or opponents. Such challengers shall be in addition
23 to those provided for in section 19:7-1 of this Title.

24 (cf: P.L.1956, c.66, s.1)

25

26 11. R.S.19:8-2 is amended to read as follows:

27 19:8-2. The clerk of every municipality, on or before January 10
28 of each presidential year and on or before April 1 of every other year,
29 shall certify to the county board of every county wherein such
30 municipality is located a suggested list of places in the municipality
31 suitable for polling places. The county board shall select the polling
32 places for the election districts in the municipalities of the county for
33 all elections in the municipalities thereof, including all commission
34 government elections in the county. The county boards shall not be
35 obliged to select the polling places so suggested by the municipal
36 clerks, but may choose others where they may deem it expedient.
37 Preference in locations shall be given to schools and public buildings
38 where space shall be made available by the authorities in charge, upon
39 request, if same can be done without detrimental interruption of school
40 or the usual public services thereof, and for which the authority in
41 charge shall be reimbursed, by agreement, for expenses of light,
42 janitorial and other attending services arising from such use. In no
43 case shall the authorities in charge of a public school or other public
44 building deny the request of the county board for the use, as a polling
45 place, of any building they own or lease.

46 Where the county board shall fail to agree as to the selection of the

1 polling place or places for any election district, within five days of an
2 election, the county clerk shall select and designate the polling place
3 or places in any such election district.

4 The county board may select a polling place other than a
5 schoolhouse or public building outside of the district but such polling
6 place shall not be located more than 1,000 feet distant from the
7 boundary line of the district.

8 (cf: P.L.1989, c.292, s.1)

9

10 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
11 as follows:

12 4. No later than February 15 of each presidential year and no later
13 than May 15th of **[each]** every other year, each county board of
14 elections shall report to the **[Secretary of State]** Attorney General, on
15 the form provided by the **[Secretary of State]** Attorney General, a list
16 of all polling places in the county, specifying any found inaccessible.
17 The county board of elections shall indicate the reasons for
18 inaccessibility, and the efforts made pursuant to this act to locate
19 alternative polling places or to make the existing facilities accessible.
20 Each county board of elections shall notify the **[Secretary of State]**
21 Attorney General of any changes in polling place locations before the
22 next general election, including any changes required due to the
23 alteration of district boundaries.

24 (cf: P.L.1991, c.429, s.4)

25

26 13. R.S.19:8-4 is amended to read as follows:

27 19:8-4. The county board before February 15 of each presidential
28 year and May 15 **[each]** of every other year shall certify a list of
29 polling places so selected to the sheriff and to the clerk of the county
30 and to the superintendent of elections of the county if any there be and
31 to each municipal clerk in the county.

32 (cf: P.L.1965, c.4, s.8)

33

34 14. R.S.19:9-2 is amended to read as follows:

35 19:9-2. The Director of the Division of Elections shall prepare and
36 distribute on or before January 10 of each presidential year and on or
37 before April 1 **[in each]** of every other year prior to the primary
38 election for the general election and the general election such
39 information as may be needed relative to election procedures for the
40 ensuing year.

41 The county board of elections shall prepare and distribute on or
42 before January 10 of each presidential year and on or before April 1 of
43 **[each]** every other year, registration and voting instructions printed
44 in at least 14-point type for conspicuous display at each polling place
45 at any election.

46 All other books, ballots, envelopes and other blank forms which

1 the county clerk is required to furnish under any other section of this
2 Title, stationery and supplies for the primary election for the general
3 election, the presidential primary election for delegates and alternates
4 to national conventions and the general election, shall be furnished,
5 prepared and distributed by the clerks of the various counties; except
6 that all books, blank forms, stationery and supplies, articles and
7 equipment which may be deemed necessary to be furnished, used or
8 issued by the county board or superintendent shall be furnished, used
9 or issued, prepared and distributed by such county board or
10 superintendent, as the case may be.

11 The county board shall furnish and deliver to the county clerk, the
12 municipal clerks and the district boards in municipalities having more
13 than one election district: a map or description of the district lines of
14 their respective election districts, together with the street and house
15 numbers where possible in such election districts and a list or map of
16 all of the polling places within the county to assist any voter in
17 identifying the correct location of the polling place at which the voter
18 should vote if that voter erroneously reports to the municipal clerk or
19 the wrong polling place.

20 Nothing in subtitle 2 of the Title, Municipalities and Counties
21 (R.S.40:16-1 et seq.), shall in anywise be construed to affect, restrict,
22 or abridge the powers conferred on the county clerks, county boards
23 or superintendents by this Title.
24 (cf: P.L.1999, c.232, s.1)

25

26 15. R.S.19:12-1 is amended to read as follows:

27 19:12-1. The ~~Secretary of State~~ Attorney General shall within
28 thirty days after the completion of the canvass by the board of State
29 canvassers, certify to each county clerk and county board the fact that
30 at the next preceding general election held for the election of all of the
31 members of the General Assembly ten per centum (10%) of the total
32 vote cast in the State for members of the General Assembly had been
33 cast for candidates having the same designation, thereby creating,
34 within the meaning of this Title, a political party, to be known and
35 recognized as such under the same designation as used by the
36 candidates for whom the required number of votes were cast.

37 He shall also not later than the sixtieth day preceding the
38 presidential primary election ~~[for the general election in every year,]~~
39 in each presidential year in which electors of President and
40 Vice-President of the United States ~~[,]~~ are to be selected, and not
41 later than the sixtieth day preceding the primary election for the
42 general election in which a representative of the United States Senate,
43 members of the House of Representatives, a Governor, or Senator, or
44 member or members of the General Assembly for any county, or any
45 of them, are to be elected or any public question is to be submitted to
46 the voters of the entire State, direct and cause to be delivered to the

1 clerk of the county and the county board wherein any such election is
2 to be held, a notice stating that such officer or officers are to be
3 elected and that such public question is to be submitted to the voters
4 of the entire State at the ensuing general election.

5 (cf: P.L.1948, c.2, s.12)

6

7 16. R.S.19:12-3 is amended to read as follows:

8 19:12-3. The clerk of each county shall immediately upon the
9 receipt of the certificate from the [Secretary of State] Attorney
10 General setting forth that a political party has been created, forward
11 a certified copy of such certificate to each municipal clerk of his
12 county.

13 He shall also, not later than the fiftieth day preceding the
14 presidential primary election in each presidential year and the primary
15 election for the general election in every other year, cause a copy of
16 the notice received from the [Secretary of State] Attorney General of
17 the officer or officers to be elected at the ensuing general election,
18 certified under his hand to be true and correct, to be delivered to the
19 clerk of each municipality in the county.

20 (cf: P.L.1948, c.2, s.14)

21

22 17. R.S.19:12-5 is amended to read as follows:

23 19:12-5. The clerk of every county shall, not later than the fiftieth
24 day preceding the presidential primary election in each presidential
25 year and the primary election for the general election in every other
26 year, immediately preceding the expiration of the term of office of all
27 other officers who are voted for by the voters of the entire county or
28 of more than one municipality within the county, direct and cause to
29 be delivered to the clerk of each municipality and the county board in
30 counties of the first class, a notice that such officer or officers, as the
31 case may be, will be chosen at the ensuing general election.

32 (cf: P.L.1948, c.2, s.15)

33

34 18. R.S.19:12-6 is amended to read as follows:

35 19:12-6. All municipal clerks, not later than the fiftieth day
36 preceding the presidential primary election in each presidential year
37 and the primary election for the general election in every other year,
38 shall make and certify under their hands and seals of office and
39 forward to the clerk of the county in which the municipality is located
40 a statement designating the public offices to be filled at such election,
41 and the number of persons to be voted for each office. In counties of
42 the first class such statement shall also be forwarded to the county
43 board.

44 (cf: P.L.1948, c.2, s.16)

45

46 19. R.S.19:12-7 is amended to read as follows:

1 19:12-7. a. The county board in each county shall cause to be
2 published in a newspaper or newspapers which, singly or in
3 combination, are of general circulation throughout the county, a notice
4 containing the information specified in subsection b. hereof, except for
5 such of the contents as may be omitted pursuant to subsection c. or d.
6 hereof. Such notice shall be published once during the 30 days next
7 preceding the day fixed for the closing of the registration books for the
8 primary election, once during the calendar week next preceding the
9 week in which the presidential primary election or the primary election
10 for the general election is held, as the case may be, once during the 30
11 days next preceding the day fixed for the closing of the registration
12 books for the general election, and once during the calendar week next
13 preceding the week in which the general election is held.

14 b. Such notice shall set forth:

15 (1) For the primary election for the general election:

16 (a) That a primary election for making nominations for the general
17 election[,] and for the selection of members of the county committees
18 of each political party[, and in each presidential year for the selection
19 of delegates and alternates to national conventions of political
20 parties,] will be held on the day and between the hours and at the
21 places provided for by or pursuant to this Title.

22 (b) The place or places at which and hours during which a person
23 may register, the procedure for the transfer of registration, and the
24 date on which the books are closed for registration or transfer of
25 registration.

26 (c) The several State, county, municipal and party offices or
27 positions to be filled, or for which nominations are to be made, at such
28 primary election.

29 (d) The existence of registration and voting aids, including: (i) the
30 availability of registration and voting instructions at places of
31 registration as provided under R.S.19:31-6; and (ii), if available, the
32 accessibility of voter information to the deaf by means of a
33 telecommunications device.

34 (e) The availability of assistance to a person unable to vote due to
35 blindness, disability or inability to read or write.

36 (f) In the case of the notice published during the calendar week
37 next preceding the week in which the primary election is held, that a
38 voter who, prior to the election, shall have moved within the same
39 county without (i) filing, on or before the 29th day preceding the
40 election, a notice of change of residence with the commissioner of
41 registration of the county or the municipal clerk of the municipality in
42 which the voter resides on the day of the election, (ii) returning the
43 confirmation notice sent to the voter by the commissioner of
44 registration of the county, if such a notice has been sent to the voter,
45 or (iii) otherwise notifying the commissioner of registration of the
46 voter's change of address within the county shall be permitted to

1 correct the voter's registration and to vote in the primary election by
2 provisional ballot at the polling place of the district in which the voter
3 resides on the day of the election. The notice shall further provide that
4 the voter may contact the county commissioner of registration or
5 municipal clerk to determine the proper polling place location for the
6 voter.

7 (2) For the general election:

8 (a) That a general election will be held on the day and between the
9 hours and at the places provided for by or pursuant to this Title.

10 (b) The place or places at which and hours during which a person
11 may register, the procedure for transfer of registration, and the date on
12 which the books are closed for registration or transfer of registration.

13 (c) The several State, county and, municipal offices to be filled
14 and, except as provided in R.S.19:14-33 of this Title as to publication
15 of notice of any Statewide proposition directed by the Legislature to
16 be submitted to the people, the State, county and municipal public
17 questions to be voted upon at such general election.

18 (d) The existence of registration and voting aids, including: (i) the
19 availability of registration and voting instructions at places of
20 registration as provided under R.S.19:31-6; and (ii) the accessibility
21 of voter information to the deaf by means of a telecommunications
22 device.

23 (e) The availability of assistance to a person unable to vote due to
24 blindness, disability or inability to read or write.

25 (f) In the case of the notice published during the calendar week
26 next preceding the week in which the general election is held, that a
27 voter who, prior to the election, shall have moved within the same
28 county without (i) filing, on or before the 29th day preceding the
29 election, a notice of change of residence with the commissioner of
30 registration of the county or the municipal clerk of the municipality in
31 which the voter resides on the day of the election, (ii) returning the
32 confirmation notice sent to the voter by the commissioner of
33 registration of the county, if such a notice has been sent to the voter,
34 or (iii) otherwise notifying the commissioner of registration of the
35 voter's change of address within the county shall be permitted to
36 correct the voter's registration and to vote in the general election by
37 provisional ballot at the polling place of the district in which the voter
38 resides on the day of the election. The notice shall further provide that
39 the voter may contact the county commissioner of registration or
40 municipal clerk to determine the proper polling place location for the
41 voter.

42 (3) For a school election:

43 (a) The day, time and place thereof,

44 (b) The offices, if any, to be filled at the election,

45 (c) The substance of any public question to be submitted to the
46 voters thereat,

1 (d) That a voter who, prior to the election, shall have moved within
2 the same county without (i) filing, on or before the 29th day preceding
3 the election, a notice of change of residence with the commissioner of
4 registration of the county or the municipal clerk of the municipality in
5 which the voter resides on the day of the election, (ii) returning the
6 confirmation notice sent to the voter by the commissioner of
7 registration of the county, if such a notice has been sent to the voter,
8 or (iii) otherwise notifying the commissioner of registration of the
9 voter's change of address within the county shall be permitted to
10 correct the voter's registration and to vote in the school election by
11 provisional ballot at the polling place of the district in which the voter
12 resides on the day of the election,

13 (e) That if the voter has any questions as to where to vote on the
14 day of the election, the voter may contact the county commissioner of
15 registration or municipal clerk to determine the proper polling place
16 location for the voter; and

17 (f) Such other information as may be required by law.

18 (4) For the presidential primary election:

19 (a) That a primary for the selection of delegates and alternates to
20 national conventions of political parties will be held on the day and
21 between the hours and at the places provided for pursuant to this Title.

22 (b) The place or places at which and hours during which a person
23 may register, the procedure for the transfer of registration, and the
24 date on which the books are closed for registration or transfer of
25 registration.

26 (c) The existence of registration and voting aids, including: (i) the
27 availability of registration and voting instructions at places of
28 registration as provided under R.S.19:31-6; and (ii), if available, the
29 accessibility of voter information to the deaf by means of a
30 telecommunications device.

31 (d) The availability of assistance to a person unable to vote due to
32 blindness, disability or inability to read or write.

33 c. If such publication is made in more than one newspaper, it shall
34 not be necessary to duplicate in the notice published in each such
35 newspaper all the information required under this section, so long as:

36 (1) The municipal officers or party positions to be filled, or
37 nominations made, or municipal public questions to be voted upon by
38 the voters of any municipality, shall be set forth in at least one
39 newspaper having general circulation in such municipality;

40 (2) All offices to be filled, or nominations made therefor, or public
41 questions to be voted upon, by the voters of the entire State or of the
42 entire county shall be set forth in a newspaper or newspapers which,
43 singly or in combination, have general circulation throughout the
44 county;

45 (3) Information relating to nominations and elections in each
46 Legislative District comprised in whole or part in the county, shall be

1 published in at least a newspaper or newspapers which singly or in
2 combination, have general circulation in every municipality of the
3 county which is comprised in such legislative district.

4 d. Such part or parts of the original notices as published which
5 pertain to day of registration or primary election which has occurred
6 shall be eliminated from such notice in succeeding insertions.

7 e. (Deleted by amendment, PL.1999, c.232.)

8 f. The cost of publishing the notices required by this section shall
9 be paid by the respective counties, unless otherwise provided for by
10 law.

11 (cf: P.L.1999, c.232, s.2)

12

13 20. Section 3 of P.L.1990, c.57 (C.19:13-14.1) is amended to read
14 as follows:

15 3. A person whose name appears on the ballot at a primary
16 election for the general election as a candidate for nomination by a
17 political party for any municipal office shall not be eligible to serve as
18 the candidate of any other political party for that office in that
19 municipality at the general election following that primary.

20 (cf: P.L.1990, c.57, s.3)

21

22 21. R.S.19:13-20 is amended to read as follows:

23 19:13-20. In the event of a vacancy, howsoever caused, among
24 candidates nominated at **[primaries]** a primary election for the general
25 election, which vacancy shall occur not later than the 51st day before
26 the general election, or in the event of inability to select a candidate
27 because of a tie vote at such primary, a candidate shall be selected in
28 the following manner:

29 a. (1) In the case of an office to be filled by the voters of the entire
30 State, the candidate shall be selected by the State committee of the
31 political party wherein such vacancy has occurred.

32 (2) In the case of an office to be filled by the voters of a single and
33 entire county, the candidate shall be selected by the county committee
34 in such county of the political party wherein such vacancy has
35 occurred.

36 (3) In the case of an office to be filled by the voters of a portion of
37 the State comprising all or part of two or more counties, the candidate
38 shall be selected by those members of the county committees of the
39 party wherein the vacancy has occurred who represent those portions
40 of the respective counties which are comprised in the district from
41 which the candidate is to be elected.

42 (4) In the case of an office to be filled by the voters of a portion of
43 a single county, the candidate shall be selected by those members of
44 the county committee of the party wherein the vacancy has occurred
45 who represent those portions of the county which are comprised in the
46 district from which the candidate is to be elected.

1 At any meeting held for the selection of a candidate under this
2 subsection, a majority of the persons eligible to vote thereat shall be
3 required to be present for the conduct of any business, and no person
4 shall be entitled to vote at that meeting who is appointed to the State
5 committee or county committee after the seventh day preceding the
6 date of the meeting.

7 In the case of a meeting held to select a candidate for other than a
8 Statewide office, the chairman of the meeting shall be chosen by
9 majority vote of the persons present and entitled to vote thereat. The
10 chairman so chosen may propose rules to govern the determination of
11 credentials and the procedures under which the meeting shall be
12 conducted, and those rules shall be adopted upon a majority vote of
13 the persons entitled to vote upon the selection. If a majority vote is
14 not obtained for those rules, the delegates shall determine credentials
15 and conduct the business of the meeting under such other rules as may
16 be adopted by a majority vote. All contested votes taken at the
17 selection meeting shall be by secret ballot.

18 b. (1) Whenever in accordance with subsection a. of this section
19 members of two or more county committees are empowered to select
20 a candidate to fill a vacancy, it shall be the responsibility of the
21 chairmen of said county committees, acting jointly not later in any case
22 than the seventh day following the occurrence of the vacancy, to give
23 notice to each of the members of their respective committees who are
24 so empowered of the date, time and place of the meeting at which the
25 selection will be made, that meeting to be held at least one day
26 following the date on which the notice is given.

27 (2) Whenever in accordance with the provisions of subsection a. of
28 this section members of a county committee are empowered to select
29 a candidate to fill a vacancy, it shall be the responsibility of the
30 chairman of such county committee, not later in any case than the
31 seventh day following the occurrence of the vacancy, to give notice to
32 each of the members of the committee who are so empowered of the
33 date, time and place of the meeting at which the selection will be
34 made, that meeting to be held at least one day following the date on
35 which the notice is given.

36 (3) A county committee chairman or chairmen who call a meeting
37 pursuant to paragraph (1) or (2) of this subsection shall not be entitled
38 to vote upon the selection of a candidate at such meeting unless he or
39 they are so entitled pursuant to subsection a.

40 (4) Whenever in accordance with the provisions of subsection a. of
41 this section the State committee of a political party is empowered to
42 select a candidate to fill a vacancy, it shall be the responsibility of the
43 chairman of that State committee to give notice to each of the
44 members of the committee of the date, time and place of the meeting
45 at which the selection will be made, that meeting to be held at least
46 one day following the date on which the notice is given.

1 c. Whenever a selection is to be made pursuant to this section to
2 fill a vacancy resulting from inability to select a candidate because of
3 a tie vote at a primary election for the general election, the selection
4 shall be made from among those who have thus received the same
5 number of votes at the primary.

6 d. A selection made pursuant to this section shall be made not
7 later than the 48th day preceding the date of the general election, and
8 a statement of such selection shall be filed with the Attorney General
9 or the appropriate county clerk, as the case may be, not later than
10 [said 48th] that day, and in the following manner:

11 (1) A selection made by a State committee of political party shall
12 be certified to the Attorney General by the State chairman of the
13 political party.

14 (2) A selection made by a county committee of a political party, or
15 a portion of the members thereof, shall be certified to the county clerk
16 of the county by the county chairman of such political party; except
17 that when such selection is of a candidate for the Senate or General
18 Assembly or the United States House of Representatives the county
19 chairman shall certify the selection to the State chairman of such
20 political party, who shall certify the same to the Attorney General.

21 (3) A selection made by members of two or more county
22 committees of a political party acting jointly shall be certified by the
23 chairmen of said committees, acting jointly, to the State chairman of
24 such political party, who shall certify the same to the Attorney
25 General.

26 e. A statement filed pursuant to subsection d. of this section shall
27 state the residence and post office address of the person so selected,
28 and shall certify that the person so selected is qualified under the laws
29 of this State to be a candidate for such office, and is a member of the
30 political party filling the vacancy. Accompanying the statement the
31 person endorsed therein shall file a certificate stating that he is
32 qualified under the laws of this State to be a candidate for the office
33 mentioned in the statement, that he consents to stand as a candidate at
34 the ensuing general election and that he is a member of the political
35 party named in said statement, and further that he is not a member of,
36 or identified with, any other political party or any political
37 organization espousing the cause of candidates of any other political
38 party, to which shall be annexed the oath of allegiance prescribed in
39 R.S.41:1-1 duly taken and subscribed by him before an officer
40 authorized to take oaths in this State. The person so selected shall be
41 the candidate of the party for such office at the ensuing general
42 election. Each candidate for the office of Governor or the office of
43 member of the Senate or General Assembly filing a certification shall
44 annex thereto a statement signed by the candidate that he or she:

45 (1) has not been convicted of any offense graded by Title 2C of the
46 New Jersey Statutes as a crime of the first, second, third or fourth

1 degree, or any offense in any other jurisdiction which, if committed in
2 this State, would constitute such a crime; or

3 (2) has been so convicted, in which case, the candidate shall
4 disclose on the statement the crime for which convicted, the date and
5 place of the conviction and the penalties imposed for the conviction.
6 Such a candidate may, as an alternative, submit with the statement a
7 copy of an official document that provides such information. If the
8 candidate has been convicted of more than one criminal offense, such
9 information about each conviction shall be provided. Records
10 expunged pursuant to chapter 52 of Title 2C of the New Jersey
11 Statutes shall not be subject to disclosure.

12 (cf: P.L.2004, c.26, s.2)

13

14 22. R.S.19:14-6 is amended to read as follows:

15 19:14-6. In each column, immediately below the six-point rule,
16 shall be printed the proper word or words to designate the column, to
17 be known as the "column designation."

18 In the columns at the extreme left shall be printed the name of each
19 of the political parties which made nominations at the next preceding
20 presidential primary election, during the same year such an election is
21 held, and the next preceding primary election for the general election
22 every year, directly under which shall appear the words "to vote for
23 any candidate whose name appears in the column below, mark a cross
24 x , plus + or check X in the square at the left of the name of such
25 candidate. Do not vote for more candidates than are to be elected to
26 any office." Such columns shall be three inches in width.

27 The column next to the right of such columns shall be designated
28 "personal choice," under which shall appear the words "in the blank
29 column below, under the proper title of office, the voter may write or
30 paste the name of any person for whom he desires to vote, whose
31 name is not printed on this ballot, and shall mark a cross x , plus + or
32 check X in the square at the left of such name. Do not vote for more
33 candidates than are to be elected to any office." There shall also be
34 the same instructions regarding electors of president and
35 vice-president which now appear at the head of all other columns.
36 This column shall be four inches in width.

37 The remaining column or columns, as the case may be, shall each
38 be designated "Nomination by Petition," under which shall be printed
39 the words "to vote for any candidate whose name appears in the
40 column below mark a x , plus + or check X in the square at the left of
41 the name of such candidate. Do not vote for more candidates than are
42 to be elected to any office." These columns shall be four inches in
43 width.

44 Below the column designations and accompanying instructions and
45 not more than one and one-half inches below the six-point diagram
46 rule and parallel thereto, shall be printed a six-point diagram rule

1 extending across the entire ballot from one four point rule to the other.
2 (cf: P.L.1947, c.104, s.2)

3

4 23. R.S.19:14-8 is amended to read as follows:

5 19:14-8. In the columns of each of the political parties which
6 made nominations at the next preceding primary election to the general
7 election and in the personal choice column, within the space between
8 the two-point hair line rules, there shall be printed the title of each
9 office to be filled at such election, except as hereinafter provided.

10 Such titles of office shall be arranged in the following order:
11 [electors of President and Vice-President of the United States;]
12 member of the United States Senate; Governor; member of the House
13 of Representatives; member of the State Senate; members of the
14 General Assembly; county executive, in counties that have adopted the
15 county executive plan of the "Optional County Charter Law,"
16 P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate;
17 register of deeds and mortgages; county supervisor; members of the
18 board of chosen freeholders; coroners; mayor and members of
19 municipal governing bodies, and any other titles of office. Above each
20 of such titles of office, except the one at the top, shall be printed a
21 two-point diagram rule in place of the two-point hair line rule. Below
22 the titles of such offices shall be printed the names of the candidates
23 for the offices.

24 In the columns of each of the political parties which made
25 nominations at the next preceding presidential primary election and in
26 the personal choice column, within the space between the two-point
27 hair line rules, there shall be printed the title of office for electors of
28 President and Vice President of the United States.

29 The arrangement of the names of candidates for any office for
30 which more than one are to be elected shall be determined in the
31 manner hereinafter provided, as in the case of candidates nominated by
32 petition.

33 When no nomination for an office has been made the words "No
34 Nomination Made" in type large enough to fill the entire space or
35 spaces below the title of office shall be printed upon the ballot.

36 Immediately to the left of the name of each candidate, at the
37 extreme left of each column, including the personal choice column,
38 shall be printed a square, one-quarter of an inch in size, formed by
39 two-point diagram rules. In the personal choice column no names of
40 candidates shall be printed.

41 To the right of the title of each office in the party columns and the
42 personal choice column shall be printed the words "Vote for ,"
43 inserting in words the number of persons to be elected to such office.
44 (cf: P.L.1995, c.191, s.1)

45

46 24. R.S.19:14-12 is amended to read as follows:

1 19:14-12. The county clerk shall draw lots in his county to
2 determine which columns the political parties which made nominations
3 at the next preceding presidential primary election in each presidential
4 year and at the primary election for the general election every year.
5 shall occupy on the ballot in the county. The name of the party first
6 drawn shall occupy the first column at the left of the ballot, and the
7 name of the party next drawn shall occupy the second column, and so
8 forth.

9 The position which the names of candidates, and bracketed groups
10 of names of candidates nominated by petitions for all offices, shall
11 have upon the general election ballot, shall be determined by the
12 county clerks in their respective counties.

13 The manner of drawing the lots shall be as follows: paper slips
14 with the names of each political party written thereon, shall be placed
15 in capsules of the same size, shape, color and substance and then
16 placed in a covered box with an aperture in the top large enough to
17 admit a man's hand and to allow the capsules to be drawn therefrom.
18 The box shall be well shaken and turned over to thoroughly
19 intermingle the capsules. The county clerk or his deputy shall at his
20 office, draw from the box each capsule separately without knowledge
21 on his part as to which capsule he is drawing.

22 The person making the drawing shall open the capsule and shall
23 make public announcement at the drawing of each name, the order in
24 which name is drawn and the office for which the drawing is made.

25 Where there is but one person to be elected to an office, the names
26 of the several candidates who have filed petitions for such office shall
27 be written upon paper slips and placed in separate capsules of the same
28 size, shape, color and substance. The capsules shall be placed in a
29 covered box with an aperture in the top large enough to admit a man's
30 hand and to allow the capsules to be drawn therefrom. The box shall
31 be turned and shaken thoroughly to mix the capsules and the capsules
32 shall be withdrawn one at a time.

33 When there is more than one person to be elected to an office
34 where petitions have designated that certain candidates shall be
35 bracketed, the position of such bracketed names on the ballot (each
36 bracketed group to be treated as a single name), together with
37 individuals who have filed petitions for such office, shall be determined
38 as above described.

39 Any legal voter of the county or municipality, as the case may be,
40 shall have the privilege of witnessing the drawing.

41 The name or names of the candidate or bracketed group of
42 candidates first drawn from the box shall be printed directly below the
43 proper title of the office for which they were nominated, and the name
44 or names of the candidate or bracketed group of candidates next
45 drawn shall be printed next in order, and so on, until the last name or
46 bracketed group of names shall be drawn from the box.

1 The arrangement of names of any bracketed group of candidates
2 for any office for which more than one are to be elected shall be
3 printed in the same order on the ballot as they were arranged on the
4 petition of nomination.

5 The drawing for the positions which the names of candidates and
6 bracketed groups of names of candidates, nominated by petition for
7 office, and for the columns which the political parties which made
8 nominations at the next preceding presidential primary election and the
9 preceding primary election for the general election shall occupy upon
10 the general election ballot, shall be held at 3 o'clock in the afternoon
11 of the eighty-fifth day prior to the day of the general election.
12 (cf: P.L.1977, c.431, s.1)

13

14 25. R.S.19:23-1 is amended to read as follows:

15 19:23-1. The chairman of the State committee of a political party
16 shall, on or before March 1 in the year when a Governor is to be
17 elected, notify in writing the chairman of each county committee of
18 such party of the number of male or female members or members with
19 less than one full vote to be elected from the county at the ensuing
20 primary election for the general election, and each such chairman shall,
21 on or before April 1 of such year, send a copy of such notice to the
22 county clerk.

23 The chairman of each county committee shall also, on or before
24 January 10 of each presidential year and on or before April 1 [, in each
25 year] of every other year, file with the clerks of the several
26 municipalities the number of committeemen to be elected at the
27 ensuing primary for the general election to the county committee.
28 (cf: P.L.1978, c.15, s.3)

29

30 26. R.S.19:23-24 is amended to read as follows:

31 19:23-24. The position which the candidates and bracketed groups
32 of names of candidates for the primary for the general election shall
33 have upon the ballots used for the primary election [**ballots**] for the
34 general election, in the case of candidates for nomination for members
35 of the United States Senate, Governor, members of the House of
36 Representatives, members of the State Senate, members of the General
37 Assembly, [**choice for President, delegates and alternates-at-large to**
38 **the national conventions of political parties, district delegates and**
39 **alternates to conventions of political parties,**] candidates for party
40 positions, and county offices or party positions which are to be voted
41 for by the voters of the entire county or a portion thereof greater than
42 a single municipality, including a congressional district which is wholly
43 within a single municipality, shall be determined by the county clerks
44 in their respective counties; and, excepting in counties where
45 R.S.19:49-2 applies, the position on the ballot used for the primary
46 [**ballots**] election for the general election in the case of candidates for

1 nomination for office or party position wherein the candidates for
2 office or party position to be filled are to be voted for by the voters of
3 a municipality only, or a subdivision thereof (excepting in the case of
4 members of the House of Representatives) shall be determined by the
5 municipal clerk in such municipalities, in the following manner: The
6 county clerk, or his deputy, or the municipal clerk or his deputy, as the
7 case may be, shall at his office on the 47th day prior to the primary
8 election for the general election at three o'clock in the afternoon draw
9 from the box, as hereinafter described, each card separately without
10 knowledge on his part as to which card he is drawing. Any legal voter
11 of the county or municipality, as the case may be, shall have the
12 privilege of witnessing such drawing. The person making the drawing
13 shall make public announcement at the drawing of each name, the
14 order in which same is drawn, and the office for which the drawing is
15 made. When there is to be but one person nominated for the office,
16 the names of the several candidates who have filed petitions for such
17 office shall be written upon cards (one name on a card) of the same
18 size, substance and thickness. The cards shall be deposited in a box
19 with an aperture in the cover of sufficient size to admit a man's hand.
20 The box shall be well shaken and turned over to thoroughly mix the
21 cards, and the cards shall then be withdrawn one at a time. The first
22 name drawn shall have first place, the second name drawn, second
23 place, and so on; the order of the withdrawal of the cards from the box
24 determining the order of arrangement in which the names shall appear
25 upon the primary election ballot. Where there is more than one person
26 to be nominated to an office where petitions have designated that
27 certain candidates shall be bracketed, the position of such bracketed
28 names on the ballot (each bracket to be treated as a single name),
29 together with individuals who have filed petitions for nomination for
30 such office, shall be determined as above described. Where there is
31 more than one person to be nominated for an office and there are more
32 candidates who have filed petitions than there are persons to be
33 nominated, the order of the printing of such names upon the primary
34 election ballots shall be determined as above described.

35 The county clerk in certifying to the municipal clerk the offices to
36 be filled and the names of candidates to be printed upon the ballots
37 used for the primary election [ballots] for the general election, shall
38 certify them in the order as drawn in accordance with the above
39 described procedure, and the municipal clerk shall print the names
40 upon the ballots as so certified and in addition shall print the names of
41 such candidates as have filed petitions with him in the order as
42 determined as a result of the drawing as above described. Candidates
43 for the office of the county executive in counties that have adopted the
44 county executive plan of the "Optional County Charter Law,"
45 P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede the candidates for
46 other county offices for which there are candidates on the ballot used

1 for the primary election [ballot] for the general election.

2 (cf: P.L.1995, c.191, s.3)

3

4 27. R.S.19:23-40 is amended to read as follows:

5 19:23-40. The presidential primary election shall be held for all
6 political parties in each presidential year on the last Tuesday in
7 February.

8 The primary election for the general election shall be held for all
9 political parties upon the Tuesday next after the first Monday in June.

10 All primary elections shall occur between the hours of 6:00 A.M.
11 and 8:00 P.M., Standard Time [. It] and shall be held for all political
12 parties in the same places as hereinbefore provided for the ensuing
13 general election.

14 (cf: P.L.2001, c.245, s.4)

15

16 28. R.S.19:23-42 is amended to read as follows:

17 19:23-42. The presidential primary election and the primary for
18 the general election shall be conducted by the district boards
19 substantially in the same manner as the general election, except as
20 herein otherwise provided.

21 Each district board may allow one member thereof at a time to be
22 absent from the polling place or room for a period not exceeding one
23 hour between the hours of one o'clock and five o'clock in the
24 afternoon or for such shorter time as it shall see fit; but at no time
25 from the opening of the polls to the completion of the canvass shall
26 there be less than a majority of the board present in the polling room
27 or place.

28 (cf: R.S.19:23-42)

29

30 29. R.S.19:23-45 is amended to read as follows:

31 19:23-45. No voter shall be allowed to vote at [the] any primary
32 election unless his name appears in the signature copy register.

33 A voter who votes in a primary election of a political party or who
34 signs and files with the municipal clerk or the county commissioner of
35 registration a declaration that he desires to vote in [the] any primary
36 election of a political party shall be deemed to be a member of that
37 party until he signs and files a declaration that he desires to vote in
38 [the] a primary election of another political party at which time he
39 shall be deemed to be a member of such other political party. The
40 [Secretary of State] Attorney General shall cause to be prepared
41 political party affiliation declaration forms and shall provide such
42 forms to the commissioners of registration of the several counties and
43 to the clerks of the municipalities within such counties.

44 No voter, except a newly registered voter at the first primary at
45 which he is eligible to vote, or a voter who has not previously voted
46 in a primary election, may vote in a primary election of a political party

1 unless he was deemed to be a member of that party on the fiftieth day
2 next preceding such primary election.

3 A member of the county committee of a political party and a public
4 official or public employee holding any office or public employment to
5 which he has been elected or appointed as a member of a political
6 party shall be deemed a member of such political party.

7 Any person voting in the primary ballot box of any political party
8 in any primary election in contravention of the election law shall be
9 guilty of a misdemeanor, and any person who aids or assists any such
10 person in such violation by means of public proclamation or order, or
11 by means of any public or private direction or suggestions, or by
12 means of any help or assistance or cooperation, shall likewise be guilty
13 of a misdemeanor.

14 (cf: P.L.1977, c.97, s.1)

15

16 30. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
17 as follows:

18 2. a. The county commissioner of registration in each of the
19 several counties, shall cause a notice to be published in each
20 municipality of their respective counties in a newspaper or newspapers
21 circulating therein. The notice to be so published shall be published
22 once during each of the 2 calendar weeks next preceding the week in
23 which the fiftieth day next preceding [the] any primary election of a
24 political party occurs.

25 b. The notice required to be published by the preceding paragraph
26 shall inform the reader thereof that no voter, except a newly registered
27 voter at the first primary at which he is eligible to vote, or a voter who
28 has not previously voted in a primary election may vote in a primary
29 election of a political party unless he was deemed to be a member of
30 that party on the fiftieth day next preceding such primary election. It
31 shall further inform the reader thereof that a voter who votes in [the]
32 any primary election of a political party or who signs and files with the
33 municipal clerk or the county commissioner of registration a
34 declaration that he desires to vote in [the] a primary election of a
35 political party shall be deemed to be a member of that party until he
36 signs and files a declaration that he desires to vote in [the] a primary
37 election of another political party at which time he shall be deemed to
38 be a member of such other political party. The notice shall also state
39 the time and location where a person may obtain political party
40 affiliation declaration forms.

41 (cf: P.L.1977, c.97, s.2)

42

43 31. R.S.19:23-46 is amended to read as follows:

44 19:23-46. Each voter offering to vote shall announce his name and
45 the party primary in which he wishes to vote. The district board shall
46 thereupon ascertain by reference to the signature copy register or the

1 primary election registry book required for either the presidential
2 primary or the primary election for the general election by this title, as
3 the case may be, and, in municipalities not having permanent
4 registration, if necessary by reference to the primary party poll books
5 of the preceding presidential primary election or primary election for
6 the general election, that such voter is registered as required by this
7 title and also that he is not ineligible or otherwise disqualified by the
8 provisions of section 19:23-45 of this title; in which event he shall be
9 allowed to vote.

10 (cf: R.S.19:23-46)

11
12 32. R.S.19:23-49 is amended to read as follows:

13 19:23-49. At the close of **[the]** a presidential primary election and
14 a primary election for the general election each district board shall
15 immediately proceed to count the votes cast at the election and
16 ascertain the results thereof for the candidates of each political party
17 holding such elections, proceeding in the manner indicated by the
18 statement hereinafter provided for, and as nearly as may be in the
19 manner herein required for the counting by the district board of votes
20 cast at the general election.

21 (cf: R.S.19:23-49)

22
23 33. R.S.19:23-58 is amended to read as follows:

24 19:23-58. Any provisions of this title which pertain particularly to
25 any election or to the general election shall apply to the presidential
26 primary election or the primary election for the general election, as the
27 case may be, in so far as they are not inconsistent with the special
28 provisions of this title pertaining to the presidential primary election
29 or the primary election for the general election.

30 (cf: R.S.19:23-58)

31
32 34. R.S.19:24-1 is amended to read as follows:

33 19:24-1. In every year in which presidential primary elections are
34 to be held as herein provided for the election of delegates and
35 alternates to the national conventions of political parties, including any
36 national mid-term convention or conference of a political party,
37 **[which primary elections are to be held on the first Tuesday in June as**
38 **hereinbefore provided,]** the chairman of the State committee of each
39 political party shall notify the **[Secretary of State]** Attorney General,
40 on or before **[March 1]** January 1 of that year, of the number of
41 delegates-at-large and the number of alternates-at-large to be elected
42 to the next national convention of such party by the voters of the party
43 throughout the State, and also of the number of delegates and
44 alternates to be chosen to such convention in the respective
45 congressional districts or other territorial subdivisions of the State as

1 mentioned in such notification.

2 If the State chairmen, or either of them, shall fail to file notice, the
3 **[Secretary of State] Attorney General** shall ascertain such facts from
4 the call for its national convention issued by the National or State
5 committee.

6 (cf: P.L.1978, c.15, s.5)

7

8 35. R.S.19:24-2 is amended to read as follows:

9 19:24-2. The **[Secretary of State] Attorney General** shall, on or
10 before **[March 20] January 1** of that year, certify to the county clerk
11 and county board of each county the number of delegates and
12 alternates-at-large to be chosen by each such party and the number of
13 delegates and alternates to be chosen in each congressional district or
14 other territorial subdivision of the State, composed in whole or in part
15 of the county of such county clerk.

16 Any provisions of this Title which pertain particularly to any
17 election or to the general election or to the primary election for the
18 general election shall apply to the presidential primary election for
19 delegates and alternates to national conventions in so far as they are
20 not inconsistent with the special provisions of this Title pertaining to
21 the presidential primary election for delegates and alternates to
22 national conventions.

23 Notwithstanding any provision of this Title, national and State
24 party rules shall govern the selection of delegates and alternates to
25 national party conventions, provided the State chairman of the
26 political party notifies the **[Secretary of State] Attorney General** prior
27 to **[March 1] January 1** of the year in which delegates and alternates
28 are elected of the applicable party rules governing the delegate
29 selection process. The **[Secretary of State] Attorney General** shall
30 notify the county clerks prior to **[April 1] January 10** of the year in
31 which delegates and alternates are elected of the applicable party rules,
32 if any, which apply to matters within their jurisdiction. Pursuant to
33 this section, the **[Secretary of State] Attorney General** shall issue to
34 the county clerks uniform regulations governing the delegate selection
35 process.

36 (cf: P.L.1976, c.9, s.1)

37

38 36. R.S.19:24-4 is amended to read as follows:

39 19:24-4. Not less than 100 members of each such political party
40 may file with the Attorney General at least 57 days prior to the
41 presidential primary election **[for the general election]** in any year of
42 a national convention a petition requesting that the name of a person
43 therein indorsed shall be printed on the presidential primary ticket of
44 such political party as candidate for the position of delegate-at-large
45 or alternate-at-large, to be chosen by the party voters throughout the

1 State to the national convention of that party, or as a delegate or
2 alternate to be chosen to that convention by the voters of any
3 congressional district.

4 The signers to the petition for any delegate-at-large or
5 alternate-at-large shall be legal voters resident in the State; and the
6 signers for any delegate or alternate from any Congressional district
7 shall be voters of such district.

8 The Attorney General shall not later than the 48th day preceding
9 the presidential primary election [for the general election] certify to
10 each county clerk and county board such nominations for delegates
11 and alternates-at-large and the nominations for delegate or alternate
12 for any Congressional district.

13 (cf: P.L.2001, c.211, s.2)

14

15 37. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
16 follows:

17 1. Not less than one thousand voters of any political party may file
18 a petition with the Attorney General on or before the 57th day before
19 a presidential primary election [in any year in which a President of the
20 United States is to be chosen], requesting that the name of the person
21 indorsed therein as a candidate of such party for the office of President
22 of the United States shall be printed upon the official presidential
23 primary ballot of that party for the then ensuing election for delegates
24 and alternates to the national convention of such party.

25 The petition shall be prepared and filed in the form and manner
26 herein required for the indorsement of candidates to be voted for at the
27 primary election for the general election, except that the candidate
28 shall not be permitted to have a designation or slogan following his
29 name, and that it shall not be necessary to have the consent of such
30 candidate for President indorsed on the petition.

31 (cf: P.L.2001, c.211, s.3)

32

33 38. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
34 follows:

35 2. The [Secretary of State] Attorney General shall certify the
36 names so indorsed to the county clerk of each county not later than the
37 48th day before such presidential primary election, but if any person
38 so indorsed shall on or before such date decline in writing, filed in the
39 office of the [Secretary of State] Attorney General, to have his name
40 printed upon the presidential primary election ballot as a candidate for
41 President, the [Secretary of State] Attorney General shall not so
42 certify such name.

43 (cf: P.L.1985, c.92, s.24)

44

45 39. R.S.19:26-1 is amended to read as follows:

46 19:26-1. At the close of all primary elections held according to the

1 provisions of this title, and after counting the ballots cast at such
2 primary and making the statements thereof as herein provided, each
3 district board shall place all ballots voted at the election and all spoiled
4 and unused ballots inside the ballot boxes used at such election, and
5 after locking and sealing the same, shall forthwith deliver the ballot
6 boxes to the municipal clerk and the keys thereof to the county clerk.
7 The [district board in municipalities not having permanent registration
8 shall deliver to the county clerk the party primary poll books of the
9 previous year, together with the primary election registry books and
10 the primary party poll books made up at the current primary election.
11 In all municipalities having permanent registration, the] signature copy
12 register binders and the current primary party poll books used at any
13 primary election shall be returned by the district boards to the
14 commissioner, not later than noon of the day following the preceding
15 primary election [for the general election].

16 The commissioner shall return the primary party poll books used
17 at any primary election to the municipal clerks [in municipalities
18 having permanent registration] not later than one month preceding the
19 next primary election.

20 [In all municipalities not having permanent registration the register
21 of voters shall be returned by the district boards to the county clerk
22 not later than the day following the primary election for the general
23 election.]

24 The county clerks, in counties other than counties of the first class,
25 shall, during the ten days next preceding the third registry day deliver,
26 at their offices or in any other way they may see fit, the register of
27 voters to the respective district boards.

28 The county clerks in counties of the first class shall deliver the
29 register of voters to the municipal clerks, who shall deliver such
30 register to the district boards at the same time and with the official
31 general election sample ballots.

32 (cf: R.S.19:26-1)

33

34 40. R.S.19:27-11 is amended to read as follows:

35 19:27-11. In the event of any vacancy in any county or municipal
36 office, except for the office of a member of the board of chosen
37 freeholders, which vacancy shall occur after the 11th day preceding the
38 last day for filing petitions for nominations for the primary election for
39 the general election and on or before the 51st day preceding the
40 general election, each political party may select a candidate for the
41 office in question in the manner prescribed in R.S.19:13-20 for
42 selecting candidates to fill vacancies among candidates nominated at
43 primary elections to the general elections. A statement of such
44 selection shall be filed with the county clerk not later than the close of
45 business of the 48th day preceding the date of the general election.

46 Besides the selection of candidates by each political party as before

1 provided, candidates may also be nominated by petition in a similar
2 manner as herein provided for direct nomination by petition for the
3 general election but the petition shall be filed with the county clerk at
4 least 48 days prior to such general election.

5 When the vacancy occurs in a county office the county clerk shall
6 forthwith give notice thereof to the chairman of the county committee
7 of each political party and in counties of the first class to the county
8 board, and in case the vacancy occurs in a municipal office the
9 municipal clerk shall forthwith give notice thereof to the county clerk,
10 the chairman of the county committee of each political party and in
11 counties of the first class the county board.

12 The county clerk shall print on the ballots for the territory affected,
13 in the personal choice column, the title of office and leave a proper
14 space under such title of office; and print the title of office and the
15 names of such persons as have been duly nominated, in their proper
16 columns.

17 (cf: P.L.1990, c.33, s.1)

18

19 41. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
20 read as follows:

21 7. When any vacancy happens in the Legislature otherwise than by
22 expiration of term, it shall be filled by election for the unexpired term
23 only at the next general election occurring not less than 51 days after
24 the occurrence of the vacancy, except that no such vacancy shall be
25 filled at the general election which immediately precedes the expiration
26 of the term in which the vacancy occurs. In the event a vacancy
27 eligible to be filled by election hereunder occurs on or before the sixth
28 day preceding the last day for filing petitions for nomination for the
29 primary election, such petitions may be prepared and filed for
30 nomination in that primary election in the manner provided by article
31 3 of chapter 23 of this Title. In the event the vacancy occurs after that
32 sixth day preceding the last day for filing petitions for nomination for
33 the primary election for the general election, a political party may
34 select a candidate for the office in question in the manner prescribed
35 in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill
36 vacancies among candidates nominated at primary elections for the
37 general elections. A statement of such selection under R.S.19:13-20
38 shall be filed with the [Secretary of State] Attorney General not later
39 than the 48th day preceding the date of the general election.

40 Besides the selection of candidates by each political party,
41 candidates may also be nominated by petition in a manner similar to
42 direct nomination by petition for the general election; but if the
43 candidate of any party to fill the vacancy will be chosen at a primary
44 election, such petition shall be filed with the [Secretary of State]
45 Attorney General at least 55 days prior to the primary election; and if
46 no candidate of any party will be chosen at a primary election, such

1 petition shall be filed with the [Secretary of State] Attorney General
2 not later than 12 o'clock noon of the day on which the first selection
3 meeting by any party is held under this section to select a nominee to
4 fill the vacancy.

5 When the vacancy occurs in the Senate or General Assembly, the
6 county clerk of each county which is comprised in whole or part in the
7 Senate or General Assembly district shall forthwith give notice thereof
8 to the chairman of the county committee of each political party and in
9 counties of the first class to the county board.

10 The county clerk shall print on the ballots for the territory affected,
11 in the personal choice column, the title of office and leave a proper
12 space under such title of office; and print the title of office and the
13 names of such persons as have been duly nominated, in their proper
14 columns.

15 (cf: P.L.1990, c.56, s.2)

16
17 42. R.S.19:29-3 is amended to read as follows:

18 19:29-3. The petition contesting any nomination to public office,
19 election to party office or position, election as a delegate or alternate
20 in a presidential primary or the proposal of any proposition shall be
21 filed not later than 10 days after the primary election.

22 The petition contesting any election to public office or approval or
23 disapproval of any proposition shall be filed not later than 30 days
24 after such election, unless the ground of action is discovered from the
25 statements, deposit slips or vouchers filed under this Title, subsequent
26 to such primary or other election, in which event such petition may be
27 filed 10 or 30 days respectively after such statements, deposit slips or
28 vouchers are filed.

29 Any petition of contest may be filed within 10 days after the result
30 of any recount has been determined or announced.

31 (cf: P.L.1956, c.128, s.3)

32
33 43. R.S.19:31-16 is amended to read as follows:

34 19:31-16. a. The health officer or other officer in charge of
35 records of death in each municipality shall file with the commissioner
36 of registration for the county in which the municipality is located once
37 each month, during the first five days thereof, the age, date of death,
38 and the names and addresses of all persons 18 years of age or older
39 who have died within such municipality during the previous month.
40 Within 30 days after the receipt of such list the commissioner shall
41 make and complete such investigation as is necessary to establish to
42 his satisfaction that such deceased person is registered as a voter in the
43 county. If such fact is so established, the commissioner shall cause the
44 registration and record of voting forms of the deceased registrant to
45 be transferred to the death file as soon as possible. If the deceased
46 person was not so registered in the county, but the person maintained

1 a residence in another county of this State, the officer in charge of
2 records of death in the municipality in which the decedent died shall
3 forward a copy of the notice of death to the officer in charge of
4 records of death in the municipality in which the decedent resided.
5 That officer having received the notice shall notify the commissioner
6 of the county in which that municipality is located of the death of the
7 person. Any commissioner who receives such notification shall
8 undertake the procedures prescribed herein with respect to the
9 registration in that county of the decedent.

10 b. The State registrar of vital statistics shall file with the
11 commissioner of registration of each county no later than January 15
12 of each presidential year and no later than May 1 of [each] every
13 other year an alphabetized list of the name, address, and date of birth,
14 if available, of each resident of the county 18 years of age or older
15 who died during the previous year. Within 30 days after the receipt of
16 the list the commissioner shall undertake and complete such
17 investigation as is necessary to establish that each person on the list is
18 not registered as a voter in the county. The commissioner shall cause
19 the registration and record of voting forms of any deceased registrant
20 found on the list to be transferred to the death file as soon as possible.
21 (cf: P.L.1999, c.232, s.31)

22

23 44. R.S.19:31-20 is amended to read as follows:

24 19:31-20. On or before the second Monday preceding the
25 presidential primary election, the primary election for the general
26 election and the general election, respectively, the commissioner in
27 counties not having a superintendent of elections, shall deliver to the
28 municipal clerk in each municipality the signature copy registers for
29 each election district in such municipality and shall take a receipt for
30 same. The municipal clerk shall thereupon deliver at his office, or in
31 any other way he sees fit, such registers to a member or members of
32 the proper district boards at the same time and together with the
33 primary [for the general election] sample ballots or the general
34 election sample ballots, as the case may be. The registers shall be used
35 by the district boards on election days and for the purpose of mailing
36 the sample ballots. The commissioner in counties having a
37 superintendent of elections shall deliver such registers at his office, or
38 in any other way he may see fit, to the various district boards, taking
39 a receipt for same.

40 Before delivering the registers the commissioner shall cause to be
41 printed upon a separate sheet or sheets of paper, to be inserted inside
42 of the front cover of such registers in conspicuous type, such
43 instructions to election officers regarding the use and disposition of
44 the binders and forms as he deems necessary.

45 (cf: P.L.1947, c.168, s.22)

1 45. R.S.19:31-21 is amended to read as follows:

2 19:31-21. A person whose name appears in the signature copy
3 register and who upon applying for a ballot or voting authority shall
4 have given the information and signed the signature comparison record
5 as provided in this Title and whose signature in the signature
6 comparison record shall have been compared by a member of the
7 district board and in the presence and view of the challengers with the
8 signature of the applicant as recorded in the register shall be eligible
9 to receive a ballot or voting authority unless it be shown to the
10 satisfaction of a majority of the members of the district board that he
11 is not entitled to vote in the district or has otherwise become
12 disqualified.

13 No person shall be required to sign the signature comparison
14 record as a means of identification if he shall have been unable to write
15 his name when he registered, or if, having been able to write his name
16 when registered, he subsequently shall have lost his sight or lost the
17 hand with which he was accustomed to write or shall by reason of
18 disease or accident be unable to write his name when he applies to
19 vote, but each such person shall establish his identity in the manner
20 provided in this Title.

21 In addition to signing the signature comparison record and after
22 the comparison of the signature with the signature in the register, a
23 person offering to vote at [a] the presidential primary election or the
24 primary election for the general election, as the case may be, shall
25 announce his name and the party primary in which he wishes to vote.

26 After a person has voted the member of the district board having
27 charge of the signature copy registers shall place the number of the
28 person's ballot in the proper column on the record of voting form of
29 such person, which number shall constitute a record that the person
30 has voted. In the case of [a] the presidential primary election or the
31 primary election for the general election such member of the district
32 board shall also place in the proper column on the record of voting
33 form the first three letters of the name of the political party whose
34 primary ballot such person has voted.

35 In the event that the duplicate permanent registration form of any
36 person cannot be found in the signature copy register at the time he
37 applies for a ballot or voting authority, a member of the district board
38 shall promptly ascertain from the commissioner or a duly authorized
39 clerk if such person is permanently registered. Upon information that
40 such is the fact, such member of the district board shall require the
41 person applying for a ballot or voting authority to obtain an order
42 from the commissioner authorizing him to receive a ballot or voting
43 authority. The commissioner shall specially authorize and deputize
44 clerks to issue such orders in municipalities within his county. The
45 commissioner or his clerk shall require the voter to sign his name upon
46 such order for the purpose of signature comparison. The district

1 board shall require the voter to again sign his name on said order, in
2 the presence of the board, and if the signatures compare, to permit him
3 to vote. At primary elections the commissioner or his duly authorized
4 clerk shall endorse on the order the political party whose ballot such
5 person voted at the last preceding primary election. The order shall be
6 returned to the commissioner at the same time and along with the
7 signature copy registers.

8 (cf: P.L.1945, c.77, s.1)

9

10 46. R.S.19:31-22 is amended to read as follows:

11 19:31-22. Not later than noon of the day following the canvass of
12 the votes cast at the presidential primary election, the primary election
13 for the general election or the general election, the signature copy
14 registers shall be returned by each district board to the commissioner
15 at his office or in any other way as the commissioner may see fit.

16 Upon receipt of the registers the commissioner shall inspect them
17 and verify from the party primary poll books and the general election
18 poll books, as the case may be, that the entries required to be made on
19 the record of voting forms in such registers by the district boards have
20 been made. If the commissioner shall ascertain that such entries have
21 not been made or have been improperly made, he shall cause such
22 entries and corrections to be made forthwith and also notify the county
23 board of such failure of duty and the members of such district board
24 who have so failed in their duty and shall be ineligible for appointment
25 as members of any district board thereafter.

26 (cf: P.L.1965, c.106, s.1)

27

28 47. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to read
29 as follows:

30 9. On the day of every municipal, primary, presidential primary,
31 general, special or annual [or special] school election the
32 superintendent of elections in counties having a superintendent of
33 elections or the county board of elections in all other counties shall
34 provide to each polling place in the county sufficient numbers of a
35 form on which voters or persons attempting to vote may register any
36 complaint regarding the conduct of the election at the polling place
37 where they voted or attempted to vote. In counties in which the
38 primary language of 10% or more of the registered voters is Spanish,
39 the form for the complaint shall appear in both English and Spanish.
40 The form shall protect the anonymity of the complainant, if that person
41 so wishes, and shall be accompanied by an envelope with the proper
42 postage and the name and address of the superintendent of elections
43 of the county or the chairman of the county board of elections, as the
44 case may be. A complaint may be used by the superintendent of
45 elections or any other municipal or State investigatory agency to
46 conduct an investigation into possible violation of the State election

1 law. Copies of the form containing the complaint shall be available
2 from the superintendent of elections or the county board of elections,
3 as the case may be. The original form of the complaint, or a copy,
4 shall be kept on file with the superintendent of elections or the county
5 board of elections, as the case may be, for two years after the election
6 for which it was filed.

7 (cf: P.L.1991, c.249, s.9)

8

9 48. R.S.19:45-6 is amended to read as follows:

10 19:45-6. The compensation of each member of the district boards
11 for all services performed by them under the provisions of this Title
12 shall be as follows:

13 In all counties, for all services rendered including the counting of
14 the votes, and in counties wherein voting machines are used, the
15 tabulation of the votes registered on the voting machines, and the
16 delivery of the returns, registry binders, ballot boxes and keys for the
17 voting machines to the proper election officials, \$200 each time [the]
18 any primary election, the general election or any special election is
19 held under this Title; provided, however, that:

20 a. (1) The member of the board charged with the duty of obtaining
21 and signing for the signature copy registers shall receive an additional
22 \$12.50 per election, such remuneration being limited to only one board
23 member per election, or \$6.25 to each of two board members if they
24 share such responsibility for the signature copy registers, and (2) the
25 member of the board charged with the duty of returning the signature
26 copy registers shall receive an additional \$12.50 per election, such
27 remuneration being limited to only one board member per election, or
28 \$6.25 to each of two board members if they share such responsibility
29 for the signature copy registers;

30 b. In the case of any member of the board who is required under
31 R.S.19:50-1 to attend in a given year a training program for district
32 board members, but who fails to attend such a training program in that
33 year, that compensation shall be \$50.00 for each of those elections;

34 c. In counties wherein voting machines are used no compensation
35 shall be paid for any services rendered at any special election held at
36 the same time as any primary or general election. Such compensation
37 shall be in lieu of all other fees and payments; and

38 d. Compensation for district board members serving at a school
39 election shall be paid by the board of education of the school district
40 conducting the election at an hourly rate of \$5.77, except that the
41 board of education may compensate such district board members at a
42 pro-rated hourly rate consistent with the daily rate up to a maximum
43 of \$14.29. The provisions of subsections a., b., and c. of this section
44 shall also apply to district board members serving at a school election,
45 except that in the case of subsection b., the compensation shall be at
46 an hourly rate of \$3.85.

1 Compensation due each member shall be paid within 30 days but
 2 not within 20 days after each election; provided, however, that no
 3 compensation shall be paid to any member of any such district board
 4 who may have been removed from office or application for the
 5 removal of whom is pending under the provisions of R.S.19:6-4.
 6 (cf: P.L.2001, c.245, s.9)

7
 8 49. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to read
 9 as follows:

10 1. In all counties wherein voting machines are used the county
 11 board of elections shall furnish for use in each election district at any
 12 election, a sufficient number of voting authorities in substantially the
 13 following form:

14	City of		City of	
15	Ward	District	Ward	District
16	Election Held		Election Held	
17	..... day of	19...	..... day of	19
18	Voting Authority		Voting Authority	
19	No.		No.	
20	.....		.....
21	Signature of Voter.		.....

22 This certificate must be handed
 23 to the election officer in charge
 24 of the voting machines in order to
 25 vote.

26

27 County Board of Elections
 28 Clerk.

29 The voting authorities shall be numbered consecutively, be bound
 30 together in pads and shall be printed in two parts and perforated so
 31 that one part may be given to the voter who shall return the same to
 32 the district election officials in charge of the operation of the voting
 33 machine in order that such official shall be able to place the same in
 34 consecutive order on a string or wire. The other part of the voting
 35 authority shall be signed by the voter in his own handwriting before he
 36 be permitted to vote and shall remain bound in the pad. All pads
 37 containing the portions of the voting authorities on which the names
 38 of the persons who have voted have been signed, together with that
 39 portion of the voting authority which has been placed on a wire or
 40 string shall be returned to the commissioner of registration of the
 41 county, who shall keep them for a period of at least six months.

42 At any presidential primary election or primary election for the
 43 general election, each voting authority shall be marked to indicate the
 44 party primary in which the voter signing the same voted and the used
 45 voting authorities shall be strung in such a manner so that those used
 46 in one party primary shall remain separate from those used in the other

1 party primary.
2 (cf: P.L.1992, c.3, s.9)

3
4 50. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read
5 as follows:

6 7. a. (1) The county clerk or the municipal clerk, in the case of
7 a municipal election, shall arrange for the preparation of a provisional
8 ballot packet for each election district. It shall include the appropriate
9 number of provisional ballots, the appropriate number of envelopes
10 with an affirmation statement, the appropriate number of written
11 notices to be distributed to voters who vote by provisional ballot and
12 one provisional ballot inventory form affixed to the provisional ballot
13 bag. The clerk shall arrange for the preparation of and placement in
14 each provisional ballot bag of a provisional ballot packet and an
15 envelope containing a numbered seal. The envelope shall contain, on
16 its face, the instructions for the use of the seal, the number and the
17 election district location of the provisional ballot bag, and the
18 identification numbers of the seal placed in the envelope. Each
19 provisional ballot bag shall be sealed with a numbered security seal
20 before being forwarded to the appropriate election district.

21 (2) Each provisional ballot bag and the inventory of the contents
22 of each such bag shall be delivered to the designated polling place no
23 later than the opening of the polls on the day of an election.

24 b. The county clerk or the municipal clerk, in the case of a
25 municipal election, shall arrange for the preparation of the envelope,
26 affirmation statement, and written notice that is to accompany each
27 provisional ballot. The envelope shall be of sufficient size to
28 accommodate the provisional ballot, and the affirmation statement
29 shall be affixed thereto in a manner that enables it to be detached once
30 completed and verified by the county commissioner of registration.
31 The statement shall require the voter to provide the voter's name, and
32 to indicate whether the voter is registered to vote in a county but has
33 moved within that county since registering to vote; or is registered to
34 vote in the election district in which that polling place is located but
35 the voter's registration information is missing or otherwise deficient.
36 The statement shall further require the voter to provide the voter's
37 most recent prior voter registration address and address on the day of
38 the election and date of birth. The statement shall include the
39 statement: " I swear or affirm, that the foregoing statements made by
40 me are true and correct and that I understand that any fraudulent
41 voting may subject me to a fine of up to \$1,000, imprisonment up to
42 five years or both, pursuant to R.S.19:34-11." It shall be followed
43 immediately by spaces for the voter's signature and printed name, and
44 in the case of a name change, the voter's printed old and new name and
45 a signature for each name, the date the statement was completed,
46 political party affiliation, if used in a primary election, and the name of

1 the person providing assistance to the voter, if applicable. Each
2 statement shall also note the number of the election district, or ward,
3 and name of the municipality at which the statement will be used.

4 The written notice shall contain information to be distributed to
5 each voter who votes by provisional ballot. The notice shall state that,
6 if the voter is a mail-in registrant voting for the first time in his or her
7 current county of residence following registration and was given a
8 provisional ballot because he or she did not provide required personal
9 identification information, the voter shall be given until the close of
10 business on the second day after the election to provide identification
11 to the applicable county commissioner of registration, and the notice
12 shall contain a telephone number at which the commissioner may be
13 contacted. The notice shall further state that failure to provide the
14 required personal identification information within that time period
15 shall result in the rejection of the ballot. The notice shall state that
16 pursuant to section 4 of P.L.2004, c.88 (C.19:61-4), any individual
17 who casts a provisional ballot will be able to ascertain under a system
18 established by the State whether the ballot was accepted for counting,
19 and if the vote was not counted, the reason for the rejection of the
20 ballot. The notice shall include instructions on how to access such
21 information.

22 c. For the primary for the general election, the provisional ballots
23 shall be printed in ink on paper of a color that matches the color of the
24 voting authority, which shall indicate the party primary of the voter.
25 The provisional ballots shall be uniform in size, quality and type and
26 of a thickness that the printing thereon cannot be distinguished from
27 the back of the paper, and without any mark, device or figure on the
28 front or back other than as provided in P.L.1999, c.232 (C.19:53C-1
29 et seq.). Each such ballot shall include near the top thereof and in
30 large type the designation PROVISIONAL BALLOT. In all other
31 respects, the provisional ballots shall conform generally to the other
32 ballots to be used in the election district for the primary election.

33 The clerk of the county or municipality shall arrange for the
34 preparation of each provisional ballot package with an appropriate
35 number of provisional ballots for each political party, a corresponding
36 number of envelopes with affirmation statements, and a corresponding
37 number of written notices. Additional provisional ballots, envelopes,
38 and notices shall be available for delivery to that election district on
39 the day of the election, if necessary.

40 d. For the general election the provisional ballots shall be printed
41 in ink. The provisional ballots shall be uniform in size, quality and
42 type and of a thickness that the printing thereon cannot be
43 distinguished from the back of the paper, and without any mark,
44 device or figure on the front or back other than as provided in this act.
45 Each such ballot shall include near the top thereof and in large type the
46 designation PROVISIONAL BALLOT. In all other respects, the

1 provisional ballots shall conform generally to the other ballots to be
2 used in the election district for the general election.

3 The clerk of the county or municipality shall arrange for the
4 preparation of each provisional ballot package with an appropriate
5 number of provisional ballots, a corresponding number of envelopes
6 with affirmation statements, and a corresponding number of written
7 notices. Additional provisional ballots, envelopes, and notices shall be
8 available for delivery to that election district on the day of the election,
9 if necessary.

10 e. For a school election the provisional ballots shall be printed in
11 ink. The provisional ballots shall be uniform in size, quality and type
12 and of a thickness that the printing thereon cannot be distinguished
13 from the back of the paper, and without any mark, device or figure on
14 the front or back other than as provided in this act. Each such ballot
15 shall include near the top thereof and in large type the designation
16 PROVISIONAL BALLOT. In all other respects, the provisional
17 ballots shall conform generally to the other ballots to be used in the
18 election district for the school election.

19 The clerk of the county shall arrange for the preparation of each
20 provisional ballot package with an appropriate number of provisional
21 ballots, a corresponding number of envelopes with affirmation
22 statements, and a corresponding number of written notices. Additional
23 provisional ballots, envelopes, and notices shall be available for
24 delivery to that election district on the day of the election, if necessary.

25 f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et
26 al.), a provisional ballot that requires the voter to punch out a hole in
27 the ballot as a means of recording the voter's vote shall not be used in
28 any election in this State.

29 g. For the presidential primary election, the provisional ballots
30 shall be printed in ink on paper of a color that matches the color of the
31 voting authority, which shall indicate the party of the voter. The
32 provisional ballots shall be uniform in size, quality and type and of a
33 thickness that the printing thereon cannot be distinguished from the
34 back of the paper, and without any mark, device or figure on the front
35 or back other than as provided in P.L.1999, c.232 (C.19:53C-1 et al.).
36 Each such ballot shall include near the top thereof and in large type the
37 designation PROVISIONAL BALLOT. In all other respects, the
38 provisional ballots shall conform generally to the other ballots to be
39 used in the election district for the primary election for the general
40 election.

41 The clerk of the county or municipality shall arrange for the
42 preparation of each provisional ballot package with an appropriate
43 number of provisional ballots for each political party and a
44 corresponding number of envelopes with affirmation statements.
45 Additional provisional ballots and envelopes shall be available for

1 delivery to that election district on the day of the election, if
2 necessary.

3 (cf: P.L.2004, c.88, s.22)

4

5 51. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read
6 as follows:

7 2. Whenever used in this act, the following terms shall, unless the
8 context indicates otherwise, be construed to have the following
9 meanings:

10 "Absentee ballot" means any military service ballot or civilian
11 absentee ballot as herein defined.

12 "Absentee voter" means any person qualified to vote a military
13 service ballot or a civilian absentee ballot under the provisions of this
14 act.

15 "Armed Forces of the United States" means any branch or
16 department of the United States Army, Navy, Air Force, Coast Guard
17 or Marine Corps.

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

20 "Civilian absentee voter" means any qualified and registered voter
21 of the State who expects to be absent from the State on the day of any
22 election and any qualified and registered voter who will be within the
23 State on the day of any election but because of illness or physical
24 disability, including blindness or pregnancy, or because of the
25 observance of a religious holiday pursuant to the tenets of his religion,
26 or because of resident attendance at a school, college or university, or
27 because of the nature and hours of his employment, will be unable to
28 cast his ballot at the polling place in his election district on the day of
29 the election.

30 "Election," "general election," "primary election for the general
31 election," "presidential primary election," "municipal election," "school
32 election," and "special election" shall mean, respectively, such
33 elections as defined in the Title to which this is a supplement
34 (R.S.19:1-1 et seq.).

35 "Family member" means an adult who is a spouse, parent, child,
36 grandparent, grandchild or sibling of a voter, whether by adoption or
37 natural relationship. It shall also include any adult occupant regularly
38 living with a voter in any residential building or part of a building
39 intended for the use of no more than one family.

40 "Incapacitated absentee voter" means a voter who, due to
41 incapacity, is unable to complete his ballot.

42 "Military service" means active service by any person, as a member
43 of any branch or department of the United States Army, Navy, Air
44 Force, Coast Guard or Marine Corps, or as a member of the maritime
45 or merchant marine service, or as a reservist absent from his place of
46 residence and undergoing training under Army, Navy, Air Force, Coast

1 Guard or Marine Corps direction, at a place other than that of such
2 person's residence.

3 "Military service voter" means a qualified elector under the
4 Constitution and the laws of this State who comes within one of the
5 following categories:

6 (a) Persons in the military service and their spouses and
7 dependents.

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

12 (c) Civilians attached to or serving with the Armed Forces of the
13 United States without this State and their spouses and dependents
14 when residing with or accompanying them.

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

17 "Member of the maritime or merchant marine service" means any
18 person employed as an officer or crew member of a vessel documented
19 under the laws of the United States, or a vessel owned by the United
20 States, or a vessel of foreign-flag registry under charter to or control
21 of the United States or enrolled with the United States for employment
22 or training for employment, or maintained by the United States for
23 emergency relief service as an officer or crew member of any such
24 vessel or any such person as otherwise defined in section 107 of
25 Pub.L.99-410, the "Uniformed and Overseas Citizens Absentee Voting
26 Act," (42 U.S.C.1973ff-6).

27 (cf: P.L.1995, c.278, s.22)

28

29 52. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read
30 as follows:

31 7. a. The Attorney General, through the Division of Elections in
32 the Department of Law and Public Safety shall be responsible for
33 providing all information regarding military service ballots, as defined
34 in section 2 of P.L.1953, c.211 (C.19:57-2), and overseas federal
35 election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et
36 seq.). The division shall also make available valid military service
37 voter registration applications, military service ballot applications and
38 overseas federal election voter registration and ballot applications to
39 any military service or overseas federal election voter who wishes to
40 register to vote or to vote in any jurisdiction in this State. The
41 division shall publish or cause to be published the following notice in
42 substantially the following form:

43 NOTICE TO MILITARY SERVICE VOTERS AND
44 TO THEIR RELATIVES AND FRIENDS

45 If you are in the military service, or the spouse or dependent of a
46 person in military service or are a patient in a veterans' hospital or a

1 civilian attached to or serving with the Armed Forces of the United
2 States without the State of New Jersey, or the spouse or dependent of
3 and accompanying or residing with a civilian attached to or serving
4 with the Armed Forces of the United States, and desire to vote, or if
5 you are a relative or friend of any such person who, you believe, will
6 desire to vote in the (school, municipal,
7 primary, presidential primary, general or other) election to be held on
8 (date of election) kindly write to the undersigned at
9 once making application for a military service ballot to be voted in said
10 election to be forwarded to you, stating your name, age, serial number
11 if you are in military service, home address and the address at which
12 you are stationed or can be found, or if you desire the military service
13 ballot for a relative or friend then make application under oath for a
14 military service ballot to be forwarded to him, stating in your
15 application that he is over the age of 18 years and stating his name,
16 serial number if he is in military service, home address and the address
17 at which he is stationed or can be found.

18 Military service voters may also apply for a military service ballot
19 by sending a federal postcard application form to the undersigned.

20 On the application for a military service ballot, military service
21 voters may request that a military service ballot be sent for all
22 subsequent elections through and including the next two regularly
23 scheduled general elections for federal office which take place after the
24 request is made.

25 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
26 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
27 NOT USE MILITARY ABSENTEE BALLOT UNLESS
28 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
29 STATION IS LOCATED.)

30 Forms of application other than federal postcard application forms
31 can be obtained from the undersigned. Dated
32

33 (signature and title of Director of Division of Elections)

34

35

36 (address of Division of Elections)

37 b. The county clerk of the county, in the case of any Statewide
38 election, countywide election, or school election in a regional or other
39 school district comprising more than one municipality; the clerk of the
40 municipality, in the case of any municipal election or school election
41 in a school district comprising a single municipality; and the
42 commissioners or other governing or administrative body of the
43 district, in the case of any election to be held in any fire district, road
44 district, sewerage district, street lighting district, water supply district
45 or other special district, other than a municipality, created for specified
46 public purposes within one or more municipalities, shall publish or

1 cause to be published the following notice in substantially the
2 following form:

3 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
4 BALLOTS

5 If you are a qualified and registered voter of the State who expects
6 to be absent outside the State on(date of election) or a
7 qualified and registered voter who will be within the State on
8 (date of election) but because of permanent and
9 total disability, or because of illness or temporary physical disability,
10 or because of the observance of a religious holiday pursuant to the
11 tenets of your religion, or because of resident attendance at a school,
12 college, or university, or because of the nature and hours of
13 employment, will be unable to cast your ballot at the polling place in
14 your district on said date, and you desire to vote in the
15 (school, municipal, primary, presidential primary,
16 general, or other) election to be held on (date of election)
17 kindly complete the application form below and send to the
18 undersigned, or write or apply in person to the undersigned at once
19 requesting that a civilian absentee ballot be forwarded to you. Such
20 request must state your home address, and the address to which said
21 ballot should be sent, and must be signed with your signature, and
22 state the reason why you will not be able to vote at your usual polling
23 place. No civilian absentee ballot will be furnished or forwarded to
24 any applicant unless request therefor is received not less than seven
25 days prior to the election, and contains the foregoing information.

26 Voters who are permanently and totally disabled shall, after their
27 initial request and without further action on their part, be forwarded
28 an absentee ballot application by the county clerk for all future
29 elections in which they are eligible to vote. Permanently and totally
30 disabled voters also have the option of indicating on their absentee
31 ballot applications that they would prefer to receive absentee ballots
32 for each election that takes place during the remainder of this calendar
33 year. Permanently and totally disabled voters who exercise this option
34 will be furnished with absentee ballots for each election that takes
35 place during the remainder of this calendar year, without further action
36 on their part. Application forms may be obtained by applying to the
37 undersigned either in writing or by telephone, or the application form
38 provided below may be completed and forwarded to the undersigned.

39 Dated

40 (signature and title of county clerk)

41

42

43 (address of county clerk)

44

45

46 (Telephone No. of county clerk)

1 APPLICATION FORM FOR CIVILIAN
2 ABSENTEE BALLOT

3 (Form to be prepared by the Attorney General pursuant to section
4 17 of P.L.1977, c.47 (C.19:57-4.1)).

5 c. The absentee ballot materials shall contain a notice that any
6 person voting by absentee ballot who registers by mail after January
7 1, 2003, who did not provide personal identification information when
8 registering and is voting for the first time in his or her current county
9 of residence following registration shall include the required
10 identification information with the absentee ballot, and that failure to
11 include such information shall result in the rejection of the ballot.

12 d. Such notices as described in subsections a. and b. of this section
13 shall be separately published prior to the 50th day immediately
14 preceding the holding of any election.

15 Notices relating to any Statewide or countywide election shall be
16 published in at least two newspapers published in the county. All
17 officials charged with the duty of publishing such notices shall publish
18 the same in at least one newspaper published in each municipality or
19 district in which the election is to be held or if no newspaper be
20 published in said municipality or district, then in a newspaper
21 published in the county and circulating in such municipality,
22 municipalities or district. All such notices shall be display
23 advertisements.

24 (cf: P.L.2004, c.88, s.28)

25

26 53. Section 8 of P.L.1953, c.211 (C.19:57-8) is amended to read
27 as follows:

28 8. Each county clerk shall cause to be printed sufficient military
29 service ballots and civilian absentee ballots for each presidential
30 primary election, primary election for the general election, and for the
31 general election, and there shall be furnished to the said county clerk
32 of the county, as expeditiously as possible before the day fixed for
33 holding any other election within the county, by the officer whose duty
34 it shall be to provide the official ballots for such election, sufficient
35 military service ballots and civilian absentee ballots. Along with all
36 such ballots for all elections there shall also be furnished by such
37 county clerk or other official, inner and outer envelopes and printed
38 directions for the preparation and transmitting of such ballots, for use
39 in such election within the county and all expenses of mailing such
40 ballots shall be paid in the same manner as other expenses of said
41 election are paid.

42 The absentee ballots shall be printed on paper different in color
43 from that used for [the] any primary or general election ballot, but in
44 all other respects, shall be as nearly as possible facsimiles of the
45 election ballot to be voted at such election, as prescribed by the county

1 clerk and in conformity with the provisions of this act.

2 (cf: P.L.2004, c.88, s.29)

3

4 54. Section 15 of P.L.1953, c.211 (C.19:57-15) is amended to
5 read as follows:

6 15. Each absentee ballot to be used at any presidential primary
7 election or primary election for the general election, as the case may
8 be, to be held while this act is in effect shall, except as otherwise
9 provided, conform to the ballot to be used at said election in the
10 absentee voter's election district and to the form herein prescribed for
11 absentee ballots to be used in such general elections except that it shall
12 be so prepared that the absentee voter may indicate thereon his choice
13 of the candidates of one political party for each of the officers to be
14 voted upon at said election by the voters of said election district and
15 shall be separated into party ballots, which shall all be printed upon
16 one sheet where the voting system so allows.

17 Each such absentee ballot shall be plainly marked to indicate that
18 but one party ballot is to be voted by each absentee voter and that the
19 party ballot voted by him must conform to the name of the political
20 party indicated by the county clerk as hereinafter provided.

21 If the county clerk has ascertained through investigating an
22 absentee voter's registration record that, under the laws of this State,
23 such voter is qualified to vote only in a certain party primary, he shall
24 so indicate upon the primary ballot the primary party in which such
25 voter is entitled to vote.

26 In the case where the county clerk has ascertained through
27 investigating the absentee voter's registration record that such
28 applicant is requesting a ballot to vote in the first primary for which
29 he is eligible after registration, the county clerk shall indicate upon the
30 primary ballot that the voter can vote in any one of the party primaries.
31 (cf: P.L.1977, c.47, s.10)

32

33 55. Section 19 of P.L.1953, c.211 (C.19:57-19) is amended to
34 read as follows:

35 19. Upon the margin of the flap on the inner envelope forwarded
36 with any military absentee ballot intended to be voted in any
37 presidential primary election or any primary election for the general
38 election, as the case may be, there shall be printed a certificate in the
39 following form: CERTIFICATE OF MILITARY ABSENTEE VOTER

40

41 I,, whose home address is

42 (PRINT you name clearly) (street

43

44, DO HEREBY CERTIFY,

45 address or R.D. number) (municipality)

1 subject to the penalties for fraudulent voting, that I marked this ballot
2 for the primary election of the (name of party) political party.

3 I am voting this ballot pursuant to application previously filed. I
4 MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN
5 SECRET. However, a family member may assist you in doing so. If
6 you are an incapacitated absentee voter, a person other than a family
7 member may also assist you in doing so.

8 (SIGNATURE of voter)

9
10 Any person providing assistance shall complete the following:

11
12 I do hereby certify that I am the person who provided assistance
13 to this voter and declare that I will maintain the secrecy of this ballot.

14
15
16 (SIGNATURE of person
17 providing assistance)

18
19
20 (PRINTED name of person
21 providing assistance)

22
23
24
25 (address of person providing
26 assistance)

27
28 Upon the margin of the flap on the inner envelope forwarded with
29 any civilian absentee ballot intended to be voted in any presidential
30 primary election or primary election for the general election, as the
31 case may be, there shall be printed a certificate in the following form:

32 CERTIFICATE OF CIVILIAN ABSENTEE VOTER

33
34 I,, whose home address is
35 (PRINT your name clearly) (street

36
37, DO HEREBY CERTIFY,
38 address or R.D. number) (municipality) subject to the penalties for
39 fraudulent voting, that I marked this ballot for the primary election of
40 the (name of party) political party.

41 I am the person who applied for the enclosed ballot. I MARKED
42 AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET.
43 However, a family member may assist you in doing so. If you are an
44 incapacitated absentee voter, a person other than a family member may
45 also assist you in doing so.

46
47 (SIGNATURE of voter)

1 Any person providing assistance shall complete the following:
 2 I do hereby certify that I am the person who provided assistance
 3 to this voter and declare that I will maintain the secrecy of this ballot.

4
 5
 6 (SIGNATURE of person providing
 7 assistance)

8
 9
 10 (PRINTED name of person
 11 providing assistance)

12
 13
 14
 15 (address of person providing
 16 assistance)

17 (cf: P.L.1994, c.77, s.14)

18
 19 56. Section 23 of P.L.1953, c.211 (C.19:57-23) is amended to
 20 read as follows:

21 23. Any absentee voter shall be entitled to mark any absentee
 22 ballot, so forwarded to him, for voting at any election by indicating his
 23 choice of candidates for the offices named, and as to public questions,
 24 if any, stated thereon, in accordance with the election laws of this
 25 State, except that in such ballots to be voted in any presidential
 26 primary election or primary election for the general election, as the
 27 case may be, his choice shall be limited to the candidates of his
 28 political party or to any person or persons whose names are written
 29 thereon by him. When so marked, such ballot shall be placed in said
 30 inner envelope, which shall then be sealed, and the voter shall then fill
 31 in the form of certificate attached to said inner envelope, at the end of
 32 which he shall sign and print his name in his own handwriting. The
 33 inner envelope with the certificate shall then be placed in said outer
 34 envelope, which shall then be sealed.

35 No absentee voter shall permit any person in any way, except as
 36 provided hereafter, to unseal, mark or inspect his ballot, interfere with
 37 the secrecy of his absentee ballot vote, complete or sign the certificate,
 38 or seal the inner or outer envelope, nor shall any person do so.

39 An absentee voter shall be entitled to assistance from a family
 40 member in performing any of the actions above. An incapacitated
 41 absentee voter shall also be entitled to assistance from a person other
 42 than a family member in performing any of such actions. The family
 43 member or other person providing such assistance shall certify that he
 44 did assist the voter and will maintain the secrecy of the vote by both
 45 printing and signing his name in the space provided on the certificate.
 46 In no event may a candidate for election provide such assistance, nor
 47 may any person, at the time of providing such assistance, campaign or

1 electioneer on behalf of any candidate.

2 Said sealed outer envelope with the inner envelope and the ballot
3 enclosed therein shall then either be mailed with sufficient postage to
4 the county board of elections to which it is addressed or delivered
5 personally by the voter or a bearer designated by him to such board or
6 its designee. Such ballot must be received by such board or its
7 designee before the time designated by R.S.19:15-2 or R.S.19:23-40
8 for the closing of the polls, as may be appropriate on the day of an
9 election.

10 At the time any person delivers a ballot to the county board, he
11 shall sign a record which the county shall maintain of all absentee
12 ballots personally delivered to it.

13 (cf: P.L.2001, c.245, s.5)

14

15 57. Section 24 of P.L.1953, c.211 (C.19:57-24) is amended to
16 read as follows:

17 24. The county board of elections shall, promptly after receiving
18 each civilian absentee ballot, remove the inner envelope, containing the
19 ballot, from the outer envelope and shall compare the signature and
20 the information contained on the flap of the inner envelope with the
21 signature and information contained in the respective requests for
22 civilian absentee ballots. In addition, as to civilian absentee ballots
23 issued less than 7 days prior to an election, the county board of
24 elections shall also check to establish that the absentee voter did not
25 vote in person. The county board shall reject any such ballot unless
26 the board is satisfied as a result of such comparison or by reference to
27 the permanent registration books that the voter is legally entitled to
28 vote and that the ballot conforms with the requirements of this act.

29 The county board of elections shall, promptly after receiving each
30 military service ballot, remove the inner envelope, containing the
31 ballot, from the outer envelope and ascertain through the
32 commissioner of registration whether or not the name of the person,
33 whose name appears following the certificate on the flap of said inner
34 envelope, has been certified by the county clerk to the commissioner
35 of registration of the county as a person to whom a military service
36 ballot, to be voted at the election at which it is intended to be voted,
37 has been forwarded pursuant to this act.

38 The county board shall investigate the qualifications of a military
39 service voter under this act by comparison of the contents of said
40 certificate with the information appearing upon the application for said
41 military service ballot, including the signatures thereon when the
42 military service voter's signature appears upon said application, and by
43 comparison with the military records of the State when deemed
44 desirable.

45 In the case of a military service or civilian absentee ballot to be
46 voted at a presidential primary election or a primary election for the
47 general election, whether or not the military service or civilian

1 absentee voter has indicated in said certificate his intention to vote it
2 in [the] a primary election of any political party in which he is not
3 entitled to vote [it] in according to the registration records of the
4 county, and if it shall appear from said record that he is not entitled to
5 vote said ballot in [the] any primary election of the political party
6 which has been so indicated, such ballots shall be rejected.

7 Any absentee ballot which is received by a county board of
8 elections shall be rejected if both the inner and outer envelopes are
9 unsealed or if either envelope has a seal that has been tampered with.

10 Disputes as to the qualifications of military service or civilian
11 absentee voters to vote or as to whether or not or how any such
12 military or civilian absentee ballot shall be counted in such election
13 shall be referred to the Superior Court for determination.

14 After such investigation the county board of elections shall detach
15 or separate the certificate from the inner envelope containing the
16 military service or civilian absentee ballot, unless it has been rejected
17 by it or by the Superior Court, marking the envelope so as to identify
18 the election district in which the ballot contained therein is to be voted
19 as indicated by the absentee voter's home address appearing on the
20 certificate attached to or accompanying said inner envelope and, in the
21 case of ballots to be voted at a primary election for a general election,
22 so as to identify the political party in the primary election of which it
23 is to be voted.

24 (cf: P.L.1981, c.390, s.9)

25
26 58. Section 31 of P.L.1953, c.211 (C.19:57-31) is amended to
27 read as follows:

28 31. On the day of each election each county board of elections
29 shall open in the presence of the commissioner of registration or his
30 assistant or assistants the inner envelopes in which the absentee
31 ballots, returned to it, to be voted in such election, are contained,
32 except those containing the ballots which the board or the Superior
33 Court has rejected, and shall remove from said inner envelopes the
34 absentee ballots and shall then proceed to count and canvass the votes
35 cast on such absentee ballots, but no absentee ballot shall be counted
36 in any presidential primary election or primary election for the general
37 election if the ballot of the political party marked for voting thereon
38 differs from the designation of the political party in the primary
39 election of which such ballot is intended to be voted as marked on said
40 envelope by the county board of elections. Immediately after the
41 canvass is completed, the respective county boards of election shall
42 certify the result of such canvass to the county clerk or the municipal
43 or district clerk or other appropriate officer as the case may be
44 showing the result of the canvass by municipality and ward, and the
45 votes so counted and canvassed shall be counted in determining the
46 result of said election.

47 The county board of elections shall, immediately after the canvass

1 is completed for [a] any primary election, certify the results of the
2 votes cast for members of the county committees to the respective
3 municipal clerks, which votes shall be counted in determining the
4 result of said election.

5 (cf: P.L.1991, c.91, s.260)

6

7 59. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to
8 read as follows:

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

29 (cf: P.L.1994, c.154, s.5)

30

31 60. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read
32 as follows:

33 2. a. The board of education of a type II district may call a special
34 election of the legal voters of the district on only the fourth Tuesday
35 in January, the second Tuesday in March other than in year when a
36 presidential primary election occurs, in which case no such election on
37 that date may be called, the last Tuesday in September, or the second
38 Tuesday in December when in its judgment the interests of the schools
39 require such an election. The board of education shall give the
40 municipal clerk or clerks, as the case may be, and the county board of
41 elections no less than 60 days' notice, in writing, of its intention to
42 hold a special election.

43 b. No business shall be transacted at any special election except
44 such as shall have been set forth in the notices by which the election
45 was called.

46 (cf: P.L.2001, c.98, s.1)

47

1 61. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to
2 read as follows:

3 2. a. When any vacancy occurs on the board of chosen
4 freeholders otherwise than by expiration of term, it shall be filled by
5 election for the unexpired term only at the next general election
6 occurring not less than 60 days after the occurrence of the vacancy,
7 except that no such vacancy shall be filled at the general election
8 which immediately precedes the expiration of the term in which the
9 vacancy occurs. In the event a vacancy eligible to be filled by election
10 hereunder occurs on or before the sixth day preceding the last day for
11 filing petitions for nomination for the primary election for the general
12 election, such petitions may be prepared and filed for nomination in
13 that primary election in the manner provided by article 3 of chapter 23
14 of Title 19 of the Revised Statutes. In the event the vacancy occurs
15 after that sixth day preceding the last day for filing petitions for
16 nomination for the primary election for the general election, or if the
17 vacancy occurs on or before the sixth day preceding the last day for
18 filing petitions for nomination for the primary election for the general
19 election but no such petition has been filed with respect to a given
20 political party, each political party, or that party respectively, may
21 select a candidate for the office in question in the manner prescribed
22 in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill
23 vacancies among candidates nominated at primary elections. A
24 statement of such selection under R.S.19:13-20 shall be filed with the
25 county clerk not later than the 48th day preceding the date of the
26 general election.

27 Besides the selection of candidates by each political party,
28 candidates may also be nominated by petition in a manner similar to
29 direct nomination by petition for the general election; but if the
30 candidate of any party to fill the vacancy will be chosen at a primary
31 election for the general election, such petition shall be filed with the
32 county clerk at least 55 days prior to the primary election; and if no
33 candidate of any party will be chosen at a primary election for the
34 general election, such petition shall be filed with the county clerk not
35 later than 12 o'clock noon of the day on which the first selection
36 meeting by any party is held under this section to select a nominee to
37 fill the vacancy.

38 The county clerk shall print on the ballots for the territory affected,
39 in the personal choice column, the title of office and leave a proper
40 space under such title of office; and print the title of office and the
41 names of such persons as have been duly nominated, in their proper
42 columns.

43 b. Notwithstanding subsection a. of this section, if at any time
44 after an election for a member of the board of chosen freeholders and
45 before the time fixed for the commencement of the term of the office,

1 the person elected to that office dies or otherwise becomes unable to
2 assume office, the county committee of the political party of which the
3 person elected was the nominee shall appoint another person to fill the
4 position until the next general election. If the person elected was not
5 the nominee of a political party, on or within 30 days after the time
6 fixed for the commencement of the term of office, the governing body
7 shall appoint a successor to fill the office until the next general
8 election without regard to party.

9 (cf: P.L.2000, c.126, s.10)

10

11 62. Section 6 of P.L.1990, c.33 (C.40:41A-145.2) is amended to
12 read as follows:

13 6. In the case of a vacancy occurring with respect to a member of
14 the board of chosen freeholders who was elected as the candidate of
15 a political party which at the last preceding general election held
16 received the largest number of votes or the next largest number of
17 votes in the county for members of the board of chosen freeholders,
18 for the interim period pending the election and qualification of a
19 permanent successor to fill the vacancy, or for the interim period
20 constituting the remainder of the term in the case of a vacancy
21 occurring which cannot be filled pursuant to section 5 of this act at a
22 general election, the vacancy shall be filled within 35 days by a
23 member of the political party of which the person who vacated the
24 office was the candidate at the time of his election thereto. The
25 interim successor shall be selected by the appropriate political party's
26 county committee in the same manner prescribed in subsections a. and
27 b. of R.S.19:13-20 for selecting candidates to fill vacancies among
28 candidates nominated at primary elections for the general elections,
29 and a statement of the selection of that successor shall be certified to
30 and filed with the county clerk in the same manner prescribed by
31 subsection d. of that section for certifying statements concerning the
32 selection of such candidates.

33 (cf: P.L.1990, c.33, s.6)

34

35 63. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to read
36 as follows:

37 8. Within 2 weeks immediately following the filing of the certified
38 report by the ward commissioners, the municipal clerk shall cause to
39 be published at least once in at least one newspaper generally
40 circulating in the municipality a notice of the ward boundaries as fixed
41 and determined in the report.

42 Upon completion of the publication, the former wards, if any, shall
43 be superseded, and thereafter all officers elected or appointed in the
44 municipality for or representing the wards thereof shall be elected
45 from, or appointed for, the wards fixed and determined by the ward
46 commissioners; except that, in municipalities wherein municipal

1 officers are elected at the general election held on the first Tuesday
2 after the first Monday in November, if the publication shall be
3 completed in a year in which municipal officers are elected during the
4 period between the date [75] 165 days before the primary election for
5 the general election and the date of the general election, the wards so
6 fixed and determined shall take effect on the day following the holding
7 of that general election; and, in municipalities wherein municipal
8 officers are elected at a regular municipal election held on the second
9 Tuesday in May, if the publication shall be completed in a year in
10 which municipal officers are elected during the period between the
11 date 75 days before the regular municipal election and the date of the
12 election, the wards so fixed and determined shall take effect on the day
13 following the holding of that regular municipal election.

14 (cf: P.L.1981, c.496, s.8)

15

16 64. Section 1-25 of P.L.1950, c.210 (C.40:69A-25) is amended to
17 read as follows:

18 1-25. Any municipality may, subject to the provisions of section
19 1-23 of this act, abandon its optional plan and revert to the form of
20 government under which it was governed immediately prior thereto,
21 upon the filing of a petition and referendum as follows:

22 (a) Upon petition of the registered voters of the municipality
23 signed by the same number thereof as required in section 1-19, for an
24 election to submit the question of abandonment and reversion as herein
25 provided, the municipal clerk shall provide for submission of the
26 question in like manner as provided in section 1-20.

27 (b) The form of the question shall be as follows:

28

29 shall.....(Name of municipality)..... abandon its present
30 form of government and revert to its prior form of government, known
31 as(Popular Name of Plan)..... as provided by
32(Statutory Reference of Prior Plan).....

33 (c) If a majority of those voting on the question vote in the
34 affirmative the municipality shall revert to its prior form of government
35 as of 12 m. of the fifty-ninth day following the election of officers
36 under the form of government to which the municipality will revert.
37 The first officers under such form of government shall be elected at the
38 next regular municipal or general election, as appropriate to the form
39 of government to which the municipality will revert, occurring not less
40 than 60 days following the referendum. It shall be the duty of the
41 municipal clerk to perform all the duties respecting such election as
42 would be required of a municipal clerk for elections under the form of
43 government to which the municipality will revert. Whenever a
44 municipality has reverted to any form of government other than the
45 commission form of government law (R.S.40:79-1 et seq.), or the
46 municipal manager form of government (R.S.40:70-1 et seq.), at a

1 later date than the one fixed for the filing of nominating petitions at
2 the primary election for the general election, the candidates to be first
3 elected shall be nominated by direct petition in the manner provided by
4 law for nomination, by direct petition for a general election.

5 Any law to the contrary notwithstanding, persons holding office at
6 the time of a referendum approving reversion shall continue to hold
7 office until the municipality reverts to the previous form of
8 government. Vacancies existing at the holding of the referendum or
9 which occur between the holding of the referendum and the reversion
10 of the municipality to its previous form of government, shall be filled
11 by appointment pursuant to procedures for the filing of vacancies
12 appropriate to the "Optional Municipal Charter Law."

13 If a majority of those voting on the question vote in the negative,
14 the question of abandonment and reversion shall not again be
15 submitted for five years.

16 (d) The reversion to a prior form of government shall take effect
17 as provided in sections 17-57 through 17-59 of this act for transition
18 to an optional plan hereunder.

19 (e) No petition shall be filed nor referendum held pursuant to this
20 section which would provide for the reversion of a municipality to a
21 form of government which it is not currently authorized to adopt by
22 law.

23 (cf: P.L.1991, c.430, s.3)

24

25 65. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended
26 to read as follows:

27 17-56. The schedule of installation of an optional plan adopted
28 pursuant to this act shall, as provided herein, take the following
29 course:

30 (a) An election to submit the question of adoption of an optional
31 plan may be held at any time in accordance with the provisions of
32 article 1 of this act;

33 (b) In the event of a favorable vote of the voters at the above
34 election, the first election of officers under the adopted plan shall take
35 place on (1) the second Tuesday in May occurring not less than 75
36 days next following the adoption of one of the optional plans in
37 municipalities adopting a charter providing for the holding of regular
38 municipal elections at which all members of the council are to be
39 elected at large; (2) the second Tuesday in May occurring not less
40 than 120 days following the adoption of one of the optional plans in
41 municipalities adopting a charter providing for the holding of regular
42 municipal elections and for the division of the municipality into wards;
43 (3) at the next general election occurring not less than 75 days next
44 following the adoption of one of the optional plans in municipalities
45 adopting a charter providing for the holding of general elections at
46 which all members of the council are to be elected at large; or (4) at

1 the next general election occurring not less than 120 days next
2 following the adoption of one of the optional plans in municipalities
3 adopting a charter providing for the holding of general elections and
4 for the division of the municipality into wards.

5 Whenever a municipality has adopted a charter referred to in
6 subsection (3) above, within 10 days, or subsection (4) within 40 days,
7 prior to the last day fixed for the filing of nominating petitions for the
8 primary election for the general election, the candidates to be first
9 elected shall be nominated in the manner provided by chapter 27 of
10 Title 19 of the Revised Statutes with respect to the filling of certain
11 vacancies in nominations for county or municipal offices to be filled
12 at the general election.

13 (c) An optional plan shall take effect, in accordance with the
14 further provisions of this article at (1) 12 o'clock noon on July 1 next
15 following the first election of officers in municipalities adopting a
16 charter providing for the holding of regular municipal elections, or (2)
17 12 o'clock noon on January 1 next following the first election of
18 officers in municipalities adopting a charter providing for the holding
19 of general elections.

20 (cf: P.L.1981, c.465, s.37)

21
22 66. R.S.40:85-11 is amended to read as follows:

23 40:85-11. At the primary election for the general election held in
24 such municipality after the general election at which such question
25 shall be adopted, the electors of such municipality shall nominate
26 officials for the new form of government to take effect in the
27 following January, and at the general election one year after the
28 general election at which such question shall have been adopted, the
29 electors of such municipality shall elect the officials under the form of
30 government which shall take effect the following January.

31 (cf: R.S.40:85-11)

32
33 67. This act shall take effect on the January 1 next following
34 enactment.

35
36
37 _____
38
39 Provides for separate presidential primary on last Tuesday in February.

ASSEMBLY, No. 30

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman RICK MERKT

District 25 (Morris)

Assemblyman ROBERT GORDON

District 38 (Bergen)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman MIMS HACKETT, JR.

District 27 (Essex)

Co-Sponsored by:

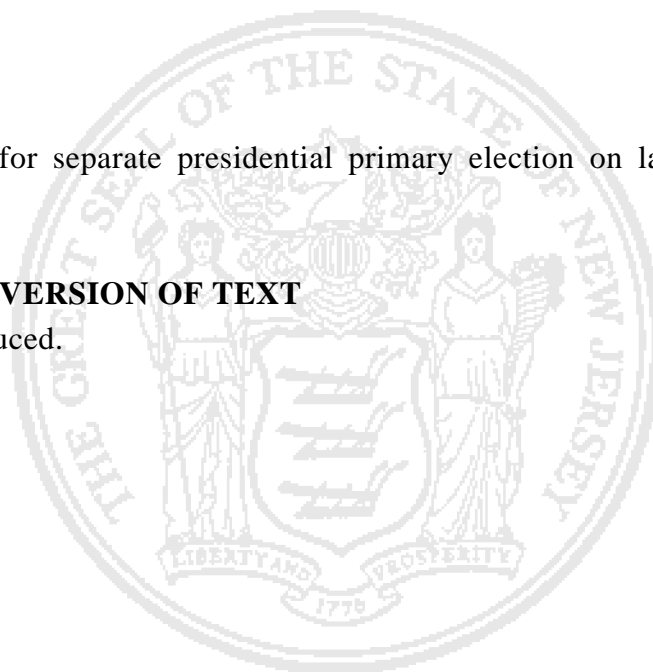
Assemblyman Azzolina

SYNOPSIS

Provides for separate presidential primary election on last Tuesday in February.

CURRENT VERSION OF TEXT

As introduced.



A30 GREENSTEIN, MERKT

2

1 AN ACT establishing separate presidential primary election and
2 amending various sections of the statutory law.

3

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

6

7 1. R.S.19:1-1 is amended to read as follows:

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this State
10 or any political subdivision thereof elect persons to fill public office or
11 pass on public questions.

12 "General election" means the annual election to be held on the first
13 Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any political
16 subdivision thereof nominate candidates to be voted for at general
17 elections, or elect persons to fill party offices[, or].

18 "Presidential primary election" means the procedure whereby the
19 members of a political party in this State or any political subdivision
20 thereof elect persons to serve as delegates and alternates to national
21 conventions.

22 "Municipal election" means an election to be held in and for a single
23 municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal, school and
27 special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this State
34 or any of its political subdivisions filled at elections by the electors of
35 the State or political subdivision.

36 "Public question" includes any question, proposition or referendum
37 required by the legislative or governing body of this State or any of its
38 political subdivisions to be submitted by referendum procedure to the
39 voters of the State or political subdivision for decision at elections.

40 "Political party" means a party which, at the election held for all of
41 the members of the General Assembly next preceding the holding of
42 any primary election held pursuant to this Title, polled for members of
43 the General Assembly at least 10% of the total vote cast in this State.

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

Matter underlined thus is new matter.

A30 GREENSTEIN, MERKT

1 "Party office" means the office of delegate or alternate to the
2 national convention of a political party or member of the State, county
3 or municipal committees of a political party.

4 "Masculine" includes the feminine, and the masculine pronoun
5 wherever used in this Title shall be construed to include the feminine.

6 "Presidential year" means the year in which electors of President
7 and Vice-President of the United States are voted for at the general
8 election.

9 "Election district" means the territory within which or for which
10 there is a polling place or room for all voters in the territory to cast
11 their ballots at any election.

12 "District board" means the district board of registry and election in
13 an election district.

14 "County board" means the county board of elections in a county.

15 "Superintendent" means the superintendent of elections in counties
16 wherein the same shall have been appointed.

17 "Commissioner" means the commissioner of registration in counties.

18 "File" or "filed" means deposited in the regularly maintained office
19 of the public official wherever said regularly maintained office is
20 designated by statute, ordinance or resolution.

21 (cf: P.L.1995, c.278, s.13)

22
23 2. R.S.19:2-1 is amended to read as follows:

24 19:2-1. **[Primary] Presidential primary** elections for delegates and
25 alternates to national conventions of political parties **[and] shall be**
26 **held in each presidential year on the last Tuesday in February.**

27 Primary elections for the general election shall be held in each year
28 on the Tuesday next after the first Monday in June~~[,]~~.

29 All primary elections shall occur between the hours of 6:00 A.M.
30 and 8:00 P.M., Standard Time. Primary elections for special elections
31 shall be held not earlier than 30 nor later than 20 days prior to the
32 special elections.

33 (cf: P.L.2001, c.245, s.1)

34
35 3. R.S.19:3-3 is amended to read as follows:

36 19:3-3. Delegates and alternates to the national conventions of the
37 political parties held in each presidential year shall be elected at the
38 presidential primary election to be held on the last Tuesday **[next**
39 **after the first Monday]** in **[June] February** in that year.

40 The members of State, county and municipal committees of the
41 political parties shall be chosen at the primary for the general election
42 as hereinafter provided.

43 (cf: P.L.1976, c.26, s.1)

44
45 4. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as
46 follows:

1 6. a. No county board shall make division of an election district in
2 any year in the period commencing 75 days before the presidential
3 primary election in each presidential year or the primary election for
4 the general election, and the day of the general election.

5 b. To facilitate the use of Federal decennial census populations for
6 apportionment and redistricting purposes and notwithstanding the
7 provisions of this or any other law, no election districts shall, except
8 with the prior approval of the [Secretary of State] Attorney General,
9 be created, abolished, divided or consolidated between January 1 of
10 any year whose last digit is 7 and December 1 of any year whose last
11 digit is 0.

12 (cf: P.L.1976, c.83, s.6)

13
14 5. R.S.19:6-2 is amended to read as follows:

15 19:6-2. a. The following persons may apply in writing to the
16 county board, on a form prepared and furnished by the county board,
17 for appointment as a member of a district board of any municipality in
18 the county in which he or she resides: (1) a legal voter who is a
19 member of a political party by virtue of having voted in a party
20 primary or who has filed a party declaration form for the ensuing
21 presidential primary or primary election for the general election with
22 the commissioner of the county in which the voter is registered and
23 who, for two years prior to making written application, has not
24 espoused the cause of another political party or its candidates; (2) a
25 legal voter who is not affiliated with a political party; (3) a United
26 States citizen and resident of this State who is 16 or 17 years of age,
27 attends a secondary school and has the written permission of his or her
28 parent or guardian to serve as a member of the board if appointed; or
29 (4) a United States citizen and resident of this State who is 16 or 17
30 years of age and has graduated from a secondary school or has passed
31 a general educational development test, GED, and has the written
32 permission of his or her parent or guardian to serve as a member of the
33 board if appointed.

34 b. The application, signed by the applicant under his or her oath,
35 shall state: (1) the applicant's name and address; (2) the applicant's
36 age, if the applicant is less than 18 years of age; (3) the political party
37 to which he or she belongs or, if the applicant is not affiliated with a
38 political party, the fact that the applicant is not so affiliated; (4) that
39 the applicant is of good moral character and has not been convicted of
40 any crime involving moral turpitude; and (5) that the applicant
41 possesses the following qualifications: eyesight, with or without
42 correction, sufficient to read nonpareil type; ability to read the English
43 language readily; ability to add and subtract figures correctly; ability
44 to write legibly with reasonable facility; reasonable knowledge of the
45 duties to be performed by the applicant as an election officer under the
46 election laws of this State; and health sufficient to discharge his or her
47 duties as an election officer.

1 c. If an applicant for appointment to a district board is 16 or 17
2 years of age, then the applicant shall provide to the county board,
3 along with the application provided under subsection b. of this section:
4 (1) a written document signed by the applicant's parent or guardian
5 giving the applicant permission to serve as a member of a district
6 board if appointed and (2) if an election, meeting or training is
7 scheduled to take place when school is in session, a written document
8 from his or her school that acknowledges the applicant's application
9 for appointment as a member of a district board and excuses the
10 applicant from school on the dates of service if appointed, except that
11 the requirement contained in subparagraph (2) of this subsection shall
12 not apply to a United States citizen and resident of this State who is
13 16 or 17 years of age and has graduated from a secondary school or
14 has passed a general educational development test, GED.

15 d. No person shall be precluded from applying to serve as a
16 member of a district board of any municipality for failure to vote in
17 any year such person was ineligible to vote by reason of age or
18 residence.

19 e. In no case shall a person 16 or 17 years of age be permitted to
20 serve as a member of a district board on the day of an election for
21 more than the number of hours permitted for such a person to work
22 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
23 supplemented.

24 (cf: P.L.2002, c.125, s.1)

25

26 6. R.S.19:6-3 is amended to read as follows:

27 19:6-3. a. (1) The county board shall, on or before January 10 of
28 each presidential year and on or before April 1 of every other year,
29 appoint the members of the district boards in the manner prescribed by
30 paragraph (2) of this subsection. The members of any district board
31 shall be equally apportioned between the two political parties which at
32 the last preceding general election held for the election of all of the
33 members of the General Assembly cast the largest and next largest
34 number of votes respectively in this State for members of the General
35 Assembly, except that if the county board is unable to fill all of the
36 positions of the members of a particular district board from among
37 qualified members of those two political parties, the county board shall
38 appoint to any such unfilled position an otherwise qualified person
39 who is unaffiliated with any political party, but no such appointment
40 of an unaffiliated person shall be made prior to January 15 of each
41 presidential year and prior to March 25 of every other year, and in no
42 event shall more than two such unaffiliated persons serve at the same
43 time on any district board.

44 (2) In making appointments of members of the several district
45 boards of the county, the county board shall consult with the
46 chairperson of the county committee of each of the two political
47 parties referred to in paragraph (1) of this subsection. On or before

1 January 1 of each presidential year and on or before March 15 of
2 **[each]** every other year, the county board shall transmit to each of
3 those chairpersons a list of those positions on the membership of the
4 several district boards that are subject to apportionment under that
5 paragraph (1) to the political party of which that chairperson is a
6 member, and to which the county board has been unable to make an
7 appointment from among qualified members of that political party.
8 The county board shall include with each such list a request that the
9 chairperson to whom that list is transmitted return to the board a list
10 of the names of candidates for those unfilled positions. On or before
11 January 1 of each presidential year and on or before March 25 of every
12 other year, the county board shall, on the basis of the lists so returned
13 to it, fill as many of the remaining unfilled positions in the membership
14 of the several district boards as possible, and shall assign or reassign
15 appointees as necessary to ensure that the membership of each district
16 board within the county shall include at least one member of each of
17 the two political parties. The county board shall then appoint to any
18 unfilled position on a district board an otherwise qualified person who
19 is unaffiliated with any political party.

20 b. In case the county board shall neglect, refuse or be unable to
21 appoint and certify the members of the district boards as herein
22 provided, the Assignment Judge of the Superior Court shall, before
23 January 25 of each presidential year or before April 10 **[in each]** of
24 every other year, make such appointments and certifications.
25 (cf: P.L.1996, c.120, s.3)

26

27 7. R.S.19:6-10 is amended to read as follows:

28 19:6-10. Each district board shall, on or before the second Tuesday
29 next preceding the presidential primary election in those years when
30 such an election is held or the primary election for the general election
31 in every other year, meet and organize by the election of one of its
32 members as judge, who shall be chairman of the board, and another of
33 its members as inspector. The judge and inspector shall not be
34 members or voters of the same political party. In case of failure to
35 elect a judge as herein provided, after balloting or voting three times,
36 the senior member of the board in respect to length of continuous
37 service as a member of such district board shall become judge, and in
38 case of failure to elect an inspector after balloting or voting three
39 times, the next senior member of the board in respect to length of
40 continuous service as a member of such district board shall become
41 inspector; provided, that both the chairman and the inspector shall not
42 be members or voters of the same political party. The other members
43 of the board shall be clerks of election, and shall perform all the duties
44 required by law of the clerks of district boards.

45 (cf: P.L.1996, c.120, s.5)

46

47 8. R.S.19:6-18 is amended to read as follows:

1 19:6-18. During the 30-day period immediately preceding
2 December 5 of the year preceding each presidential year and February
3 15 [in each] of every other year, the chairman and vice-chairlady of
4 each county committee and the State committeeman and State
5 committeewoman of each of such two political parties, respectively
6 shall meet and jointly, in writing, nominate one person residing in the
7 county of such county committee chairman, duly qualified, for member
8 of the county board in and for such county for the succeeding year, in
9 the case of the presidential year.

10 If more than two members are elected to the State committee of any
11 party from a county, the State committeeman and State
12 committeewoman who shall participate in the process of nomination
13 shall be those holding full votes who received the greatest number of
14 votes in their respective elections for members of the State committee.

15 If nomination be so made, the said county committee chairman shall
16 certify the nomination so made to the State chairman and to the
17 Governor, and the Governor shall commission such appointees, who
18 shall be members of opposite parties, on or before January 1 of each
19 presidential year or on or before March 1 in every other year, as the
20 case may be. If nomination be not so made on account of a tie vote in
21 the said meeting of the county committee chairman, county committee
22 vice-chairlady, State committeeman and State committeewoman, in
23 respect to such nomination, the said county committee chairman shall
24 certify the fact of such a tie vote to the State chairman, who shall have
25 the deciding vote and who shall certify, in writing, to the Governor,
26 the nomination made by his deciding vote. Appointees to county
27 boards of election pursuant to this section shall continue in office for
28 2 years from either January 1 or March 1, as the case may be, next
29 after their appointment.

30 The first appointment having been made pursuant to law for terms
31 of 1 and 2 years, respectively, the members subsequently appointed
32 each year shall fill the offices of the appointees whose terms expire in
33 that year.

34 (cf: P.L.1978, c.15, s.2)

35
36 9. R.S.19:6-22 is amended to read as follows:

37 19:6-22. a. (1) The county boards shall, at 10 a.m., on the second
38 Tuesday in January of each presidential year and on that same day in
39 March of every other year, or on such other day as they may agree on
40 within the first 15 days in January or March, as the case may be, in
41 each year, meet at the courthouse, or other place as provided for, in
42 their respective counties, and, subject to the provisions of paragraph
43 (2) of this subsection, organize by electing one of their number to be
44 chairman and one to be secretary; but the chairman and secretary shall
45 not be members of the same political party.

46 (2) In case of failure to elect a chairman after three ballots or viva
47 voce votes, the member having the greatest seniority on the board shall

1 be the chairman thereof, except that if the member having the greatest
2 seniority on the board so chooses, that member shall instead be
3 secretary of the board; in the event that that senior member so chooses
4 to become secretary, no election shall be held to choose a secretary of
5 the board, the board shall elect one of its members who is not of the
6 same political party as the secretary to be the chairman of the board,
7 and in the case of a failure again to elect a chairman after three ballots
8 or viva voce votes, the person among those members having the
9 greatest seniority on the board shall be the chairman thereof.

10 In any case of failure to elect a chairman, if two or more members
11 of the board who are eligible to become chairman have greatest and
12 equal seniority on the board, then the board shall, not later than the
13 fifth day following the organization meeting, notify the Governor of an
14 inability to fill the position of chairman either by election or on the
15 basis of seniority, including in that notice a certification of the names
16 of those senior members of the board. In addition, if the position of
17 secretary has not otherwise been filled under the foregoing provisions
18 of this paragraph, the board shall defer for the time being the election
19 of a secretary. Not later than the fifth day following receipt of the
20 notice, the Governor shall designate one of those senior members to
21 be chairman of the board and certify that designation to the board. If
22 the position of secretary was not filled at the initial meeting of the
23 county board to organize, then not later than the fifth day following
24 receipt of that certification, the board shall reconvene at the call of the
25 chairman so designated and shall elect a secretary of the board.

26 In case of failure to elect a secretary after three ballots or viva voce
27 votes, the member of the board having the greatest seniority shall be
28 secretary of the board, except that if that member has become
29 chairman because of election to that position or because of designation
30 as a result of the failure to elect a chairman, the member with the next
31 greatest seniority shall be secretary. In no case, however, shall the
32 chairman and secretary be members of the same political party.

33 Seniority for the purposes of this section shall be determined by the
34 total amount of time that a person has served as a member of the
35 board, beginning from the date that that person took the oath of office
36 as a member.

37 b. The boards shall have power in their discretion to hold their
38 meetings for any purpose, except organization, in any part of their
39 respective counties. Meetings may be called by either the chairman or
40 the secretary of the board, or at the request of any two members.

41 (cf: P.L.1996, c.90, s.1)

42

43 10. R.S.19:7-2 is amended to read as follows:

44 19:7-2. A candidate who has filed a petition for an office to be
45 voted for at [the] any primary election, and a candidate for an office
46 whose name may appear upon the ballot to be used in any election,
47 may also act as a challenger as herein provided and may likewise

1 appoint 2 challengers for each district in which he is to be voted for;
2 but only 2 challengers shall be allowed for each election district to
3 represent all the candidates nominated in and by the same original
4 petition. The appointment of the challengers shall be in writing under
5 the hand of the person or persons making same and shall specify the
6 names and residences of the challengers and the election districts for
7 which they are severally appointed. Whenever a public question shall
8 appear on the ballot to be voted upon by the voters of an election
9 district and application has been made by the proponents or opponents
10 of such public question for the appointment of challengers, the county
11 board may in its discretion appoint 2 challengers each to represent
12 such proponents or opponents. Such challengers shall be in addition
13 to those provided for in section 19:7-1 of this Title.

14 (cf: P.L.1956, c.66, s.1)

15

16 11. R.S.19:8-2 is amended to read as follows:

17 19:8-2. The clerk of every municipality, on or before January 10 of
18 each presidential year and on or before April 1 of every other year,
19 shall certify to the county board of every county wherein such
20 municipality is located a suggested list of places in the municipality
21 suitable for polling places. The county board shall select the polling
22 places for the election districts in the municipalities of the county for
23 all elections in the municipalities thereof, including all commission
24 government elections in the county. The county boards shall not be
25 obliged to select the polling places so suggested by the municipal
26 clerks, but may choose others where they may deem it expedient.
27 Preference in locations shall be given to schools and public buildings
28 where space shall be made available by the authorities in charge, upon
29 request, if same can be done without detrimental interruption of school
30 or the usual public services thereof, and for which the authority in
31 charge shall be reimbursed, by agreement, for expenses of light,
32 janitorial and other attending services arising from such use. In no
33 case shall the authorities in charge of a public school or other public
34 building deny the request of the county board for the use, as a polling
35 place, of any building they own or lease.

36 Where the county board shall fail to agree as to the selection of the
37 polling place or places for any election district, within five days of an
38 election, the county clerk shall select and designate the polling place
39 or places in any such election district.

40 The county board may select a polling place other than a
41 schoolhouse or public building outside of the district but such polling
42 place shall not be located more than 1,000 feet distant from the
43 boundary line of the district.

44 (cf: P.L.1989, c.292, s.1)

45

46 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
47 as follows:

1 4. No later than February 15 of each presidential year and no later
2 than May 15th of **[each]** every other year, each county board of
3 elections shall report to the **[Secretary of State]** Attorney General, on
4 the form provided by the **[Secretary of State]** Attorney General, a list
5 of all polling places in the county, specifying any found inaccessible.
6 The county board of elections shall indicate the reasons for
7 inaccessibility, and the efforts made pursuant to this act to locate
8 alternative polling places or to make the existing facilities accessible.
9 Each county board of elections shall notify the **[Secretary of State]**
10 Attorney General of any changes in polling place locations before the
11 next general election, including any changes required due to the
12 alteration of district boundaries.

13 (cf: P.L.1991, c.429, s.4)

14

15 13. R.S.19:8-4 is amended to read as follows:

16 19:8-4. The county board before February 15 of each presidential
17 year and May 15 **[each]** of every other year shall certify a list of
18 polling places so selected to the sheriff and to the clerk of the county
19 and to the superintendent of elections of the county if any there be and
20 to each municipal clerk in the county.

21 (cf: P.L.1965, c.4, s.8)

22

23 14. R.S.19:9-2 is amended to read as follows:

24 19:9-2. The Director of the Division of Elections shall prepare and
25 distribute on or before January 10 of each presidential year and on or
26 before April 1 **[in each]** of every other year prior to the primary
27 election for the general election and the general election such
28 information as may be needed relative to election procedures for the
29 ensuing year.

30 The county board of elections shall prepare and distribute on or
31 before January 10 of each presidential year and on or before April 1 of
32 **[each]** every other year, registration and voting instructions printed
33 in at least 14-point type for conspicuous display at each polling place
34 at any election.

35 All other books, ballots, envelopes and other blank forms which the
36 county clerk is required to furnish under any other section of this Title,
37 stationery and supplies for the primary election for the general
38 election, the presidential primary election for delegates and alternates
39 to national conventions and the general election, shall be furnished,
40 prepared and distributed by the clerks of the various counties; except
41 that all books, blank forms, stationery and supplies, articles and
42 equipment which may be deemed necessary to be furnished, used or
43 issued by the county board or superintendent shall be furnished, used
44 or issued, prepared and distributed by such county board or
45 superintendent, as the case may be.

46 The county board shall furnish and deliver to the county clerk, the

1 municipal clerks and the district boards in municipalities having more
2 than one election district: a map or description of the district lines of
3 their respective election districts, together with the street and house
4 numbers where possible in such election districts and a list or map of
5 all of the polling places within the county to assist any voter in
6 identifying the correct location of the polling place at which the voter
7 should vote if that voter erroneously reports to the municipal clerk or
8 the wrong polling place.

9 Nothing in subtitle 2 of the Title, Municipalities and Counties
10 (R.S.40:16-1 et seq.), shall in anywise be construed to affect, restrict,
11 or abridge the powers conferred on the county clerks, county boards
12 or superintendents by this Title.

13 (cf: P.L.1999, c.232, s.1)

14
15 15. R.S.19:12-1 is amended to read as follows:

16 19:12-1. The [Secretary of State] Attorney General shall within
17 thirty days after the completion of the canvass by the board of State
18 canvassers, certify to each county clerk and county board the fact that
19 at the next preceding general election held for the election of all of the
20 members of the General Assembly ten per centum (10%) of the total
21 vote cast in the State for members of the General Assembly had been
22 cast for candidates having the same designation, thereby creating,
23 within the meaning of this Title, a political party, to be known and
24 recognized as such under the same designation as used by the
25 candidates for whom the required number of votes were cast.

26 He shall also not later than the sixtieth day preceding the
27 presidential primary election [for the general election in every year,]
28 in each presidential year in which electors of President and
29 Vice-President of the United States [,] are to be selected, and not
30 later than the sixtieth day preceding the primary election for the
31 general election in which a representative of the United States Senate,
32 members of the House of Representatives, a Governor, or Senator, or
33 member or members of the General Assembly for any county, or any
34 of them, are to be elected or any public question is to be submitted to
35 the voters of the entire State, direct and cause to be delivered to the
36 clerk of the county and the county board wherein any such election is
37 to be held, a notice stating that such officer or officers are to be
38 elected and that such public question is to be submitted to the voters
39 of the entire State at the ensuing general election.

40 (cf: P.L.1948, c.2, s.12)

41
42 16. R.S.19:12-3 is amended to read as follows:

43 19:12-3. The clerk of each county shall immediately upon the
44 receipt of the certificate from the [Secretary of State] Attorney
45 General setting forth that a political party has been created, forward
46 a certified copy of such certificate to each municipal clerk of his
47 county.

1 He shall also, not later than the fiftieth day preceding the
2 presidential primary election in each presidential year and the primary
3 election for the general election in every other year, cause a copy of
4 the notice received from the [Secretary of State] Attorney General of
5 the officer or officers to be elected at the ensuing general election,
6 certified under his hand to be true and correct, to be delivered to the
7 clerk of each municipality in the county.

8 (cf: P.L.1948, c.2, s.14)

9

10 17. R.S.19:12-5 is amended to read as follows:

11 19:12-5. The clerk of every county shall, not later than the fiftieth
12 day preceding the presidential primary election in each presidential
13 year and the primary election for the general election in every other
14 year, immediately preceding the expiration of the term of office of all
15 other officers who are voted for by the voters of the entire county or
16 of more than one municipality within the county, direct and cause to
17 be delivered to the clerk of each municipality and the county board in
18 counties of the first class, a notice that such officer or officers, as the
19 case may be, will be chosen at the ensuing general election.

20 (cf: P.L.1948, c.2, s.15)

21

22 18. R.S.19:12-6 is amended to read as follows:

23 19:12-6. All municipal clerks, not later than the fiftieth day
24 preceding the presidential primary election in each presidential year
25 and the primary election for the general election in every other year,
26 shall make and certify under their hands and seals of office and
27 forward to the clerk of the county in which the municipality is located
28 a statement designating the public offices to be filled at such election,
29 and the number of persons to be voted for each office. In counties of
30 the first class such statement shall also be forwarded to the county
31 board.

32 (cf: P.L.1948, c.2, s.16)

33

34 19. R.S.19:12-7 is amended to read as follows:

35 19:12-7. a. The county board in each county shall cause to be
36 published in a newspaper or newspapers which, singly or in
37 combination, are of general circulation throughout the county, a notice
38 containing the information specified in subsection b. hereof, except for
39 such of the contents as may be omitted pursuant to subsection c. or d.
40 hereof. Such notice shall be published once during the 30 days next
41 preceding the day fixed for the closing of the registration books for the
42 primary election, once during the calendar week next preceding the
43 week in which the presidential primary election or the primary election
44 for the general election is held, as the case may be, once during the 30
45 days next preceding the day fixed for the closing of the registration
46 books for the general election, and once during the calendar week next
47 preceding the week in which the general election is held.

1 b. Such notice shall set forth:

2 (1) For the primary election for the general election:

3 (a) That a primary election for making nominations for the general
4 election[,] and for the selection of members of the county committees
5 of each political party[, and in each presidential year for the selection
6 of delegates and alternates to national conventions of political
7 parties,] will be held on the day and between the hours and at the
8 places provided for by or pursuant to this Title.

9 (b) The place or places at which and hours during which a person
10 may register, the procedure for the transfer of registration, and the
11 date on which the books are closed for registration or transfer of
12 registration.

13 (c) The several State, county, municipal and party offices or
14 positions to be filled, or for which nominations are to be made, at such
15 primary election.

16 (d) The existence of registration and voting aids, including: (i) the
17 availability of registration and voting instructions at places of
18 registration as provided under R.S.19:31-6; and (ii), if available, the
19 accessibility of voter information to the deaf by means of a
20 telecommunications device.

21 (e) The availability of assistance to a person unable to vote due to
22 blindness, disability or inability to read or write.

23 (f) In the case of the notice published during the calendar week
24 next preceding the week in which the primary election is held, that a
25 voter who, prior to the election, shall have moved within the same
26 county without (i) filing, on or before the 29th day preceding the
27 election, a notice of change of residence with the commissioner of
28 registration of the county or the municipal clerk of the municipality in
29 which the voter resides on the day of the election, (ii) returning the
30 confirmation notice sent to the voter by the commissioner of
31 registration of the county, if such a notice has been sent to the voter,
32 or (iii) otherwise notifying the commissioner of registration of the
33 voter's change of address within the county shall be permitted to
34 correct the voter's registration and to vote in the primary election by
35 provisional ballot at the polling place of the district in which the voter
36 resides on the day of the election. The notice shall further provide that
37 the voter may contact the county commissioner of registration or
38 municipal clerk to determine the proper polling place location for the
39 voter.

40 (2) For the general election:

41 (a) That a general election will be held on the day and between the
42 hours and at the places provided for by or pursuant to this Title.

43 (b) The place or places at which and hours during which a person
44 may register, the procedure for transfer of registration, and the date on
45 which the books are closed for registration or transfer of registration.

46 (c) The several State, county and, municipal offices to be filled
47 and, except as provided in R.S.19:14-33 of this Title as to publication

1 of notice of any Statewide proposition directed by the Legislature to
2 be submitted to the people, the State, county and municipal public
3 questions to be voted upon at such general election.

4 (d) The existence of registration and voting aids, including: (i) the
5 availability of registration and voting instructions at places of
6 registration as provided under R.S.19:31-6; and (ii) the accessibility
7 of voter information to the deaf by means of a telecommunications
8 device.

9 (e) The availability of assistance to a person unable to vote due to
10 blindness, disability or inability to read or write.

11 (f) In the case of the notice published during the calendar week
12 next preceding the week in which the general election is held, that a
13 voter who, prior to the election, shall have moved within the same
14 county without (i) filing, on or before the 29th day preceding the
15 election, a notice of change of residence with the commissioner of
16 registration of the county or the municipal clerk of the municipality in
17 which the voter resides on the day of the election, (ii) returning the
18 confirmation notice sent to the voter by the commissioner of
19 registration of the county, if such a notice has been sent to the voter,
20 or (iii) otherwise notifying the commissioner of registration of the
21 voter's change of address within the county shall be permitted to
22 correct the voter's registration and to vote in the general election by
23 provisional ballot at the polling place of the district in which the voter
24 resides on the day of the election. The notice shall further provide that
25 the voter may contact the county commissioner of registration or
26 municipal clerk to determine the proper polling place location for the
27 voter.

28 (3) For a school election:

29 (a) The day, time and place thereof,

30 (b) The offices, if any, to be filled at the election,

31 (c) The substance of any public question to be submitted to the
32 voters thereat,

33 (d) That a voter who, prior to the election, shall have moved within
34 the same county without (i) filing, on or before the 29th day preceding
35 the election, a notice of change of residence with the commissioner of
36 registration of the county or the municipal clerk of the municipality in
37 which the voter resides on the day of the election, (ii) returning the
38 confirmation notice sent to the voter by the commissioner of
39 registration of the county, if such a notice has been sent to the voter,
40 or (iii) otherwise notifying the commissioner of registration of the
41 voter's change of address within the county shall be permitted to
42 correct the voter's registration and to vote in the school election by
43 provisional ballot at the polling place of the district in which the voter
44 resides on the day of the election,

45 (e) That if the voter has any questions as to where to vote on the
46 day of the election, the voter may contact the county commissioner of
47 registration or municipal clerk to determine the proper polling place

1 location for the voter; and

2 (f) Such other information as may be required by law.

3 (4) For the presidential primary election:

4 (a) That a primary for the selection of delegates and alternates to
5 national conventions of political parties will be held on the day and
6 between the hours and at the places provided for pursuant to this Title.

7 (b) The place or places at which and hours during which a person
8 may register, the procedure for the transfer of registration, and the
9 date on which the books are closed for registration or transfer of
10 registration.

11 (c) The existence of registration and voting aids, including: (i) the
12 availability of registration and voting instructions at places of
13 registration as provided under R.S.19:31-6; and (ii), if available, the
14 accessibility of voter information to the deaf by means of a
15 telecommunications device.

16 (d) The availability of assistance to a person unable to vote due to
17 blindness, disability or inability to read or write.

18 c. If such publication is made in more than one newspaper, it shall
19 not be necessary to duplicate in the notice published in each such
20 newspaper all the information required under this section, so long as:

21 (1) The municipal officers or party positions to be filled, or
22 nominations made, or municipal public questions to be voted upon by
23 the voters of any municipality, shall be set forth in at least one
24 newspaper having general circulation in such municipality;

25 (2) All offices to be filled, or nominations made therefor, or public
26 questions to be voted upon, by the voters of the entire State or of the
27 entire county shall be set forth in a newspaper or newspapers which,
28 singly or in combination, have general circulation throughout the
29 county;

30 (3) Information relating to nominations and elections in each
31 Legislative District comprised in whole or part in the county, shall be
32 published in at least a newspaper or newspapers which singly or in
33 combination, have general circulation in every municipality of the
34 county which is comprised in such legislative district.

35 d. Such part or parts of the original notices as published which
36 pertain to day of registration or primary election which has occurred
37 shall be eliminated from such notice in succeeding insertions.

38 e. (Deleted by amendment, PL.1999, c.232.)

39 f. The cost of publishing the notices required by this section shall
40 be paid by the respective counties, unless otherwise provided for by
41 law.

42 (cf: P.L.1999, c.232, s.2)

43

44 20. Section 3 of P.L.1990, C.57 (C.19:13-14.1) is amended to read
45 as follows:

46 3. A person whose name appears on the ballot at a primary election
47 for the general election as a candidate for nomination by a political

1 party for any municipal office shall not be eligible to serve as the
2 candidate of any other political party for that office in that municipality
3 at the general election following that primary.

4 (cf: P.L.1990, c.57, s.3)

5
6 21. R.S.19:13-20 is amended to read as follows:

7 19:13-20. In the event of a vacancy, howsoever caused, among
8 candidates nominated at [primaries] a primary election for the general
9 election, which vacancy shall occur not later than the 51st day before
10 the general election, or in the event of inability to select a candidate
11 because of a tie vote at such primary, a candidate shall be selected in
12 the following manner:

13 a. (1) In the case of an office to be filled by the voters of the entire
14 State, the candidate shall be selected by the State committee of the
15 political party wherein such vacancy has occurred.

16 (2) In the case of an office to be filled by the voters of a single and
17 entire county, the candidate shall be selected by the county committee
18 in such county of the political party wherein such vacancy has
19 occurred.

20 (3) In the case of an office to be filled by the voters of a portion of
21 the State comprising all or part of two or more counties, the candidate
22 shall be selected by those members of the county committees of the
23 party wherein the vacancy has occurred who represent those portions
24 of the respective counties which are comprised in the district from
25 which the candidate is to be elected.

26 (4) In the case of an office to be filled by the voters of a portion of
27 a single county, the candidate shall be selected by those members of
28 the county committee of the party wherein the vacancy has occurred
29 who represent those portions of the county which are comprised in the
30 district from which the candidate is to be elected.

31 At any meeting held for the selection of a candidate under this
32 subsection, a majority of the persons eligible to vote thereat shall be
33 required to be present for the conduct of any business, and no person
34 shall be entitled to vote at that meeting who is appointed to the State
35 committee or county committee after the seventh day preceding the
36 date of the meeting.

37 In the case of a meeting held to select a candidate for other than a
38 Statewide office, the chairman of the meeting shall be chosen by
39 majority vote of the persons present and entitled to vote thereat. The
40 chairman so chosen may propose rules to govern the determination of
41 credentials and the procedures under which the meeting shall be
42 conducted, and those rules shall be adopted upon a majority vote of
43 the persons entitled to vote upon the selection. If a majority vote is
44 not obtained for those rules, the delegates shall determine credentials
45 and conduct the business of the meeting under such other rules as may
46 be adopted by a majority vote. All contested votes taken at the
47 selection meeting shall be by secret ballot.

1 b. (1) Whenever in accordance with subsection a. of this section
2 members of two or more county committees are empowered to select
3 a candidate to fill a vacancy, it shall be the responsibility of the
4 chairmen of said county committees, acting jointly not later in any case
5 than the seventh day following the occurrence of the vacancy, to give
6 notice to each of the members of their respective committees who are
7 so empowered of the date, time and place of the meeting at which the
8 selection will be made, that meeting to be held at least one day
9 following the date on which the notice is given.

10 (2) Whenever in accordance with the provisions of subsection a. of
11 this section members of a county committee are empowered to select
12 a candidate to fill a vacancy, it shall be the responsibility of the
13 chairman of such county committee, not later in any case than the
14 seventh day following the occurrence of the vacancy, to give notice to
15 each of the members of the committee who are so empowered of the
16 date, time and place of the meeting at which the selection will be
17 made, that meeting to be held at least one day following the date on
18 which the notice is given.

19 (3) A county committee chairman or chairmen who call a meeting
20 pursuant to paragraph (1) or (2) of this subsection shall not be entitled
21 to vote upon the selection of a candidate at such meeting unless he or
22 they are so entitled pursuant to subsection a.

23 (4) Whenever in accordance with the provisions of subsection a. of
24 this section the State committee of a political party is empowered to
25 select a candidate to fill a vacancy, it shall be the responsibility of the
26 chairman of that State committee to give notice to each of the
27 members of the committee of the date, time and place of the meeting
28 at which the selection will be made, that meeting to be held at least
29 one day following the date on which the notice is given.

30 c. Whenever a selection is to be made pursuant to this section to
31 fill a vacancy resulting from inability to select a candidate because of
32 a tie vote at a primary election for the general election, the selection
33 shall be made from among those who have thus received the same
34 number of votes at the primary.

35 d. A selection made pursuant to this section shall be made not
36 later than the 48th day preceding the date of the general election, and
37 a statement of such selection shall be filed with the Attorney General
38 or the appropriate county clerk, as the case may be, not later than
39 ~~[said 48th]~~ that day, and in the following manner:

40 (1) A selection made by a State committee of political party shall
41 be certified to the Attorney General by the State chairman of the
42 political party.

43 (2) A selection made by a county committee of a political party, or
44 a portion of the members thereof, shall be certified to the county clerk
45 of the county by the county chairman of such political party; except
46 that when such selection is of a candidate for the Senate or General
47 Assembly or the United States House of Representatives the county

1 chairman shall certify the selection to the State chairman of such
2 political party, who shall certify the same to the Attorney General.

3 (3) A selection made by members of two or more county
4 committees of a political party acting jointly shall be certified by the
5 chairmen of said committees, acting jointly, to the State chairman of
6 such political party, who shall certify the same to the Attorney
7 General.

8 e. A statement filed pursuant to subsection d. of this section shall
9 state the residence and post office address of the person so selected,
10 and shall certify that the person so selected is qualified under the laws
11 of this State to be a candidate for such office, and is a member of the
12 political party filling the vacancy. Accompanying the statement the
13 person endorsed therein shall file a certificate stating that he is
14 qualified under the laws of this State to be a candidate for the office
15 mentioned in the statement, that he consents to stand as a candidate at
16 the ensuing general election and that he is a member of the political
17 party named in said statement, and further that he is not a member of,
18 or identified with, any other political party or any political
19 organization espousing the cause of candidates of any other political
20 party, to which shall be annexed the oath of allegiance prescribed in
21 R.S.41:1-1 duly taken and subscribed by him before an officer
22 authorized to take oaths in this State. The person so selected shall be
23 the candidate of the party for such office at the ensuing general
24 election. Each candidate for the office of Governor or the office of
25 member of the Senate or General Assembly filing a certification shall
26 annex thereto a statement signed by the candidate that he or she:

27 (1) has not been convicted of any offense graded by Title 2C of the
28 New Jersey Statutes as a crime of the first, second, third or fourth
29 degree, or any offense in any other jurisdiction which, if committed in
30 this State, would constitute such a crime; or

31 (2) has been so convicted, in which case, the candidate shall
32 disclose on the statement the crime for which convicted, the date and
33 place of the conviction and the penalties imposed for the conviction.
34 Such a candidate may, as an alternative, submit with the statement a
35 copy of an official document that provides such information. If the
36 candidate has been convicted of more than one criminal offense, such
37 information about each conviction shall be provided. Records
38 expunged pursuant to chapter 52 of Title 2C of the New Jersey
39 Statutes shall not be subject to disclosure.

40 (cf: P.L.2004, c.26, s.2)

41

42 22. R.S.19:14-6 is amended to read as follows:

43 19:14-6. In each column, immediately below the six-point rule,
44 shall be printed the proper word or words to designate the column, to
45 be known as the "column designation."

46 In the columns at the extreme left shall be printed the name of each
47 of the political parties which made nominations at the next preceding

1 presidential primary election, during the same year such an election is
2 held, and the next preceding primary election for the general election
3 every year, directly under which shall appear the words "to vote for
4 any candidate whose name appears in the column below, mark a cross
5 x , plus + or check X in the square at the left of the name of such
6 candidate. Do not vote for more candidates than are to be elected to
7 any office." Such columns shall be three inches in width.

8 The column next to the right of such columns shall be designated
9 "personal choice," under which shall appear the words "in the blank
10 column below, under the proper title of office, the voter may write or
11 paste the name of any person for whom he desires to vote, whose
12 name is not printed on this ballot, and shall mark a cross x , plus + or
13 check X in the square at the left of such name. Do not vote for more
14 candidates than are to be elected to any office." There shall also be
15 the same instructions regarding electors of president and
16 vice-president which now appear at the head of all other columns.
17 This column shall be four inches in width.

18 The remaining column or columns, as the case may be, shall each
19 be designated "Nomination by Petition," under which shall be printed
20 the words "to vote for any candidate whose name appears in the
21 column below mark a x , plus + or check X in the square at the left of
22 the name of such candidate. Do not vote for more candidates than are
23 to be elected to any office." These columns shall be four inches in
24 width.

25 Below the column designations and accompanying instructions and
26 not more than one and one-half inches below the six-point diagram
27 rule and parallel thereto, shall be printed a six-point diagram rule
28 extending across the entire ballot from one four point rule to the other.
29 (cf: P.L.1947, c.104, s.2)

30
31 23. R.S.19:14-8 is amended to read as follows:

32 19:14-8. In the columns of each of the political parties which made
33 nominations at the next preceding primary election to the general
34 election and in the personal choice column, within the space between
35 the two-point hair line rules, there shall be printed the title of each
36 office to be filled at such election, except as hereinafter provided.

37 Such titles of office shall be arranged in the following order:
38 [electors of President and Vice-President of the United States;]
39 member of the United States Senate; Governor; member of the House
40 of Representatives; member of the State Senate; members of the
41 General Assembly; county executive, in counties that have adopted the
42 county executive plan of the "Optional County Charter Law,"
43 P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate;
44 register of deeds and mortgages; county supervisor; members of the
45 board of chosen freeholders; coroners; mayor and members of
46 municipal governing bodies, and any other titles of office. Above each
47 of such titles of office, except the one at the top, shall be printed a

1 two-point diagram rule in place of the two-point hair line rule. Below
2 the titles of such offices shall be printed the names of the candidates
3 for the offices.

4 In the columns of each of the political parties which made
5 nominations at the next preceding presidential primary election and in
6 the personal choice column, within the space between the two-point
7 hair line rules, there shall be printed the title of office for electors of
8 President and Vice President of the United States.

9 The arrangement of the names of candidates for any office for
10 which more than one are to be elected shall be determined in the
11 manner hereinafter provided, as in the case of candidates nominated by
12 petition.

13 When no nomination for an office has been made the words "No
14 Nomination Made" in type large enough to fill the entire space or
15 spaces below the title of office shall be printed upon the ballot.

16 Immediately to the left of the name of each candidate, at the
17 extreme left of each column, including the personal choice column,
18 shall be printed a square, one-quarter of an inch in size, formed by
19 two-point diagram rules. In the personal choice column no names of
20 candidates shall be printed.

21 To the right of the title of each office in the party columns and the
22 personal choice column shall be printed the words "Vote for ,"
23 inserting in words the number of persons to be elected to such office.
24 (cf: P.L.1995, c.191, s.1)

25

26 24. R.S.19:14-12 is amended to read as follows:

27 19:14-12. The county clerk shall draw lots in his county to
28 determine which columns the political parties which made nominations
29 at the next preceding presidential primary election in each presidential
30 year and at the primary election for the general election every year,
31 shall occupy on the ballot in the county. The name of the party first
32 drawn shall occupy the first column at the left of the ballot, and the
33 name of the party next drawn shall occupy the second column, and so
34 forth.

35 The position which the names of candidates, and bracketed groups
36 of names of candidates nominated by petitions for all offices, shall
37 have upon the general election ballot, shall be determined by the
38 county clerks in their respective counties.

39 The manner of drawing the lots shall be as follows: paper slips with
40 the names of each political party written thereon, shall be placed in
41 capsules of the same size, shape, color and substance and then placed
42 in a covered box with an aperture in the top large enough to admit a
43 man's hand and to allow the capsules to be drawn therefrom. The box
44 shall be well shaken and turned over to thoroughly intermingle the
45 capsules. The county clerk or his deputy shall at his office, draw from
46 the box each capsule separately without knowledge on his part as to
47 which capsule he is drawing.

1 The person making the drawing shall open the capsule and shall
2 make public announcement at the drawing of each name, the order in
3 which name is drawn and the office for which the drawing is made.

4 Where there is but one person to be elected to an office, the names
5 of the several candidates who have filed petitions for such office shall
6 be written upon paper slips and placed in separate capsules of the same
7 size, shape, color and substance. The capsules shall be placed in a
8 covered box with an aperture in the top large enough to admit a man's
9 hand and to allow the capsules to be drawn therefrom. The box shall
10 be turned and shaken thoroughly to mix the capsules and the capsules
11 shall be withdrawn one at a time.

12 When there is more than one person to be elected to an office
13 where petitions have designated that certain candidates shall be
14 bracketed, the position of such bracketed names on the ballot (each
15 bracketed group to be treated as a single name), together with
16 individuals who have filed petitions for such office, shall be determined
17 as above described.

18 Any legal voter of the county or municipality, as the case may be,
19 shall have the privilege of witnessing the drawing.

20 The name or names of the candidate or bracketed group of
21 candidates first drawn from the box shall be printed directly below the
22 proper title of the office for which they were nominated, and the name
23 or names of the candidate or bracketed group of candidates next
24 drawn shall be printed next in order, and so on, until the last name or
25 bracketed group of names shall be drawn from the box.

26 The arrangement of names of any bracketed group of candidates for
27 any office for which more than one are to be elected shall be printed
28 in the same order on the ballot as they were arranged on the petition
29 of nomination.

30 The drawing for the positions which the names of candidates and
31 bracketed groups of names of candidates, nominated by petition for
32 office, and for the columns which the political parties which made
33 nominations at the next preceding presidential primary election and the
34 preceding primary election for the general election shall occupy upon
35 the general election ballot, shall be held at 3 o'clock in the afternoon
36 of the eighty-fifth day prior to the day of the general election.

37 (cf: P.L.1977, c.431, s.1)

38

39 25. R.S.19:23-1 is amended to read as follows:

40 19:23-1. The chairman of the State committee of a political party
41 shall, on or before March 1 in the year when a Governor is to be
42 elected, notify in writing the chairman of each county committee of
43 such party of the number of male or female members or members with
44 less than one full vote to be elected from the county at the ensuing
45 primary election for the general election, and each such chairman shall,
46 on or before April 1 of such year, send a copy of such notice to the
47 county clerk.

1 The chairman of each county committee shall also, on or before
2 January 10 of each presidential year and on or before April 1 [, in each
3 year] of every other year, file with the clerks of the several
4 municipalities the number of committeemen to be elected at the
5 ensuing primary for the general election to the county committee.
6 (cf: P.L.1978, c.15, s.3)

7

8 26. R.S.19:23-24 is amended to read as follows:

9 19:23-24. The position which the candidates and bracketed groups
10 of names of candidates for the primary for the general election shall
11 have upon the ballots used for the primary election [ballots] for the
12 general election, in the case of candidates for nomination for members
13 of the United States Senate, Governor, members of the House of
14 Representatives, members of the State Senate, members of the General
15 Assembly, [choice for President, delegates and alternates-at-large to
16 the national conventions of political parties, district delegates and
17 alternates to conventions of political parties,] candidates for party
18 positions, and county offices or party positions which are to be voted
19 for by the voters of the entire county or a portion thereof greater than
20 a single municipality, including a congressional district which is wholly
21 within a single municipality, shall be determined by the county clerks
22 in their respective counties; and, excepting in counties where
23 R.S.19:49-2 applies, the position on the ballot used for the primary
24 [ballots] election for the general election in the case of candidates for
25 nomination for office or party position wherein the candidates for
26 office or party position to be filled are to be voted for by the voters of
27 a municipality only, or a subdivision thereof (excepting in the case of
28 members of the House of Representatives) shall be determined by the
29 municipal clerk in such municipalities, in the following manner: The
30 county clerk, or his deputy, or the municipal clerk or his deputy, as the
31 case may be, shall at his office on the 47th day prior to the primary
32 election for the general election at three o'clock in the afternoon draw
33 from the box, as hereinafter described, each card separately without
34 knowledge on his part as to which card he is drawing. Any legal voter
35 of the county or municipality, as the case may be, shall have the
36 privilege of witnessing such drawing. The person making the drawing
37 shall make public announcement at the drawing of each name, the
38 order in which same is drawn, and the office for which the drawing is
39 made. When there is to be but one person nominated for the office,
40 the names of the several candidates who have filed petitions for such
41 office shall be written upon cards (one name on a card) of the same
42 size, substance and thickness. The cards shall be deposited in a box
43 with an aperture in the cover of sufficient size to admit a man's hand.
44 The box shall be well shaken and turned over to thoroughly mix the
45 cards, and the cards shall then be withdrawn one at a time. The first
46 name drawn shall have first place, the second name drawn, second
47 place, and so on; the order of the withdrawal of the cards from the box

1 determining the order of arrangement in which the names shall appear
2 upon the primary election ballot. Where there is more than one person
3 to be nominated to an office where petitions have designated that
4 certain candidates shall be bracketed, the position of such bracketed
5 names on the ballot (each bracket to be treated as a single name),
6 together with individuals who have filed petitions for nomination for
7 such office, shall be determined as above described. Where there is
8 more than one person to be nominated for an office and there are more
9 candidates who have filed petitions than there are persons to be
10 nominated, the order of the printing of such names upon the primary
11 election ballots shall be determined as above described.

12 The county clerk in certifying to the municipal clerk the offices to
13 be filled and the names of candidates to be printed upon the ballots
14 used for the primary election [ballots] for the general election, shall
15 certify them in the order as drawn in accordance with the above
16 described procedure, and the municipal clerk shall print the names
17 upon the ballots as so certified and in addition shall print the names of
18 such candidates as have filed petitions with him in the order as
19 determined as a result of the drawing as above described. Candidates
20 for the office of the county executive in counties that have adopted the
21 county executive plan of the "Optional County Charter Law,"
22 P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede the candidates for
23 other county offices for which there are candidates on the ballot used
24 for the primary election [ballot] for the general election.
25 (cf: P.L.1995, c.191, s.3)

26

27 27. R.S.19:23-40 is amended to read as follows:

28 19:23-40. The presidential primary election shall be held for all
29 political parties in each presidential year on the last Tuesday in
30 February.

31 The primary election for the general election shall be held for all
32 political parties upon the Tuesday next after the first Monday in June.

33 All primary elections shall occur between the hours of 6:00 A.M.
34 and 8:00 P.M., Standard Time [. It] and shall be held for all political
35 parties in the same places as hereinbefore provided for the ensuing
36 general election.

37 (cf: P.L.2001, c.245, s.4)

38

39 28. R.S.19:23-42 is amended to read as follows:

40 19:23-42. The presidential primary election and the primary for the
41 general election shall be conducted by the district boards substantially
42 in the same manner as the general election, except as herein otherwise
43 provided.

44 Each district board may allow one member thereof at a time to be
45 absent from the polling place or room for a period not exceeding one
46 hour between the hours of one o'clock and five o'clock in the
47 afternoon or for such shorter time as it shall see fit; but at no time

1 from the opening of the polls to the completion of the canvass shall
2 there be less than a majority of the board present in the polling room
3 or place.

4 (cf: R.S.19:23-42)

5

6 29. R.S.19:23-45 is amended to read as follows:

7 19:23-45. No voter shall be allowed to vote at [the] any primary
8 election unless his name appears in the signature copy register.

9 A voter who votes in a primary election of a political party or who
10 signs and files with the municipal clerk or the county commissioner of
11 registration a declaration that he desires to vote in [the] any primary
12 election of a political party shall be deemed to be a member of that
13 party until he signs and files a declaration that he desires to vote in
14 [the] a primary election of another political party at which time he
15 shall be deemed to be a member of such other political party. The
16 [Secretary of State] Attorney General shall cause to be prepared
17 political party affiliation declaration forms and shall provide such
18 forms to the commissioners of registration of the several counties and
19 to the clerks of the municipalities within such counties.

20 No voter, except a newly registered voter at the first primary at
21 which he is eligible to vote, or a voter who has not previously voted
22 in a primary election, may vote in a primary election of a political party
23 unless he was deemed to be a member of that party on the fiftieth day
24 next preceding such primary election.

25 A member of the county committee of a political party and a public
26 official or public employee holding any office or public employment to
27 which he has been elected or appointed as a member of a political
28 party shall be deemed a member of such political party.

29 Any person voting in the primary ballot box of any political party
30 in any primary election in contravention of the election law shall be
31 guilty of a misdemeanor, and any person who aids or assists any such
32 person in such violation by means of public proclamation or order, or
33 by means of any public or private direction or suggestions, or by
34 means of any help or assistance or cooperation, shall likewise be guilty
35 of a misdemeanor.

36 (cf: P.L.1977, c.97, s.1)

37

38 30. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
39 as follows:

40 2. a. The county commissioner of registration in each of the
41 several counties, shall cause a notice to be published in each
42 municipality of their respective counties in a newspaper or newspapers
43 circulating therein. The notice to be so published shall be published
44 once during each of the 2 calendar weeks next preceding the week in
45 which the fiftieth day next preceding [the] any primary election of a
46 political party occurs.

47 b. The notice required to be published by the preceding paragraph

1 shall inform the reader thereof that no voter, except a newly registered
2 voter at the first primary at which he is eligible to vote, or a voter who
3 has not previously voted in a primary election may vote in a primary
4 election of a political party unless he was deemed to be a member of
5 that party on the fiftieth day next preceding such primary election. It
6 shall further inform the reader thereof that a voter who votes in [the]
7 any primary election of a political party or who signs and files with the
8 municipal clerk or the county commissioner of registration a
9 declaration that he desires to vote in [the] a primary election of a
10 political party shall be deemed to be a member of that party until he
11 signs and files a declaration that he desires to vote in [the] a primary
12 election of another political party at which time he shall be deemed to
13 be a member of such other political party. The notice shall also state
14 the time and location where a person may obtain political party
15 affiliation declaration forms.

16 (cf: P.L.1977, c.97, s.2)

17

18 31. R.S.19:23-46 is amended to read as follows:

19 19:23-46. Each voter offering to vote shall announce his name and
20 the party primary in which he wishes to vote. The district board shall
21 thereupon ascertain by reference to the signature copy register or the
22 primary election registry book required for either the presidential
23 primary or the primary election for the general election by this title, as
24 the case may be, and, in municipalities not having permanent
25 registration, if necessary by reference to the primary party poll books
26 of the preceding presidential primary election or primary election for
27 the general election, that such voter is registered as required by this
28 title and also that he is not ineligible or otherwise disqualified by the
29 provisions of section 19:23-45 of this title; in which event he shall be
30 allowed to vote.

31 (cf: R.S.19:23-46)

32

33 32. R.S.19:23-49 is amended to read as follows:

34 19:23-49. At the close of [the] a presidential primary election and
35 a primary election for the general election each district board shall
36 immediately proceed to count the votes cast at the election and
37 ascertain the results thereof for the candidates of each political party
38 holding such elections, proceeding in the manner indicated by the
39 statement hereinafter provided for, and as nearly as may be in the
40 manner herein required for the counting by the district board of votes
41 cast at the general election.

42 (cf: R.S.19:23-49)

43

44 33. R.S.19:23-58 is amended to read as follows:

45 19:23-58. Any provisions of this title which pertain particularly to
46 any election or to the general election shall apply to the presidential
47 primary election or the primary election for the general election, as the

1 case may be, in so far as they are not inconsistent with the special
2 provisions of this title pertaining to the presidential primary election
3 or the primary election for the general election.

4 (cf: R.S.19:23-58)

5

6 34. R.S.19:24-1 is amended to read as follows:

7 19:24-1. In every year in which presidential primary elections are
8 to be held as herein provided for the election of delegates and
9 alternates to the national conventions of political parties, including any
10 national mid-term convention or conference of a political party,
11 [which primary elections are to be held on the first Tuesday in June as
12 hereinbefore provided,] the chairman of the State committee of each
13 political party shall notify the [Secretary of State] Attorney General,
14 on or before [March 1] January 1 of that year, of the number of
15 delegates-at-large and the number of alternates-at-large to be elected
16 to the next national convention of such party by the voters of the
17 party throughout the State, and also of the number of delegates and
18 alternates to be chosen to such convention in the respective
19 congressional districts or other territorial subdivisions of the State as
20 mentioned in such notification.

21 If the State chairmen, or either of them, shall fail to file notice, the
22 [Secretary of State] Attorney General shall ascertain such facts from
23 the call for its national convention issued by the National or State
24 committee.

25 (cf: P.L.1978, c.15, s.5)

26

27 35. R.S.19:24-2 is amended to read as follows:

28 19:24-2. The [Secretary of State] Attorney General shall, on or
29 before [March 20] January 1 of that year, certify to the county clerk
30 and county board of each county the number of delegates and
31 alternates-at-large to be chosen by each such party and the number of
32 delegates and alternates to be chosen in each congressional district or
33 other territorial subdivision of the State, composed in whole or in part
34 of the county of such county clerk.

35 Any provisions of this Title which pertain particularly to any
36 election or to the general election or to the primary election for the
37 general election shall apply to the presidential primary election for
38 delegates and alternates to national conventions in so far as they are
39 not inconsistent with the special provisions of this Title pertaining to
40 the presidential primary election for delegates and alternates to
41 national conventions.

42 Notwithstanding any provision of this Title, national and State party
43 rules shall govern the selection of delegates and alternates to national
44 party conventions, provided the State chairman of the political party
45 notifies the [Secretary of State] Attorney General prior to [March 1]
46 January 1 of the year in which delegates and alternates are elected of

1 the applicable party rules governing the delegate selection process.
2 The [Secretary of State] Attorney General shall notify the county
3 clerks prior to [April 1] January 10 of the year in which delegates
4 and alternates are elected of the applicable party rules, if any, which
5 apply to matters within their jurisdiction. Pursuant to this section, the
6 [Secretary of State] Attorney General shall issue to the county clerks
7 uniform regulations governing the delegate selection process.
8 (cf: P.L.1976, c.9, s.1)

9

10 36. R.S.19:24-4 is amended to read as follows:

11 19:24-4. Not less than 100 members of each such political party
12 may file with the Attorney General at least 57 days prior to the
13 presidential primary election [for the general election] in any year of
14 a national convention a petition requesting that the name of a person
15 therein indorsed shall be printed on the presidential primary ticket of
16 such political party as candidate for the position of delegate-at-large
17 or alternate-at-large, to be chosen by the party voters throughout the
18 State to the national convention of that party, or as a delegate or
19 alternate to be chosen to that convention by the voters of any
20 congressional district.

21 The signers to the petition for any delegate-at-large or
22 alternate-at-large shall be legal voters resident in the State; and the
23 signers for any delegate or alternate from any Congressional district
24 shall be voters of such district.

25 The Attorney General shall not later than the 48th day preceding
26 the presidential primary election [for the general election] certify to
27 each county clerk and county board such nominations for delegates
28 and alternates-at-large and the nominations for delegate or alternate
29 for any Congressional district.

30 (cf: P.L.2001, c.211, s.2)

31

32 37. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
33 follows:

34 1. Not less than one thousand voters of any political party may file
35 a petition with the Attorney General on or before the 57th day before
36 a presidential primary election [in any year in which a President of the
37 United States is to be chosen], requesting that the name of the person
38 indorsed therein as a candidate of such party for the office of President
39 of the United States shall be printed upon the official presidential
40 primary ballot of that party for the then ensuing election for delegates
41 and alternates to the national convention of such party. The petition
42 shall be prepared and filed in the form and manner herein required for
43 the indorsement of candidates to be voted for at the primary election
44 for the general election, except that the candidate shall not be
45 permitted to have a designation or slogan following his name, and that
46 it shall not be necessary to have the consent of such candidate for

1 President indorsed on the petition.

2 (cf: P.L.2001, c.211, s.3)

3

4 38. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
5 follows:

6 2. The [Secretary of State] Attorney General shall certify the
7 names so indorsed to the county clerk of each county not later than the
8 48th day before such presidential primary election, but if any person
9 so indorsed shall on or before such date decline in writing, filed in the
10 office of the [Secretary of State] Attorney General, to have his name
11 printed upon the presidential primary election ballot as a candidate for
12 President, the [Secretary of State] Attorney General shall not so
13 certify such name.

14 (cf: P.L.1985, c.92, s.24)

15

16 39. R.S.19:26-1 is amended to read as follows:

17 19:26-1. At the close of all primary elections held according to the
18 provisions of this title, and after counting the ballots cast at such
19 primary and making the statements thereof as herein provided, each
20 district board shall place all ballots voted at the election and all spoiled
21 and unused ballots inside the ballot boxes used at such election, and
22 after locking and sealing the same, shall forthwith deliver the ballot
23 boxes to the municipal clerk and the keys thereof to the county clerk.
24 The [district board in municipalities not having permanent registration
25 shall deliver to the county clerk the party primary poll books of the
26 previous year, together with the primary election registry books and
27 the primary party poll books made up at the current primary election.
28 In all municipalities having permanent registration, the] signature copy
29 register binders and the current primary party poll books used at any
30 primary election shall be returned by the district boards to the
31 commissioner, not later than noon of the day following the preceding
32 primary election [for the general election].

33 The commissioner shall return the primary party poll books used at
34 any primary election to the municipal clerks [in municipalities having
35 permanent registration] not later than one month preceding the next
36 primary election.

37 [In all municipalities not having permanent registration the register
38 of voters shall be returned by the district boards to the county clerk
39 not later than the day following the primary election for the general
40 election.]

41 The county clerks, in counties other than counties of the first class,
42 shall, during the ten days next preceding the third registry day deliver,
43 at their offices or in any other way they may see fit, the register of
44 voters to the respective district boards.

45 The county clerks in counties of the first class shall deliver the
46 register of voters to the municipal clerks, who shall deliver such

1 register to the district boards at the same time and with the official
2 general election sample ballots.

3 (cf: R.S.19:26-1)

4

5 40. R.S.19:27-11 is amended to read as follows:

6 19:27-11. In the event of any vacancy in any county or municipal
7 office, except for the office of a member of the board of chosen
8 freeholders, which vacancy shall occur after the 11th day preceding the
9 last day for filing petitions for nominations for the primary election for
10 the general election and on or before the 51st day preceding the
11 general election, each political party may select a candidate for the
12 office in question in the manner prescribed in R.S.19:13-20 for
13 selecting candidates to fill vacancies among candidates nominated at
14 primary elections to the general elections. A statement of such
15 selection shall be filed with the county clerk not later than the close of
16 business of the 48th day preceding the date of the general election.

17 Besides the selection of candidates by each political party as before
18 provided, candidates may also be nominated by petition in a similar
19 manner as herein provided for direct nomination by petition for the
20 general election but the petition shall be filed with the county clerk at
21 least 48 days prior to such general election.

22 When the vacancy occurs in a county office the county clerk shall
23 forthwith give notice thereof to the chairman of the county committee
24 of each political party and in counties of the first class to the county
25 board, and in case the vacancy occurs in a municipal office the
26 municipal clerk shall forthwith give notice thereof to the county clerk,
27 the chairman of the county committee of each political party and in
28 counties of the first class the county board.

29 The county clerk shall print on the ballots for the territory affected,
30 in the personal choice column, the title of office and leave a proper
31 space under such title of office; and print the title of office and the
32 names of such persons as have been duly nominated, in their proper
33 columns.

34 (cf: P.L.1990, c.33, s.1)

35

36 41. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
37 read as follows:

38 7. When any vacancy happens in the Legislature otherwise than by
39 expiration of term, it shall be filled by election for the unexpired term
40 only at the next general election occurring not less than 51 days after
41 the occurrence of the vacancy, except that no such vacancy shall be
42 filled at the general election which immediately precedes the expiration
43 of the term in which the vacancy occurs. In the event a vacancy
44 eligible to be filled by election hereunder occurs on or before the sixth
45 day preceding the last day for filing petitions for nomination for the
46 primary election, such petitions may be prepared and filed for
47 nomination in that primary election in the manner provided by article

1 3 of chapter 23 of this Title. In the event the vacancy occurs after that
2 sixth day preceding the last day for filing petitions for nomination for
3 the primary election for the general election, a political party may
4 select a candidate for the office in question in the manner prescribed
5 in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill
6 vacancies among candidates nominated at primary elections for the
7 general elections. A statement of such selection under R.S.19:13-20
8 shall be filed with the [Secretary of State] Attorney General not later
9 than the 48th day preceding the date of the general election.

10 Besides the selection of candidates by each political party,
11 candidates may also be nominated by petition in a manner similar to
12 direct nomination by petition for the general election; but if the
13 candidate of any party to fill the vacancy will be chosen at a primary
14 election, such petition shall be filed with the [Secretary of State]
15 Attorney General at least 55 days prior to the primary election; and if
16 no candidate of any party will be chosen at a primary election, such
17 petition shall be filed with the [Secretary of State] Attorney General
18 not later than 12 o'clock noon of the day on which the first selection
19 meeting by any party is held under this section to select a nominee to
20 fill the vacancy.

21 When the vacancy occurs in the Senate or General Assembly, the
22 county clerk of each county which is comprised in whole or part in the
23 Senate or General Assembly district shall forthwith give notice thereof
24 to the chairman of the county committee of each political party and in
25 counties of the first class to the county board.

26 The county clerk shall print on the ballots for the territory affected,
27 in the personal choice column, the title of office and leave a proper
28 space under such title of office; and print the title of office and the
29 names of such persons as have been duly nominated, in their proper
30 columns.

31 (cf: P.L.1990, c.56, s.2)

32

33 42. R.S.19:28-1 is amended to read as follows:

34 19:28-1. When any candidate at any election shall have reason to
35 believe that an error has been made by any district board or any board
36 of canvassers in counting the vote or declaring the vote of any
37 election, he may, on or before the [second Saturday] Friday following
38 such election, in the case of the primary election for the general
39 election, or on or before the second Saturday following the election in
40 the case of any other election, or declaration of any board of
41 canvassers, apply to a judge of the Superior Court assigned to the
42 county wherein such district or districts are located, for a recount of
43 the votes cast at the election in any district or districts.

44 When ten voters at any election shall have reason to believe that an
45 error has been so made in counting or declaring the vote upon any
46 public question at any election, such voters may, within a like time,
47 make like application for a like recount of the votes cast at the election

1 on such public question.
2 (cf: P.L.1991, c.91, s.247)

3
4 43. R.S.19:29-3 is amended to read as follows:

5 19:29-3. The petition contesting any nomination to public office,
6 election to party office or position, election as a delegate or alternate
7 in a presidential primary or the proposal of any proposition shall be
8 filed not later than 10 days after the primary election.

9 The petition contesting any election to public office or approval or
10 disapproval of any proposition shall be filed not later than 30 days
11 after such election, unless the ground of action is discovered from the
12 statements, deposit slips or vouchers filed under this Title, subsequent
13 to such primary or other election, in which event such petition may be
14 filed 10 or 30 days respectively after such statements, deposit slips or
15 vouchers are filed.

16 Any petition of contest may be filed within 10 days after the result
17 of any recount has been determined or announced.
18 (cf: P.L.1956, c.128, s.3)

19
20 44. R.S.19:31-16 is amended to read as follows:

21 19:31-16. a. The health officer or other officer in charge of
22 records of death in each municipality shall file with the commissioner
23 of registration for the county in which the municipality is located once
24 each month, during the first five days thereof, the age, date of death,
25 and the names and addresses of all persons 18 years of age or older
26 who have died within such municipality during the previous month.
27 Within 30 days after the receipt of such list the commissioner shall
28 make and complete such investigation as is necessary to establish to
29 his satisfaction that such deceased person is registered as a voter in the
30 county. If such fact is so established, the commissioner shall cause the
31 registration and record of voting forms of the deceased registrant to
32 be transferred to the death file as soon as possible. If the deceased
33 person was not so registered in the county, but the person maintained
34 a residence in another county of this State, the officer in charge of
35 records of death in the municipality in which the decedent died shall
36 forward a copy of the notice of death to the officer in charge of
37 records of death in the municipality in which the decedent resided.
38 That officer having received the notice shall notify the commissioner
39 of the county in which that municipality is located of the death of the
40 person. Any commissioner who receives such notification shall
41 undertake the procedures prescribed herein with respect to the
42 registration in that county of the decedent.

43 b. The State registrar of vital statistics shall file with the
44 commissioner of registration of each county no later than January 15
45 of each presidential year and no later than May 1 of [each] every
46 other year an alphabetized list of the name, address, and date of birth,
47 if available, of each resident of the county 18 years of age or older

1 who died during the previous year. Within 30 days after the receipt of
2 the list the commissioner shall undertake and complete such
3 investigation as is necessary to establish that each person on the list is
4 not registered as a voter in the county. The commissioner shall cause
5 the registration and record of voting forms of any deceased registrant
6 found on the list to be transferred to the death file as soon as possible.
7 (cf: P.L.1999, c.232, s.31)

8
9 45. R.S.19:31-20 is amended to read as follows:

10 19:31-20. On or before the second Monday preceding the
11 presidential primary election, the primary election for the general
12 election and the general election, respectively, the commissioner in
13 counties not having a superintendent of elections, shall deliver to the
14 municipal clerk in each municipality the signature copy registers for
15 each election district in such municipality and shall take a receipt for
16 same. The municipal clerk shall thereupon deliver at his office, or in
17 any other way he sees fit, such registers to a member or members of
18 the proper district boards at the same time and together with the
19 primary [for the general election] sample ballots or the general
20 election sample ballots, as the case may be. The registers shall be used
21 by the district boards on election days and for the purpose of mailing
22 the sample ballots. The commissioner in counties having a
23 superintendent of elections shall deliver such registers at his office, or
24 in any other way he may see fit, to the various district boards, taking
25 a receipt for same.

26 Before delivering the registers the commissioner shall cause to be
27 printed upon a separate sheet or sheets of paper, to be inserted inside
28 of the front cover of such registers in conspicuous type, such
29 instructions to election officers regarding the use and disposition of
30 the binders and forms as he deems necessary.

31 (cf: P.L.1947, c.168, s.22)

32
33 46. R.S.19:31-21 is amended to read as follows:

34 19:31-21. A person whose name appears in the signature copy
35 register and who upon applying for a ballot or voting authority shall
36 have given the information and signed the signature comparison record
37 as provided in this Title and whose signature in the signature
38 comparison record shall have been compared by a member of the
39 district board and in the presence and view of the challengers with the
40 signature of the applicant as recorded in the register shall be eligible
41 to receive a ballot or voting authority unless it be shown to the
42 satisfaction of a majority of the members of the district board that he
43 is not entitled to vote in the district or has otherwise become
44 disqualified.

45 No person shall be required to sign the signature comparison record
46 as a means of identification if he shall have been unable to write his
47 name when he registered, or if, having been able to write his name

1 when registered, he subsequently shall have lost his sight or lost the
2 hand with which he was accustomed to write or shall by reason of
3 disease or accident be unable to write his name when he applies to
4 vote, but each such person shall establish his identity in the manner
5 provided in this Title.

6 In addition to signing the signature comparison record and after the
7 comparison of the signature with the signature in the register, a person
8 offering to vote at [a] the presidential primary election or the primary
9 election for the general election, as the case may be, shall announce his
10 name and the party primary in which he wishes to vote.

11 After a person has voted the member of the district board having
12 charge of the signature copy registers shall place the number of the
13 person's ballot in the proper column on the record of voting form of
14 such person, which number shall constitute a record that the person
15 has voted. In the case of [a] the presidential primary election or the
16 primary election for the general election such member of the district
17 board shall also place in the proper column on the record of voting
18 form the first three letters of the name of the political party whose
19 primary ballot such person has voted.

20 In the event that the duplicate permanent registration form of any
21 person cannot be found in the signature copy register at the time he
22 applies for a ballot or voting authority, a member of the district board
23 shall promptly ascertain from the commissioner or a duly authorized
24 clerk if such person is permanently registered. Upon information that
25 such is the fact, such member of the district board shall require the
26 person applying for a ballot or voting authority to obtain an order
27 from the commissioner authorizing him to receive a ballot or voting
28 authority. The commissioner shall specially authorize and deputize
29 clerks to issue such orders in municipalities within his county. The
30 commissioner or his clerk shall require the voter to sign his name upon
31 such order for the purpose of signature comparison. The district
32 board shall require the voter to again sign his name on said order, in
33 the presence of the board, and if the signatures compare, to permit him
34 to vote. At primary elections the commissioner or his duly authorized
35 clerk shall endorse on the order the political party whose ballot such
36 person voted at the last preceding primary election. The order shall be
37 returned to the commissioner at the same time and along with the
38 signature copy registers.

39 (cf: P.L.1945, c.77, s.1)

40

41 47. R.S.19:31-22 is amended to read as follows:

42 19:31-22. Not later than noon of the day following the canvass of
43 the votes cast at the presidential primary election, the primary election
44 for the general election or the general election, the signature copy
45 registers shall be returned by each district board to the commissioner
46 at his office or in any other way as the commissioner may see fit.

47 Upon receipt of the registers the commissioner shall inspect them

1 and verify from the party primary poll books and the general election
2 poll books, as the case may be, that the entries required to be made
3 on the record of voting forms in such registers by the district boards
4 have been made. If the commissioner shall ascertain that such entries
5 have not been made or have been improperly made, he shall cause such
6 entries and corrections to be made forthwith and also notify the county
7 board of such failure of duty and the members of such district board
8 who have so failed in their duty and shall be ineligible for appointment
9 as members of any district board thereafter.

10 (cf: P.L.1965, c.106, s.1)

11

12 48. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to read
13 as follows:

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

37 (cf: P.L.1991, c.249, s.9)

38

39 49. R.S.19:45-6 is amended to read as follows:

40 19:45-6. The compensation of each member of the district boards
41 for all services performed by them under the provisions of this Title
42 shall be as follows:

43 In all counties, for all services rendered including the counting of
44 the votes, and in counties wherein voting machines are used, the
45 tabulation of the votes registered on the voting machines, and the
46 delivery of the returns, registry binders, ballot boxes and keys for the
47 voting machines to the proper election officials, \$200 each time [the]

1 any primary election, the general election or any special election is
2 held under this Title; provided, however, that:

3 a. (1) The member of the board charged with the duty of obtaining
4 and signing for the signature copy registers shall receive an additional
5 \$12.50 per election, such remuneration being limited to only one board
6 member per election, or \$6.25 to each of two board members if they
7 share such responsibility for the signature copy registers, and (2) the
8 member of the board charged with the duty of returning the signature
9 copy registers shall receive an additional \$12.50 per election, such
10 remuneration being limited to only one board member per election, or
11 \$6.25 to each of two board members if they share such responsibility
12 for the signature copy registers;

13 b. In the case of any member of the board who is required under
14 R.S.19:50-1 to attend in a given year a training program for district
15 board members, but who fails to attend such a training program in that
16 year, that compensation shall be \$50.00 for each of those elections;

17 c. In counties wherein voting machines are used no compensation
18 shall be paid for any services rendered at any special election held at
19 the same time as any primary or general election. Such compensation
20 shall be in lieu of all other fees and payments; and

21 d. Compensation for district board members serving at a school
22 election shall be paid by the board of education of the school district
23 conducting the election at an hourly rate of \$5.77, except that the
24 board of education may compensate such district board members at a
25 pro-rated hourly rate consistent with the daily rate up to a maximum
26 of \$14.29. The provisions of subsections a., b., and c. of this section
27 shall also apply to district board members serving at a school election,
28 except that in the case of subsection b., the compensation shall be at
29 an hourly rate of \$3.85.

30 Compensation due each member shall be paid within 30 days but
31 not within 20 days after each election; provided, however, that no
32 compensation shall be paid to any member of any such district board
33 who may have been removed from office or application for the
34 removal of whom is pending under the provisions of R.S.19:6-4.

35 (cf: P.L.2001, c.245, s.9)

36

37 50. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to read
38 as follows:

39 1. In all counties wherein voting machines are used the county
40 board of elections shall furnish for use in each election district at any
41 election, a sufficient number of voting authorities in substantially the
42 following form:

43	City of		City of	
44	Ward	District	Ward	District
45	Election Held		Election Held	
46	..... day of	19...	..... day of	19
47	Voting Authority		Voting Authority	

A30 GREENSTEIN, MERKT

1 No. No.
2
3 Signature of Voter.
4 This certificate must be handed
5 to the election officer in charge
6 of the voting machines in order to
7 vote.
8
9 County Board of Elections
10 Clerk.

11 The voting authorities shall be numbered consecutively, be bound
12 together in pads and shall be printed in two parts and perforated so
13 that one part may be given to the voter who shall return the same to
14 the district election officials in charge of the operation of the voting
15 machine in order that such official shall be able to place the same in
16 consecutive order on a string or wire. The other part of the voting
17 authority shall be signed by the voter in his own handwriting before he
18 be permitted to vote and shall remain bound in the pad. All pads
19 containing the portions of the voting authorities on which the names
20 of the persons who have voted have been signed, together with that
21 portion of the voting authority which has been placed on a wire or
22 string shall be returned to the commissioner of registration of the
23 county, who shall keep them for a period of at least six months.

24 At any presidential primary election or primary election for the
25 general election, each voting authority shall be marked to indicate the
26 party primary in which the voter signing the same voted and the used
27 voting authorities shall be strung in such a manner so that those used
28 in one party primary shall remain separate from those used in the other
29 party primary.

30 (cf: P.L.1992, c.3, s.9)

31

32 51. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read
33 as follows:

34 7. a. (1) The county clerk or the municipal clerk, in the case of a
35 municipal election, shall arrange for the preparation of a provisional
36 ballot packet for each election district. It shall include the appropriate
37 number of provisional ballots, the appropriate number of envelopes
38 with an affirmation statement, the appropriate number of written
39 notices to be distributed to voters who vote by provisional ballot and
40 one provisional ballot inventory form affixed to the provisional ballot
41 bag. The clerk shall arrange for the preparation of and placement in
42 each provisional ballot bag of a provisional ballot packet and an
43 envelope containing a numbered seal. The envelope shall contain, on
44 its face, the instructions for the use of the seal, the number and the
45 election district location of the provisional ballot bag, and the
46 identification numbers of the seal placed in the envelope. Each
47 provisional ballot bag shall be sealed with a numbered security seal

1 before being forwarded to the appropriate election district.

2 (2) Each provisional ballot bag and the inventory of the contents
3 of each such bag shall be delivered to the designated polling place no
4 later than the opening of the polls on the day of an election.

5 b. The county clerk or the municipal clerk, in the case of a
6 municipal election, shall arrange for the preparation of the envelope,
7 affirmation statement, and written notice that is to accompany each
8 provisional ballot. The envelope shall be of sufficient size to
9 accommodate the provisional ballot, and the affirmation statement
10 shall be affixed thereto in a manner that enables it to be detached once
11 completed and verified by the county commissioner of registration.
12 The statement shall require the voter to provide the voter's name, and
13 to indicate whether the voter is registered to vote in a county but has
14 moved within that county since registering to vote; or is registered to
15 vote in the election district in which that polling place is located but
16 the voter's registration information is missing or otherwise deficient.
17 The statement shall further require the voter to provide the voter's
18 most recent prior voter registration address and address on the day of
19 the election and date of birth. The statement shall include the
20 statement: "I swear or affirm, that the foregoing statements made by
21 me are true and correct and that I understand that any fraudulent
22 voting may subject me to a fine of up to \$1,000, imprisonment up to
23 five years or both, pursuant to R.S.19:34-11." It shall be followed
24 immediately by spaces for the voter's signature and printed name, and
25 in the case of a name change, the voter's printed old and new name and
26 a signature for each name, the date the statement was completed,
27 political party affiliation, if used in a primary election, and the name of
28 the person providing assistance to the voter, if applicable. Each
29 statement shall also note the number of the election district, or ward,
30 and name of the municipality at which the statement will be used.

31 The written notice shall contain information to be distributed to
32 each voter who votes by provisional ballot. The notice shall state that,
33 if the voter is a mail-in registrant voting for the first time in his or her
34 current county of residence following registration and was given a
35 provisional ballot because he or she did not provide required personal
36 identification information, the voter shall be given until the close of
37 business on the second day after the election to provide identification
38 to the applicable county commissioner of registration, and the notice
39 shall contain a telephone number at which the commissioner may be
40 contacted. The notice shall further state that failure to provide the
41 required personal identification information within that time period
42 shall result in the rejection of the ballot. The notice shall state that
43 pursuant to section 4 of P.L.2004, c.88 (C.19:61-4), any individual
44 who casts a provisional ballot will be able to ascertain under a system
45 established by the State whether the ballot was accepted for counting,
46 and if the vote was not counted, the reason for the rejection of the
47 ballot. The notice shall include instructions on how to access such

1 information.

2 c. For the primary for the general election, the provisional ballots
3 shall be printed in ink on paper of a color that matches the color of the
4 voting authority, which shall indicate the party primary of the voter.
5 The provisional ballots shall be uniform in size, quality and type and
6 of a thickness that the printing thereon cannot be distinguished from
7 the back of the paper, and without any mark, device or figure on the
8 front or back other than as provided in P.L.1999, c.232 (C.19:53C-1
9 et seq.). Each such ballot shall include near the top thereof and in
10 large type the designation PROVISIONAL BALLOT. In all other
11 respects, the provisional ballots shall conform generally to the other
12 ballots to be used in the election district for the primary election.

13 The clerk of the county or municipality shall arrange for the
14 preparation of each provisional ballot package with an appropriate
15 number of provisional ballots for each political party, a corresponding
16 number of envelopes with affirmation statements, and a corresponding
17 number of written notices. Additional provisional ballots, envelopes,
18 and notices shall be available for delivery to that election district on
19 the day of the election, if necessary.

20 d. For the general election the provisional ballots shall be printed
21 in ink. The provisional ballots shall be uniform in size, quality and
22 type and of a thickness that the printing thereon cannot be
23 distinguished from the back of the paper, and without any mark,
24 device or figure on the front or back other than as provided in this act.
25 Each such ballot shall include near the top thereof and in large type the
26 designation PROVISIONAL BALLOT. In all other respects, the
27 provisional ballots shall conform generally to the other ballots to be
28 used in the election district for the general election.

29 The clerk of the county or municipality shall arrange for the
30 preparation of each provisional ballot package with an appropriate
31 number of provisional ballots, a corresponding number of envelopes
32 with affirmation statements, and a corresponding number of written
33 notices. Additional provisional ballots, envelopes, and notices shall be
34 available for delivery to that election district on the day of the election,
35 if necessary.

36 e. For a school election the provisional ballots shall be printed in
37 ink. The provisional ballots shall be uniform in size, quality and type
38 and of a thickness that the printing thereon cannot be distinguished
39 from the back of the paper, and without any mark, device or figure on
40 the front or back other than as provided in this act. Each such ballot
41 shall include near the top thereof and in large type the designation
42 PROVISIONAL BALLOT. In all other respects, the provisional
43 ballots shall conform generally to the other ballots to be used in the
44 election district for the school election.

45 The clerk of the county shall arrange for the preparation of each
46 provisional ballot package with an appropriate number of provisional
47 ballots, a corresponding number of envelopes with affirmation

1 statements, and a corresponding number of written notices. Additional
2 provisional ballots, envelopes, and notices shall be available for
3 delivery to that election district on the day of the election, if necessary.

4 f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et
5 al.), a provisional ballot that requires the voter to punch out a hole in
6 the ballot as a means of recording the voter's vote shall not be used in
7 any election in this State.

8 g. For the presidential primary election, the provisional ballots shall
9 be printed in ink on paper of a color that matches the color of the
10 voting authority, which shall indicate the party of the voter. The
11 provisional ballots shall be uniform in size, quality and type and of a
12 thickness that the printing thereon cannot be distinguished from the
13 back of the paper, and without any mark, device or figure on the front
14 or back other than as provided in P.L.1999, c.232 (C.19:53C-1 et al.).
15 Each such ballot shall include near the top thereof and in large type the
16 designation PROVISIONAL BALLOT. In all other respects, the
17 provisional ballots shall conform generally to the other ballots to be
18 used in the election district for the primary election for the general
19 election.

20 The clerk of the county or municipality shall arrange for the
21 preparation of each provisional ballot package with an appropriate
22 number of provisional ballots for each political party and a
23 corresponding number of envelopes with affirmation statements.
24 Additional provisional ballots and envelopes shall be available for
25 delivery to that election district on the day of the election, if necessary.
26 (cf: P.L.2004, c.88, s.22)

27

28 52. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read
29 as follows:

30 2. Whenever used in this act, the following terms shall, unless the
31 context indicates otherwise, be construed to have the following
32 meanings:

33 "Absentee ballot" means any military service ballot or civilian
34 absentee ballot as herein defined.

35 "Absentee voter" means any person qualified to vote a military
36 service ballot or a civilian absentee ballot under the provisions of this
37 act.

38 "Armed Forces of the United States" means any branch or
39 department of the United States Army, Navy, Air Force, Coast Guard
40 or Marine Corps.

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

43 "Civilian absentee voter" means any qualified and registered voter
44 of the State who expects to be absent from the State on the day of any
45 election and any qualified and registered voter who will be within the
46 State on the day of any election but because of illness or physical
47 disability, including blindness or pregnancy, or because of the

1 observance of a religious holiday pursuant to the tenets of his religion,
2 or because of resident attendance at a school, college or university, or
3 because of the nature and hours of his employment, will be unable to
4 cast his ballot at the polling place in his election district on the day of
5 the election.

6 "Election," "general election," "primary election for the general
7 election," "presidential primary election," "municipal election," "school
8 election," and "special election" shall mean, respectively, such
9 elections as defined in the Title to which this is a supplement
10 (R.S.19:1-1 et seq.).

11 "Family member" means an adult who is a spouse, parent, child,
12 grandparent, grandchild or sibling of a voter, whether by adoption or
13 natural relationship. It shall also include any adult occupant regularly
14 living with a voter in any residential building or part of a building
15 intended for the use of no more than one family.

16 "Incapacitated absentee voter" means a voter who, due to
17 incapacity, is unable to complete his ballot.

18 "Military service" means active service by any person, as a member
19 of any branch or department of the United States Army, Navy, Air
20 Force, Coast Guard or Marine Corps, or as a member of the maritime
21 or merchant marine service, or as a reservist absent from his place of
22 residence and undergoing training under Army, Navy, Air Force, Coast
23 Guard or Marine Corps direction, at a place other than that of such
24 person's residence.

25 "Military service voter" means a qualified elector under the
26 Constitution and the laws of this State who comes within one of the
27 following categories:

28 (a) Persons in the military service and their spouses and
29 dependents.

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

34 (c) Civilians attached to or serving with the Armed Forces of the
35 United States without this State and their spouses and dependents
36 when residing with or accompanying them.

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

39 "Member of the maritime or merchant marine service" means any
40 person employed as an officer or crew member of a vessel documented
41 under the laws of the United States, or a vessel owned by the United
42 States, or a vessel of foreign-flag registry under charter to or control
43 of the United States or enrolled with the United States for employment
44 or training for employment, or maintained by the United States for
45 emergency relief service as an officer or crew member of any such
46 vessel or any such person as otherwise defined in section 107 of

1 Pub.L.99-410, the "Uniformed and Overseas Citizens Absentee Voting
2 Act," (42 U.S.C.1973ff-6).
3 (cf: P.L.1995, c.278, s.22)

4
5 53. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read
6 as follows:

7 7. a. The Attorney General, through the Division of Elections in
8 the Department of Law and Public Safety shall be responsible for
9 providing all information regarding military service ballots, as defined
10 in section 2 of P.L.1953, c.211 (C.19:57-2), and overseas federal
11 election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et
12 seq.). The division shall also make available valid military service
13 voter registration applications, military service ballot applications and
14 overseas federal election voter registration and ballot applications to
15 any military service or overseas federal election voter who wishes to
16 register to vote or to vote in any jurisdiction in this State. The
17 division shall publish or cause to be published the following notice in
18 substantially the following form:

19 NOTICE TO MILITARY SERVICE VOTERS AND
20 TO THEIR RELATIVES AND FRIENDS

21 If you are in the military service, or the spouse or dependent of a
22 person in military service or are a patient in a veterans' hospital or a
23 civilian attached to or serving with the Armed Forces of the United
24 States without the State of New Jersey, or the spouse or dependent of
25 and accompanying or residing with a civilian attached to or serving
26 with the Armed Forces of the United States, and desire to vote, or if
27 you are a relative or friend of any such person who, you believe, will
28 desire to vote in the (school, municipal,
29 primary, presidential primary, general or other) election to be held on
30 (date of election) kindly write to the undersigned at
31 once making application for a military service ballot to be voted in said
32 election to be forwarded to you, stating your name, age, serial number
33 if you are in military service, home address and the address at which
34 you are stationed or can be found, or if you desire the military service
35 ballot for a relative or friend then make application under oath for a
36 military service ballot to be forwarded to him, stating in your
37 application that he is over the age of 18 years and stating his name,
38 serial number if he is in military service, home address and the address
39 at which he is stationed or can be found.

40 Military service voters may also apply for a military service ballot
41 by sending a federal postcard application form to the undersigned.

42 On the application for a military service ballot, military service
43 voters may request that a military service ballot be sent for all
44 subsequent elections through and including the next two regularly
45 scheduled general elections for federal office which take place after the
46 request is made.

47 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY

1 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
2 NOT USE MILITARY ABSENTEE BALLOT UNLESS
3 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
4 STATION IS LOCATED.)

5 Forms of application other than federal postcard application forms
6 can be obtained from the undersigned. Dated
7

8 (signature and title of Director of Division of Elections)

9

10

11 (address of Division of Elections)

12 b. The county clerk of the county, in the case of any Statewide
13 election, countywide election, or school election in a regional or other
14 school district comprising more than one municipality; the clerk of the
15 municipality, in the case of any municipal election or school election
16 in a school district comprising a single municipality; and the
17 commissioners or other governing or administrative body of the
18 district, in the case of any election to be held in any fire district, road
19 district, sewerage district, street lighting district, water supply district
20 or other special district, other than a municipality, created for specified
21 public purposes within one or more municipalities, shall publish or
22 cause to be published the following notice in substantially the
23 following form:

24 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
25 BALLOTS

26 If you are a qualified and registered voter of the State who expects
27 to be absent outside the State on(date of election) or a
28 qualified and registered voter who will be within the State on
29 (date of election) but because of permanent and
30 total disability, or because of illness or temporary physical disability,
31 or because of the observance of a religious holiday pursuant to the
32 tenets of your religion, or because of resident attendance at a school,
33 college, or university, or because of the nature and hours of
34 employment, will be unable to cast your ballot at the polling place in
35 your district on said date, and you desire to vote in the
36 (school, municipal, primary, presidential primary,
37 general, or other) election to be held on (date of election)
38 kindly complete the application form below and send to the
39 undersigned, or write or apply in person to the undersigned at once
40 requesting that a civilian absentee ballot be forwarded to you. Such
41 request must state your home address, and the address to which said
42 ballot should be sent, and must be signed with your signature, and
43 state the reason why you will not be able to vote at your usual polling
44 place. No civilian absentee ballot will be furnished or forwarded to
45 any applicant unless request therefor is received not less than seven
46 days prior to the election, and contains the foregoing information.

47 Voters who are permanently and totally disabled shall, after their

1 initial request and without further action on their part, be forwarded
2 an absentee ballot application by the county clerk for all future
3 elections in which they are eligible to vote. Permanently and totally
4 disabled voters also have the option of indicating on their absentee
5 ballot applications that they would prefer to receive absentee ballots
6 for each election that takes place during the remainder of this calendar
7 year. Permanently and totally disabled voters who exercise this option
8 will be furnished with absentee ballots for each election that takes
9 place during the remainder of this calendar year, without further action
10 on their part. Application forms may be obtained by applying to the
11 undersigned either in writing or by telephone, or the application form
12 provided below may be completed and forwarded to the undersigned.

13 Dated

14 (signature and title of county clerk)

15

16

17 (address of county clerk)

18

19

20 (Telephone No. of county clerk)

21 APPLICATION FORM FOR CIVILIAN

22 ABSENTEE BALLOT

23 (Form to be prepared by the Attorney General pursuant to section
24 17 of P.L.1977, c.47 (C.19:57-4.1)).

25 c. The absentee ballot materials shall contain a notice that any
26 person voting by absentee ballot who registers by mail after January
27 1, 2003, who did not provide personal identification information when
28 registering and is voting for the first time in his or her current county
29 of residence following registration shall include the required
30 identification information with the absentee ballot, and that failure to
31 include such information shall result in the rejection of the ballot.

32 d. Such notices as described in subsections a. and b. of this
33 section shall be separately published prior to the 50th day immediately
34 preceding the holding of any election.

35 Notices relating to any Statewide or countywide election shall be
36 published in at least two newspapers published in the county. All
37 officials charged with the duty of publishing such notices shall publish
38 the same in at least one newspaper published in each municipality or
39 district in which the election is to be held or if no newspaper be
40 published in said municipality or district, then in a newspaper
41 published in the county and circulating in such municipality,
42 municipalities or district. All such notices shall be display
43 advertisements.

44 (cf: P.L.2004, c.88, s.28)

45

46 54. Section 8 of P.L.1953, c.211 (C.19:57-8) is amended to read
47 as follows:

1 8. Each county clerk shall cause to be printed sufficient military
2 service ballots and civilian absentee ballots for each presidential
3 primary election, primary election for the general election, and for the
4 general election, and there shall be furnished to the said county clerk
5 of the county, as expeditiously as possible before the day fixed for
6 holding any other election within the county, by the officer whose duty
7 it shall be to provide the official ballots for such election, sufficient
8 military service ballots and civilian absentee ballots. Along with all
9 such ballots for all elections there shall also be furnished by such
10 county clerk or other official, inner and outer envelopes and printed
11 directions for the preparation and transmitting of such ballots, for use
12 in such election within the county and all expenses of mailing such
13 ballots shall be paid in the same manner as other expenses of said
14 election are paid.

15 The absentee ballots shall be printed on paper different in color
16 from that used for [the] any primary or general election ballot, but in
17 all other respects, shall be as nearly as possible facsimiles of the
18 election ballot to be voted at such election, as prescribed by the county
19 clerk and in conformity with the provisions of this act.

20 (cf: P.L.2004, c.88, s.29)

21

22 55. Section 15 of P.L.1953, c.211 (C.19:57-15) is amended to read
23 as follows:

24 15. Each absentee ballot to be used at any presidential primary
25 election or primary election for the general election, as the case may
26 be, to be held while this act is in effect shall, except as otherwise
27 provided, conform to the ballot to be used at said election in the
28 absentee voter's election district and to the form herein prescribed for
29 absentee ballots to be used in such general elections except that it shall
30 be so prepared that the absentee voter may indicate thereon his choice
31 of the candidates of one political party for each of the officers to be
32 voted upon at said election by the voters of said election district and
33 shall be separated into party ballots, which shall all be printed upon
34 one sheet where the voting system so allows.

35 Each such absentee ballot shall be plainly marked to indicate that
36 but one party ballot is to be voted by each absentee voter and that the
37 party ballot voted by him must conform to the name of the political
38 party indicated by the county clerk as hereinafter provided.

39 If the county clerk has ascertained through investigating an
40 absentee voter's registration record that, under the laws of this State,
41 such voter is qualified to vote only in a certain party primary, he shall
42 so indicate upon the primary ballot the primary party in which such
43 voter is entitled to vote.

44 In the case where the county clerk has ascertained through
45 investigating the absentee voter's registration record that such
46 applicant is requesting a ballot to vote in the first primary for which
47 he is eligible after registration, the county clerk shall indicate upon the

1 primary ballot that the voter can vote in any one of the party primaries.
2 (cf: P.L.1977, c.47, s.10)

3
4 56. Section 19 of P.L.1953, c.211 (C.19:57-19) is amended to read
5 as follows:

6 19. Upon the margin of the flap on the inner envelope forwarded
7 with any military absentee ballot intended to be voted in any
8 presidential primary election or any primary election for the general
9 election, as the case may be, there shall be printed a certificate in the
10 following form: CERTIFICATE OF MILITARY ABSENTEE VOTER

11
12 I,, whose home address is
13 (PRINT you name clearly) (street

14
15, DO HEREBY CERTIFY,
16 address or R.D. number) (municipality)

17
18 subject to the penalties for fraudulent voting, that I marked this ballot
19 for the primary election of the (name of party) political party.

20 I am voting this ballot pursuant to application previously filed. I
21 MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN
22 SECRET. However, a family member may assist you in doing so. If
23 you are an incapacitated absentee voter, a person other than a family
24 member may also assist you in doing so.

25 (SIGNATURE of voter)

26
27 Any person providing assistance shall complete the following:

28
29 I do hereby certify that I am the person who provided assistance to
30 this voter and declare that I will maintain the secrecy of this ballot.

31
32 (SIGNATURE of person
33 providing assistance)

34
35
36 (PRINTED name of person
37 providing assistance)

38
39
40
41 (address of person providing
42 assistance)

43
44 Upon the margin of the flap on the inner envelope forwarded with
45 any civilian absentee ballot intended to be voted in any presidential
46 primary election or primary election for the general election, as the
47 case may be, there shall be printed a certificate in the following form:

1 CERTIFICATE OF CIVILIAN ABSENTEE VOTER

2

3 I,, whose home address is

4 (PRINT your name clearly) (street

5

6, DO HEREBY CERTIFY,

7 address or R.D. number) (municipality) subject to the penalties for
8 fraudulent voting, that I marked this ballot for the primary election of
9 the (name of party) political party.

10 I am the person who applied for the enclosed ballot. I MARKED
11 AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET.

12 However, a family member may assist you in doing so. If you are an
13 incapacitated absentee voter, a person other than a family member may
14 also assist you in doing so.

15

.....

16 (SIGNATURE of voter)

17

18 Any person providing assistance shall complete the following:

19

20 I do hereby certify that I am the person who provided assistance to
21 this voter and declare that I will maintain the secrecy of this ballot.

22

.....

23 (SIGNATURE of person providing
24 assistance)

25

26

.....

27 (PRINTED name of person
28 providing assistance)

29

30

.....

31

.....

32 (address of person providing
33 assistance)

34 (cf: P.L.1994, c.77, s.14)

35

36 57. Section 23 of P.L.1953, c.211 (C.19:57-23) is amended to read
37 as follows:

38 23. Any absentee voter shall be entitled to mark any absentee
39 ballot, so forwarded to him, for voting at any election by indicating his
40 choice of candidates for the offices named, and as to public questions,
41 if any, stated thereon, in accordance with the election laws of this
42 State, except that in such ballots to be voted in any presidential
43 primary election or primary election for the general election, as the
44 case may be, his choice shall be limited to the candidates of his
45 political party or to any person or persons whose names are written
46 thereon by him. When so marked, such ballot shall be placed in said
47 inner envelope, which shall then be sealed, and the voter shall then fill

1 in the form of certificate attached to said inner envelope, at the end of
2 which he shall sign and print his name in his own handwriting. The
3 inner envelope with the certificate shall then be placed in said outer
4 envelope, which shall then be sealed.

5 No absentee voter shall permit any person in any way, except as
6 provided hereafter, to unseal, mark or inspect his ballot, interfere with
7 the secrecy of his absentee ballot vote, complete or sign the certificate,
8 or seal the inner or outer envelope, nor shall any person do so.

9 An absentee voter shall be entitled to assistance from a family
10 member in performing any of the actions above. An incapacitated
11 absentee voter shall also be entitled to assistance from a person other
12 than a family member in performing any of such actions. The family
13 member or other person providing such assistance shall certify that he
14 did assist the voter and will maintain the secrecy of the vote by both
15 printing and signing his name in the space provided on the certificate.
16 In no event may a candidate for election provide such assistance, nor
17 may any person, at the time of providing such assistance, campaign or
18 electioneer on behalf of any candidate.

19 Said sealed outer envelope with the inner envelope and the ballot
20 enclosed therein shall then either be mailed with sufficient postage to
21 the county board of elections to which it is addressed or delivered
22 personally by the voter or a bearer designated by him to such board or
23 its designee. Such ballot must be received by such board or its
24 designee before the time designated by R.S.19:15-2 or R.S.19:23-40
25 for the closing of the polls, as may be appropriate on the day of an
26 election.

27 At the time any person delivers a ballot to the county board, he
28 shall sign a record which the county shall maintain of all absentee
29 ballots personally delivered to it.

30 (cf: P.L.2001, c.245, s.5)

31

32 58. Section 24 of P.L.1953, c.211 (C.19:57-24) is amended to read
33 as follows:

34 24. The county board of elections shall, promptly after receiving
35 each civilian absentee ballot, remove the inner envelope, containing the
36 ballot, from the outer envelope and shall compare the signature and
37 the information contained on the flap of the inner envelope with the
38 signature and information contained in the respective requests for
39 civilian absentee ballots. In addition, as to civilian absentee ballots
40 issued less than 7 days prior to an election, the county board of
41 elections shall also check to establish that the absentee voter did not
42 vote in person. The county board shall reject any such ballot unless
43 the board is satisfied as a result of such comparison or by reference to
44 the permanent registration books that the voter is legally entitled to
45 vote and that the ballot conforms with the requirements of this act.

46 The county board of elections shall, promptly after receiving each
47 military service ballot, remove the inner envelope, containing the

1 ballot, from the outer envelope and ascertain through the
2 commissioner of registration whether or not the name of the person,
3 whose name appears following the certificate on the flap of said inner
4 envelope, has been certified by the county clerk to the commissioner
5 of registration of the county as a person to whom a military service
6 ballot, to be voted at the election at which it is intended to be voted,
7 has been forwarded pursuant to this act.

8 The county board shall investigate the qualifications of a military
9 service voter under this act by comparison of the contents of said
10 certificate with the information appearing upon the application for said
11 military service ballot, including the signatures thereon when the
12 military service voter's signature appears upon said application, and by
13 comparison with the military records of the State when deemed
14 desirable.

15 In the case of a military service or civilian absentee ballot to be
16 voted at a presidential primary election or a primary election for the
17 general election, whether or not the military service or civilian
18 absentee voter has indicated in said certificate his intention to vote it
19 in [the] a primary election of any political party in which he is not
20 entitled to vote [it] in according to the registration records of the
21 county, and if it shall appear from said record that he is not entitled to
22 vote said ballot in [the] any primary election of the political party
23 which has been so indicated, such ballots shall be rejected.

24 Any absentee ballot which is received by a county board of
25 elections shall be rejected if both the inner and outer envelopes are
26 unsealed or if either envelope has a seal that has been tampered with.

27 Disputes as to the qualifications of military service or civilian
28 absentee voters to vote or as to whether or not or how any such
29 military or civilian absentee ballot shall be counted in such election
30 shall be referred to the Superior Court for determination.

31 After such investigation the county board of elections shall detach
32 or separate the certificate from the inner envelope containing the
33 military service or civilian absentee ballot, unless it has been rejected
34 by it or by the Superior Court, marking the envelope so as to identify
35 the election district in which the ballot contained therein is to be voted
36 as indicated by the absentee voter's home address appearing on the
37 certificate attached to or accompanying said inner envelope and, in the
38 case of ballots to be voted at a primary election for a general election,
39 so as to identify the political party in the primary election of which it
40 is to be voted.

41 (cf: P.L.1981, c.390, s.9)

42

43 59. Section 31 of P.L.1953, c.211 (C.19:57-31) is amended to read
44 as follows:

45 31. On the day of each election each county board of elections
46 shall open in the presence of the commissioner of registration or his
47 assistant or assistants the inner envelopes in which the absentee

1 ballots, returned to it, to be voted in such election, are contained,
2 except those containing the ballots which the board or the Superior
3 Court has rejected, and shall remove from said inner envelopes the
4 absentee ballots and shall then proceed to count and canvass the votes
5 cast on such absentee ballots, but no absentee ballot shall be counted
6 in any presidential primary election or primary election for the general
7 election if the ballot of the political party marked for voting thereon
8 differs from the designation of the political party in the primary
9 election of which such ballot is intended to be voted as marked on said
10 envelope by the county board of elections. Immediately after the
11 canvass is completed, the respective county boards of election shall
12 certify the result of such canvass to the county clerk or the municipal
13 or district clerk or other appropriate officer as the case may be
14 showing the result of the canvass by municipality and ward, and the
15 votes so counted and canvassed shall be counted in determining the
16 result of said election.

17 The county board of elections shall, immediately after the canvass
18 is completed for [a] any primary election, certify the results of the
19 votes cast for members of the county committees to the respective
20 municipal clerks, which votes shall be counted in determining the
21 result of said election.

22 (cf: P.L.1991, c.91, s.260)

23

24 60. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to read
25 as follows:

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

45 (cf: P.L.1994, c.154, s.5)

46

47 61. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read as

1 follows:

2 2. a. The board of education of a type II district may call a special
3 election of the legal voters of the district on only the fourth Tuesday
4 in January, the second Tuesday in March other than in year when a
5 presidential primary election occurs, in which case no such election on
6 that date may be called, the last Tuesday in September, or the second
7 Tuesday in December when in its judgment the interests of the schools
8 require such an election. The board of education shall give the
9 municipal clerk or clerks, as the case may be, and the county board of
10 elections no less than 60 days' notice, in writing, of its intention to
11 hold a special election.

12 b. No business shall be transacted at any special election except
13 such as shall have been set forth in the notices by which the election
14 was called.

15 (cf: P.L.2001, c.98, s.1)

16

17 62. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to
18 read as follows:

19 2. a. When any vacancy occurs on the board of chosen freeholders
20 otherwise than by expiration of term, it shall be filled by election for
21 the unexpired term only at the next general election occurring not less
22 than 60 days after the occurrence of the vacancy, except that no such
23 vacancy shall be filled at the general election which immediately
24 precedes the expiration of the term in which the vacancy occurs. In
25 the event a vacancy eligible to be filled by election hereunder occurs
26 on or before the sixth day preceding the last day for filing petitions for
27 nomination for the primary election for the general election, such
28 petitions may be prepared and filed for nomination in that primary
29 election in the manner provided by article 3 of chapter 23 of Title 19
30 of the Revised Statutes. In the event the vacancy occurs after that
31 sixth day preceding the last day for filing petitions for nomination for
32 the primary election for the general election, or if the vacancy occurs
33 on or before the sixth day preceding the last day for filing petitions for
34 nomination for the primary election for the general election but no
35 such petition has been filed with respect to a given political party, each
36 political party, or that party respectively, may select a candidate for
37 the office in question in the manner prescribed in subsections a. and b.
38 of R.S.19:13-20 for selecting candidates to fill vacancies among
39 candidates nominated at primary elections. A statement of such
40 selection under R.S.19:13-20 shall be filed with the county clerk not
41 later than the 48th day preceding the date of the general election.

42 Besides the selection of candidates by each political party,
43 candidates may also be nominated by petition in a manner similar to
44 direct nomination by petition for the general election; but if the
45 candidate of any party to fill the vacancy will be chosen at a primary
46 election for the general election, such petition shall be filed with the
47 county clerk at least 55 days prior to the primary election; and if no

1 candidate of any party will be chosen at a primary election for the
2 general election, such petition shall be filed with the county clerk not
3 later than 12 o'clock noon of the day on which the first selection
4 meeting by any party is held under this section to select a nominee to
5 fill the vacancy.

6 The county clerk shall print on the ballots for the territory affected,
7 in the personal choice column, the title of office and leave a proper
8 space under such title of office; and print the title of office and the
9 names of such persons as have been duly nominated, in their proper
10 columns.

11 b. Notwithstanding subsection a. of this section, if at any time after
12 an election for a member of the board of chosen freeholders and before
13 the time fixed for the commencement of the term of the office, the
14 person elected to that office dies or otherwise becomes unable to
15 assume office, the county committee of the political party of which the
16 person elected was the nominee shall appoint another person to fill the
17 position until the next general election. If the person elected was not
18 the nominee of a political party, on or within 30 days after the time
19 fixed for the commencement of the term of office, the governing body
20 shall appoint a successor to fill the office until the next general
21 election without regard to party.

22 (cf: P.L.2000, c.126, s.10)

23

24 63. Section 6 of P.L.1990, c.33 (C.40:41A-145.2) is amended to
25 read as follows:

26 6. In the case of a vacancy occurring with respect to a member of
27 the board of chosen freeholders who was elected as the candidate of
28 a political party which at the last preceding general election held
29 received the largest number of votes or the next largest number of
30 votes in the county for members of the board of chosen freeholders,
31 for the interim period pending the election and qualification of a
32 permanent successor to fill the vacancy, or for the interim period
33 constituting the remainder of the term in the case of a vacancy
34 occurring which cannot be filled pursuant to section 5 of this act at a
35 general election, the vacancy shall be filled within 35 days by a
36 member of the political party of which the person who vacated the
37 office was the candidate at the time of his election thereto. The
38 interim successor shall be selected by the appropriate political party's
39 county committee in the same manner prescribed in subsections a. and
40 b. of R.S.19:13-20 for selecting candidates to fill vacancies among
41 candidates nominated at primary elections for the general elections,
42 and a statement of the selection of that successor shall be certified to
43 and filed with the county clerk in the same manner prescribed by
44 subsection d. of that section for certifying statements concerning the
45 selection of such candidates.

46 (cf: P.L.1990, c.33, s.6)

1 64. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to read
2 as follows:

3 8. Within 2 weeks immediately following the filing of the certified
4 report by the ward commissioners, the municipal clerk shall cause to
5 be published at least once in at least one newspaper generally
6 circulating in the municipality a notice of the ward boundaries as fixed
7 and determined in the report.

8 Upon completion of the publication, the former wards, if any, shall
9 be superseded, and thereafter all officers elected or appointed in the
10 municipality for or representing the wards thereof shall be elected
11 from, or appointed for, the wards fixed and determined by the ward
12 commissioners; except that, in municipalities wherein municipal
13 officers are elected at the general election held on the first Tuesday
14 after the first Monday in November, if the publication shall be
15 completed in a year in which municipal officers are elected during the
16 period between the date [75] 165 days before the primary election for
17 the general election and the date of the general election, the wards so
18 fixed and determined shall take effect on the day following the holding
19 of that general election; and, in municipalities wherein municipal
20 officers are elected at a regular municipal election held on the second
21 Tuesday in May, if the publication shall be completed in a year in
22 which municipal officers are elected during the period between the
23 date 75 days before the regular municipal election and the date of the
24 election, the wards so fixed and determined shall take effect on the day
25 following the holding of that regular municipal election.

26 (cf: P.L.1981, c.496, s.8)

27

28 65. Section 1-25 of P.L.1950, c.210 (C.40:69A-25) is amended to
29 read as follows:

30 1-25. Any municipality may, subject to the provisions of section
31 1-23 of this act, abandon its optional plan and revert to the form of
32 government under which it was governed immediately prior thereto,
33 upon the filing of a petition and referendum as follows:

34 (a) Upon petition of the registered voters of the municipality
35 signed by the same number thereof as required in section 1-19, for an
36 election to submit the question of abandonment and reversion as herein
37 provided, the municipal clerk shall provide for submission of the
38 question in like manner as provided in section 1-20.

39 (b) The form of the question shall be as follows:

40

41 shall.....(Name of municipality)..... abandon its present
42 form of government and revert to its prior form of government, known
43 as(Popular Name of Plan)..... as provided by
44(Statutory Reference of Prior Plan).....

45 (c) If a majority of those voting on the question vote in the
46 affirmative the municipality shall revert to its prior form of government
47 as of 12 m. of the fifty-ninth day following the election of officers

1 under the form of government to which the municipality will revert.
2 The first officers under such form of government shall be elected at the
3 next regular municipal or general election, as appropriate to the form
4 of government to which the municipality will revert, occurring not less
5 than 60 days following the referendum. It shall be the duty of the
6 municipal clerk to perform all the duties respecting such election as
7 would be required of a municipal clerk for elections under the form of
8 government to which the municipality will revert. Whenever a
9 municipality has reverted to any form of government other than the
10 commission form of government law (R.S.40:79-1 et seq.), or the
11 municipal manager form of government (R.S.40:70-1 et seq.), at a
12 later date than the one fixed for the filing of nominating petitions at
13 the primary election for the general election, the candidates to be first
14 elected shall be nominated by direct petition in the manner provided by
15 law for nomination, by direct petition for a general election.

16 Any law to the contrary notwithstanding, persons holding office at
17 the time of a referendum approving reversion shall continue to hold
18 office until the municipality reverts to the previous form of
19 government. Vacancies existing at the holding of the referendum or
20 which occur between the holding of the referendum and the reversion
21 of the municipality to its previous form of government, shall be filled
22 by appointment pursuant to procedures for the filing of vacancies
23 appropriate to the "Optional Municipal Charter Law."

24 If a majority of those voting on the question vote in the negative,
25 the question of abandonment and reversion shall not again be
26 submitted for five years.

27 (d) The reversion to a prior form of government shall take effect
28 as provided in sections 17-57 through 17-59 of this act for transition
29 to an optional plan hereunder.

30 (e) No petition shall be filed nor referendum held pursuant to this
31 section which would provide for the reversion of a municipality to a
32 form of government which it is not currently authorized to adopt by
33 law.

34 (cf: P.L.1991, c.430, s.3)

35

36 66. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended
37 to read as follows:

38 17-56. The schedule of installation of an optional plan adopted
39 pursuant to this act shall, as provided herein, take the following
40 course:

41 (a) An election to submit the question of adoption of an optional
42 plan may be held at any time in accordance with the provisions of
43 article 1 of this act;

44 (b) In the event of a favorable vote of the voters at the above
45 election, the first election of officers under the adopted plan shall take
46 place on (1) the second Tuesday in May occurring not less than 75
47 days next following the adoption of one of the optional plans in

1 municipalities adopting a charter providing for the holding of regular
2 municipal elections at which all members of the council are to be
3 elected at large; (2) the second Tuesday in May occurring not less
4 than 120 days following the adoption of one of the optional plans in
5 municipalities adopting a charter providing for the holding of regular
6 municipal elections and for the division of the municipality into wards;
7 (3) at the next general election occurring not less than 75 days next
8 following the adoption of one of the optional plans in municipalities
9 adopting a charter providing for the holding of general elections at
10 which all members of the council are to be elected at large; or (4) at
11 the next general election occurring not less than 120 days next
12 following the adoption of one of the optional plans in municipalities
13 adopting a charter providing for the holding of general elections and
14 for the division of the municipality into wards.

15 Whenever a municipality has adopted a charter referred to in
16 subsection (3) above, within 10 days, or subsection (4) within 40 days,
17 prior to the last day fixed for the filing of nominating petitions for the
18 primary election for the general election, the candidates to be first
19 elected shall be nominated in the manner provided by chapter 27 of
20 Title 19 of the Revised Statutes with respect to the filling of certain
21 vacancies in nominations for county or municipal offices to be filled
22 at the general election.

23 (c) An optional plan shall take effect, in accordance with the
24 further provisions of this article at (1) 12 o'clock noon on July 1 next
25 following the first election of officers in municipalities adopting a
26 charter providing for the holding of regular municipal elections, or (2)
27 12 o'clock noon on January 1 next following the first election of
28 officers in municipalities adopting a charter providing for the holding
29 of general elections.

30 (cf: P.L.1981, c.465, s.37)

31

32 67. R.S.40:85-11 is amended to read as follows:

33 40:85-11. At the primary election for the general election held in
34 such municipality after the general election at which such question
35 shall be adopted, the electors of such municipality shall nominate
36 officials for the new form of government to take effect in the
37 following January, and at the general election one year after the
38 general election at which such question shall have been adopted, the
39 electors of such municipality shall elect the officials under the form of
40 government which shall take effect the following January.

41 (cf: R.S.40:85-11)

42

43 68. This act shall take effect on the January 1 next following
44 enactment.

1 STATEMENT

2

3 The purpose of this bill is to establish a separate presidential
4 primary election.

5 Specifically, the bill provides that a primary election to vote for
6 electors for the office of President and Vice President of the United
7 States, established by this bill as the presidential primary, will be held
8 in each presidential election year on the last Tuesday in February.
9 New Jersey's June primary election date means that New Jerseyans are
10 among the very last voters in the nation to cast a ballot in a
11 presidential primary election, months after the outcome is clear by
12 virtue of the results of presidential primary elections held in February
13 and March in other states.

14 The bill also substitutes references to the Secretary of State with
15 references to the Attorney General in regard to the oversight of certain
16 State elections functions. This change is made pursuant to the
17 reorganization plan which transferred the Division of Elections from
18 being a responsibility of the Secretary of State to the Attorney
19 General.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 30

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably Assembly, No. 30.

This bill establishes a presidential primary election separate from the current primary election in June. The bill provides that a primary election to vote for electors for the office of President and Vice President of the United States, established by this bill as the presidential primary, will be held in each presidential election year on the last Tuesday in February.

The bill also substitutes references to the Secretary of State with references to the Attorney General in regard to the oversight of certain State elections functions. This change is made pursuant to the reorganization plan which transferred the Division of Elections and its responsibilities from the Secretary of State to the Attorney General.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 30

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 30.

This Assembly Committee Substitute for Assembly Bill No. 30 establishes a presidential primary election separate from the current primary election in June. The substitute provides that a primary election to vote for electors for the office of President and Vice President of the United States, established by this substitute as the presidential primary, will be held in each presidential election year on the last Tuesday in February.

The substitute also replaces references to the Secretary of State with references to the Attorney General in regard to the oversight of certain State elections functions. This change is made pursuant to the reorganization plan which transferred the Division of Elections and its responsibilities from the Secretary of State to the Attorney General.

As reported, this substitute is identical to Senate, Nos. 2402, 1297, 550 SCS.

FISCAL IMPACT:

In the fiscal estimate to this bill, for the first new presidential primary in FY2008, the State cost would be approximately \$3.1 million while the cost to the counties would be approximately \$7.2 million, for a total of \$10.3 million. This is estimated to be approximately \$11.1 million in FY2012.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 30
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MAY 17, 2005

SUMMARY

Synopsis: Provides for separate presidential primary election on last Tuesday in February.

Type of Impact: Expenditure Increase - State General Fund
Expenditure Increase - Local Government Funds

Agencies Affected: Department of Law and Public Safety; Counties and Municipalities

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2008</u>	<u>FY 2012</u>
State Cost	\$3,150,000	\$3,150,000
Local Cost	<u>\$7,190,000</u>	<u>\$7,936,415</u>
Total	\$10,340,000	\$11,086,415

- ! Establishes a separate presidential primary election in each presidential election year on the last Tuesday in February. State and local primary elections would continue to be held in each year on the Tuesday after the first Monday in June.
- ! The Office of Legislative Services estimates the cost to administer a separate presidential primary election in 2008 under this bill would be \$10.3 million. This cost would rise to approximately \$11,086,415 million in 2012, assuming a steady 2.5 percent rate of inflation.
- ! In 2008, the cost to the State would be approximately \$3.1 million for part of the poll workers' salaries, and the cost to the counties would be approximately \$7.2 million for the remaining salaries and administrative expenses.
- ! The costs for this primary election, as for other primary and general elections, will be borne by the counties and municipalities. Therefore, the provisions of this bill may be subject to challenge as an unfunded State mandate unless enacted in accordance with the procedure set forth in the State Constitution.

BILL DESCRIPTION

Assembly Bill No. 30 of 2005 establishes a presidential primary election separate from the current primary election in June. The bill provides that a primary election to vote for electors

for the office of President and Vice President of the United States, established by this bill as the presidential primary, will be held in each presidential election year on the last Tuesday in February.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that if a separate presidential primary election is held in 2008 pursuant to this bill, the cost would be approximately \$10.3 million. This estimate is based on two main components: the expenses of the counties and municipalities in administering the election and the salaries of poll workers conducting the election. Based on information provided previously by the Division of Elections in the Department of Law and Public Safety, as adjusted for inflation, the costs for items such as ballot printing and postage, processing, legal advertising, polling place rental and voting machine delivery for a separate election would be approximately \$5.3 million. The cost for poll workers' salaries would be approximately \$5 million, based on the projected number of polling places in 2008 (6,300), the minimum number of poll workers per polling place required by law (4) and the salary per poll worker (\$200). The salary cost, pursuant to current law, would be divided between the counties and the State, with the former paying \$75 of each poll worker's salary (\$1,890,000) and the latter paying \$125 of each poll worker's salary (\$3,150,000). Given a projected average inflation increase of 2.5 percent between 2008 and 2012, the cost for a separate presidential primary would increase to approximately \$11,086,415 in 2012 and continue to increase thereafter.

The Office of Legislative Services further notes that this bill may be challenged pursuant to Article VIII, Section II, paragraph 5 of the State Constitution as an unfunded State mandate for imposing additional costs upon local governments unless it is not enacted in accordance with the procedure set forth in the State Constitution.

Section: *State Government*

Analyst: *Frank J. Parisi*
Principal Research Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 550

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Changes 2004 primary election date to first Tuesday in March.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S550 VITALE

2

1 AN ACT concerning the date of certain primary elections and
2 amending R.S.19:24-1.

3

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

6

7 1. R.S.19:24-1 is amended to read as follows:

8 19:24-1. In every year in which primary elections are to be held as
9 herein provided for the election of delegates and alternates to the
10 national conventions of political parties, including any national
11 mid-term convention or conference of a political party, [which primary
12 elections are to be held on the first Tuesday in June as hereinbefore
13 provided,] the [chairman] chairperson of the State committee of each
14 political party shall notify the [Secretary of State] Attorney General,
15 on or before March 1 of that year, of the number of delegates-at-large
16 and the number of alternates-at-large to be elected to the next national
17 convention of such party by the voters of the party throughout the
18 State, and also of the number of delegates and alternates to be chosen
19 to such convention in the respective congressional districts or other
20 territorial subdivisions of the State as mentioned in such notification.

21 If the State [chairmen] chairpersons, or either of them, shall fail to
22 file notice, the [Secretary of State] Attorney General shall ascertain
23 such facts from the call for its national convention issued by the
24 National or State committee.

25 (cf: P.L.1978, c.15, s.5)

26

27 2. a. Notwithstanding the provisions of R.S.19:2-1, R.S.19:3-3,
28 and R.S.19:23-40 or any other law to the contrary, the primary
29 elections in 2004 for all political parties, including the primary
30 elections for delegates and alternates to national conventions of
31 political parties, and for the general election of that year shall be held
32 on the first Tuesday in March, between the hours of 6:00 A.M. and
33 8:00 P.M., Standard Time.

34 b. For the purposes of the 2004 primary election established in
35 subsection a. of this section, the March 1 date provided for in
36 R.S.19:24-1 and R.S.19:24-2 shall be changed to January 5, and the
37 March 20 and April 1 dates provided for in R.S.19:24-2 shall be
38 changed to January 9 and February 1, respectively.

39 c. The Attorney General shall, by rules and regulations, make
40 appropriate adjustments for any other dates specified by law in order
41 to accommodate the primary date in 2004 established in subsection a.
42 of this section.

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

Matter underlined thus is new matter.

S550 VITALE

3

1 3. This act shall take effect immediately and section 2 shall expire
2 on the day after the day of the 2004 general election.

3

4

5

STATEMENT

6

7 Currently, primary elections for all political parties, including the
8 primary elections for delegates and alternates to national conventions
9 of political parties, are held on the Tuesday after the first Monday in
10 June. This bill moves the primary election to the first Tuesday in
11 March for the presidential election year of 2004.

12 In 2000, 16 states including Connecticut, New York, Ohio and
13 California held their primary or party caucus on the first Tuesday in
14 March, making it the closest thing to a national primary in American
15 politics. New Jersey should hold its primary elections on this very
16 important day in 2004.

SENATE, No. 1297

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 8, 2004

Sponsored by:
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Establishes separate presidential primary on last Tuesday in February.

CURRENT VERSION OF TEXT

As introduced.



S1297 ADLER

2

1 **AN ACT** concerning certain primary elections and amending various
2 sections of the statutory law.

3

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

6

7 1. R.S.19:1-1 is amended to read as follows:

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this State
10 or any political subdivision thereof elect persons to fill public office or
11 pass on public questions.

12 "General election" means the annual election to be held on the first
13 Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any political
16 subdivision thereof nominate candidates to be voted for at general
17 elections, or elect persons to fill party offices[, or] .

18 "Presidential primary election" means the procedure whereby the
19 members of a political party in this State or any political subdivision
20 thereof elect persons to serve as delegates and alternates to national
21 conventions.

22 "Municipal election" means an election to be held in and for a single
23 municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal , school and
27 special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this State
34 or any of its political subdivisions filled at elections by the electors of
35 the State or political subdivision.

36 "Public question" includes any question, proposition or referendum
37 required by the legislative or governing body of this State or any of its
38 political subdivisions to be submitted by referendum procedure to the
39 voters of the State or political subdivision for decision at elections.

40 "Political party" means a party which, at the election held for all of
41 the members of the General Assembly next preceding the holding of
42 any primary election held pursuant to this Title, polled for members of
43 the General Assembly at least 10% of the total vote cast in this State.

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

Matter underlined thus is new matter.

1 "Party office" means the office of delegate or alternate to the
2 national convention of a political party or member of the State, county
3 or municipal committees of a political party.

4 "Masculine" includes the feminine, and the masculine pronoun
5 wherever used in this Title shall be construed to include the feminine.

6 "Presidential year" means the year in which electors of President
7 and Vice-President of the United States are voted for at the general
8 election.

9 "Election district" means the territory within which or for which
10 there is a polling place or room for all voters in the territory to cast
11 their ballots at any election.

12 "District board" means the district board of registry and election in
13 an election district.

14 "County board" means the county board of elections in a county.

15 "Superintendent" means the superintendent of elections in counties
16 wherein the same shall have been appointed.

17 "Commissioner" means the commissioner of registration in counties.

18 "File" or "filed" means deposited in the regularly maintained office
19 of the public official wherever said regularly maintained office is
20 designated by statute, ordinance or resolution.

21 (cf: P.L.1995, c.278, s.13)

22
23 2. R.S.19:2-1 is amended to read as follows:

24 19:2-1. **[Primary] Presidential primary** elections for delegates and
25 alternates to national conventions of political parties **[and] shall be**
26 **held in each presidential year on the last Tuesday in February.**

27 Primary elections for the general election shall be held in each year
28 on the Tuesday next after the first Monday in June~~[,]~~ .

29 All primary elections shall occur between the hours of 6:00 A.M.
30 and 8:00 P.M., Standard Time. Primary elections for special elections
31 shall be held not earlier than 30 nor later than 20 days prior to the
32 special elections.

33 (cf: P.L.2001, c.245, s.1)

34
35 3. R.S.19:3-3 is amended to read as follows:

36 19:3-3. Delegates and alternates to the national conventions of the
37 political parties held in each presidential year shall be elected at the
38 presidential primary election to be held on the last Tuesday **[next**
39 **after the first Monday]** in **[June] February** in that year.

40 The members of State, county and municipal committees of the
41 political parties shall be chosen at the primary for the general election
42 as hereinafter provided.

43 (cf: P.L.1976, c.26, s.1)

44
45 4. R.S.19:4-15 is amended to read as follows:

46 19:4-15. a. No county board shall make division of an election

1 district in any year in the period commencing 75 days before the
2 presidential primary election in each presidential year or the primary
3 election for the general election, and the day of the general election.

4 b. To facilitate the use of Federal decennial census populations for
5 apportionment and redistricting purposes and notwithstanding the
6 provisions of this or any other law, no election districts shall, except
7 with the prior approval of the [Secretary of State] Attorney General,
8 be created, abolished, divided or consolidated between January 1 of
9 any year whose last digit is 7 and December 1 of any year whose last
10 digit is 0.

11 (cf: P.L.1976, c.83, s.6)

12

13 5. R.S.19:6-2 is amended to read as follows:

14 19:6-2. a. The following persons may apply in writing to the
15 county board, on a form prepared and furnished by the county board,
16 for appointment as a member of a district board of any municipality in
17 the county in which he or she resides: (1) a legal voter who is a
18 member of a political party by virtue of having voted in a party
19 primary or who has filed a party declaration form for the ensuing
20 presidential primary or primary election for the general election with
21 the commissioner of the county in which the voter is registered and
22 who, for two years prior to making written application, has not
23 espoused the cause of another political party or its candidates; (2) a
24 legal voter who is not affiliated with a political party; (3) a United
25 States citizen and resident of this State who is 16 or 17 years of age,
26 attends a secondary school and has the written permission of his or her
27 parent or guardian to serve as a member of the board if appointed; or
28 (4) a United States citizen and resident of this State who is 16 or 17
29 years of age and has graduated from a secondary school or has passed
30 a general educational development test, GED, and has the written
31 permission of his or her parent or guardian to serve as a member of the
32 board if appointed.

33 b. The application, signed by the applicant under his or her oath,
34 shall state: (1) the applicant's name and address; (2) the applicant's
35 age, if the applicant is less than 18 years of age; (3) the political party
36 to which he or she belongs or, if the applicant is not affiliated with a
37 political party, the fact that the applicant is not so affiliated; (4) that
38 the applicant is of good moral character and has not been convicted of
39 any crime involving moral turpitude; and (5) that the applicant
40 possesses the following qualifications: eyesight, with or without
41 correction, sufficient to read nonpareil type; ability to read the English
42 language readily; ability to add and subtract figures correctly; ability
43 to write legibly with reasonable facility; reasonable knowledge of the
44 duties to be performed by the applicant as an election officer under the
45 election laws of this State; and health sufficient to discharge his or her
46 duties as an election officer.

1 c. If an applicant for appointment to a district board is 16 or 17
2 years of age, then the applicant shall provide to the county board,
3 along with the application provided under subsection b. of this section:
4 (1) a written document signed by the applicant's parent or guardian
5 giving the applicant permission to serve as a member of a district
6 board if appointed and (2) if an election, meeting or training is
7 scheduled to take place when school is in session, a written document
8 from his or her school that acknowledges the applicant's application
9 for appointment as a member of a district board and excuses the
10 applicant from school on the dates of service if appointed, except that
11 the requirement contained in subparagraph (2) of this subsection shall
12 not apply to a United States citizen and resident of this State who is
13 16 or 17 years of age and has graduated from a secondary school or
14 has passed a general educational development test, GED.

15 d. No person shall be precluded from applying to serve as a
16 member of a district board of any municipality for failure to vote in
17 any year such person was ineligible to vote by reason of age or
18 residence.

19 e. In no case shall a person 16 or 17 years of age be permitted to
20 serve as a member of a district board on the day of an election for
21 more than the number of hours permitted for such a person to work
22 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
23 supplemented.

24 (cf: P.L.2002, c.125, s.1)

25

26 6. R.S.19:6-3 is amended to read as follows:

27 19:6-3. a. (1) The county board shall, on or before January 10 of
28 each presidential year and on or before April 1 of every other year,
29 appoint the members of the district boards in the manner prescribed by
30 paragraph (2) of this subsection. The members of any district board
31 shall be equally apportioned between the two political parties which at
32 the last preceding general election held for the election of all of the
33 members of the General Assembly cast the largest and next largest
34 number of votes respectively in this State for members of the General
35 Assembly, except that if the county board is unable to fill all of the
36 positions of the members of a particular district board from among
37 qualified members of those two political parties, the county board shall
38 appoint to any such unfilled position an otherwise qualified person
39 who is unaffiliated with any political party, but no such appointment
40 of an unaffiliated person shall be made prior to January 15 of each
41 presidential year and prior to March 25 of every other year, and in no
42 event shall more than two such unaffiliated persons serve at the same
43 time on any district board.

44 (2) In making appointments of members of the several district
45 boards of the county, the county board shall consult with the
46 chairperson of the county committee of each of the two political

1 parties referred to in paragraph (1) of this subsection. On or before
2 January 1 of each presidential year and on or before March 15 of
3 [each] every other year, the county board shall transmit to each of
4 those chairpersons a list of those positions on the membership of the
5 several district boards that are subject to apportionment under that
6 paragraph (1) to the political party of which that chairperson is a
7 member, and to which the county board has been unable to make an
8 appointment from among qualified members of that political party.
9 The county board shall include with each such list a request that the
10 chairperson to whom that list is transmitted return to the board a list
11 of the names of candidates for those unfilled positions. On or before
12 January 1 of each presidential year and on or before March 25 of every
13 other year, the county board shall, on the basis of the lists so returned
14 to it, fill as many of the remaining unfilled positions in the membership
15 of the several district boards as possible, and shall assign or reassign
16 appointees as necessary to ensure that the membership of each district
17 board within the county shall include at least one member of each of
18 the two political parties. The county board shall then appoint to any
19 unfilled position on a district board an otherwise qualified person who
20 is unaffiliated with any political party.

21 b. In case the county board shall neglect, refuse or be unable to
22 appoint and certify the members of the district boards as herein
23 provided, the Assignment Judge of the Superior Court shall, before
24 January 25 of each presidential year or before April 10 [in each] of
25 every other year, make such appointments and certifications.

26 (cf: P.L.1996, c.120, ss.3,11)

27

28 7. R.S.19:6-10 is amended to read as follows:

29 19:6-10. Each district board shall, on or before the second Tuesday
30 next preceding the presidential primary election in those years when
31 such an election is held or the primary election for the general election
32 in every other year, meet and organize by the election of one of its
33 members as judge, who shall be chairman of the board, and another of
34 its members as inspector. The judge and inspector shall not be
35 members or voters of the same political party. In case of failure to
36 elect a judge as herein provided, after balloting or voting three times,
37 the senior member of the board in respect to length of continuous
38 service as a member of such district board shall become judge, and in
39 case of failure to elect an inspector after balloting or voting three
40 times, the next senior member of the board in respect to length of
41 continuous service as a member of such district board shall become
42 inspector; provided, that both the chairman and the inspector shall not
43 be members or voters of the same political party. The other members
44 of the board shall be clerks of election, and shall perform all the duties
45 required by law of the clerks of district boards.

46 (cf: P.L.1996, c.120, s.5)

1 8. R.S.19:6-18 is amended to read as follows:

2 19:6-18. During the 30-day period immediately preceding
3 December 5 of the year preceding each presidential year and February
4 15 [in each] of every other year, the chairman and vice-chairlady of
5 each county committee and the State committeeman and State
6 committeewoman of each of such two political parties, respectively
7 shall meet and jointly, in writing, nominate one person residing in the
8 county of such county committee chairman, duly qualified, for member
9 of the county board in and for such county for the succeeding year, in
10 the case of the presidential year.

11 If more than two members are elected to the State committee of any
12 party from a county, the State committeeman and State
13 committeewoman who shall participate in the process of nomination
14 shall be those holding full votes who received the greatest number of
15 votes in their respective elections for members of the State committee.

16 If nomination be so made, the said county committee chairman shall
17 certify the nomination so made to the State chairman and to the
18 Governor, and the Governor shall commission such appointees, who
19 shall be members of opposite parties, on or before January 1 of each
20 presidential year or on or before March 1 in every other year, as the
21 case may be. If nomination be not so made on account of a tie vote in
22 the said meeting of the county committee chairman, county committee
23 vice-chairlady, State committeeman and State committeewoman, in
24 respect to such nomination, the said county committee chairman shall
25 certify the fact of such a tie vote to the State chairman, who shall have
26 the deciding vote and who shall certify, in writing, to the Governor,
27 the nomination made by his deciding vote. Appointees to county
28 boards of election pursuant to this section shall continue in office for
29 2 years from either January 2 or March 1, as the case may be, next
30 after their appointment.

31 The first appointment having been made pursuant to law for terms
32 of 1 and 2 years, respectively, the members subsequently appointed
33 each year shall fill the offices of the appointees whose terms expire in
34 that year.

35 (cf: P.L.1978, c.15, s.2)

36

37 9. R.S.19:6-22 is amended to read as follows:

38 19:6-22. a. (1) The county boards shall, at 10 a.m., on the second
39 Tuesday in January of each presidential year and on that same day in
40 March of every other year, or on such other day as they may agree on
41 within the first 15 days in January or March, as the case may be, in
42 each year, meet at the courthouse, or other place as provided for, in
43 their respective counties, and, subject to the provisions of paragraph
44 (2) of this subsection, organize by electing one of their number to be
45 chairman and one to be secretary; but the chairman and secretary shall
46 not be members of the same political party.

1 (2) In case of failure to elect a chairman after three ballots or viva
2 voce votes, the member having the greatest seniority on the board shall
3 be the chairman thereof, except that if the member having the greatest
4 seniority on the board so chooses, that member shall instead be
5 secretary of the board; in the event that that senior member so chooses
6 to become secretary, no election shall be held to choose a secretary of
7 the board, the board shall elect one of its members who is not of the
8 same political party as the secretary to be the chairman of the board,
9 and in the case of a failure again to elect a chairman after three ballots
10 or viva voce votes, the person among those members having the
11 greatest seniority on the board shall be the chairman thereof.

12 In any case of failure to elect a chairman, if two or more members
13 of the board who are eligible to become chairman have greatest and
14 equal seniority on the board, then the board shall, not later than the
15 fifth day following the organization meeting, notify the Governor of an
16 inability to fill the position of chairman either by election or on the
17 basis of seniority, including in that notice a certification of the names
18 of those senior members of the board. In addition, if the position of
19 secretary has not otherwise been filled under the foregoing provisions
20 of this paragraph, the board shall defer for the time being the election
21 of a secretary. Not later than the fifth day following receipt of the
22 notice, the Governor shall designate one of those senior members to
23 be chairman of the board and certify that designation to the board. If
24 the position of secretary was not filled at the initial meeting of the
25 county board to organize, then not later than the fifth day following
26 receipt of that certification, the board shall reconvene at the call of the
27 chairman so designated and shall elect a secretary of the board.

28 In case of failure to elect a secretary after three ballots or viva voce
29 votes, the member of the board having the greatest seniority shall be
30 secretary of the board, except that if that member has become
31 chairman because of election to that position or because of designation
32 as a result of the failure to elect a chairman, the member with the next
33 greatest seniority shall be secretary. In no case, however, shall the
34 chairman and secretary be members of the same political party.

35 Seniority for the purposes of this section shall be determined by the
36 total amount of time that a person has served as a member of the
37 board, beginning from the date that that person took the oath of office
38 as a member.

39 b. The boards shall have power in their discretion to hold their
40 meetings for any purpose, except organization, in any part of their
41 respective counties. Meetings may be called by either the chairman or
42 the secretary of the board, or at the request of any two members.

43 (cf: P.L.1996, c.90, s.1)

44

45 10. R.S.19:7-2 is amended to read as follows:

1 19:7-2. A candidate who has filed a petition for an office to be
2 voted for at [the] any primary election, and a candidate for an office
3 whose name may appear upon the ballot to be used in any election,
4 may also act as a challenger as herein provided and may likewise
5 appoint 2 challengers for each district in which he is to be voted for;
6 but only 2 challengers shall be allowed for each election district to
7 represent all the candidates nominated in and by the same original
8 petition. The appointment of the challengers shall be in writing under
9 the hand of the person or persons making same and shall specify the
10 names and residences of the challengers and the election districts for
11 which they are severally appointed. Whenever a public question shall
12 appear on the ballot to be voted upon by the voters of an election
13 district and application has been made by the proponents or opponents
14 of such public question for the appointment of challengers, the county
15 board may in its discretion appoint 2 challengers each to represent
16 such proponents or opponents. Such challengers shall be in addition
17 to those provided for in section 19:7-1 of this Title.
18 (cf: P.L.1956, c.66, s.1)

19

20 11. R.S.19:8-2 is amended to read as follows:

21 19:8-2. The clerk of every municipality, on or before January 10 of
22 each presidential year and on or before April 1 of every other year,
23 shall certify to the county board of every county wherein such
24 municipality is located a suggested list of places in the municipality
25 suitable for polling places. The county board shall select the polling
26 places for the election districts in the municipalities of the county for
27 all elections in the municipalities thereof, including all commission
28 government elections in the county. The county boards shall not be
29 obliged to select the polling places so suggested by the municipal
30 clerks, but may choose others where they may deem it expedient.
31 Preference in locations shall be given to schools and public buildings
32 where space shall be made available by the authorities in charge, upon
33 request, if same can be done without detrimental interruption of school
34 or the usual public services thereof, and for which the authority in
35 charge shall be reimbursed, by agreement, for expenses of light,
36 janitorial and other attending services arising from such use. In no
37 case shall the authorities in charge of a public school or other public
38 building deny the request of the county board for the use, as a polling
39 place, of any building they own or lease.

40 Where the county board shall fail to agree as to the selection of the
41 polling place or places for any election district, within five days of an
42 election, the county clerk shall select and designate the polling place
43 or places in any such election district.

44 The county board may select a polling place other than a
45 schoolhouse or public building outside of the district but such polling

1 place shall not be located more than 1,000 feet distant from the
2 boundary line of the district.

3 (cf: P.L.1989, c.292, s.1)

4

5 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
6 as follows:

7 4. No later than February 15 of each presidential year and no later
8 than May 15th of **[each]** every other year, each county board of
9 elections shall report to the **[Secretary of State]** Attorney General, on
10 the form provided by the **[Secretary of State]** Attorney General, a list
11 of all polling places in the county, specifying any found inaccessible.
12 The county board of elections shall indicate the reasons for
13 inaccessibility, and the efforts made pursuant to this act to locate
14 alternative polling places or to make the existing facilities accessible.
15 Each county board of elections shall notify the **[Secretary of State]**
16 Attorney General of any changes in polling place locations before the
17 next general election, including any changes required due to the
18 alteration of district boundaries.

19 (cf: P.L.1991, c.429, s.4)

20

21 13. R.S.19:8-4 is amended to read as follows:

22 19:8-4. The county board before February 15 of each presidential
23 year and May 15 **[each]** of every other year shall certify a list of
24 polling places so selected to the sheriff and to the clerk of the county
25 and to the superintendent of elections of the county if any there be and
26 to each municipal clerk in the county.

27 (cf: P.L.1965, c.4, s.8)

28

29 14. R.S.19:9-2 is amended to read as follows:

30 19:9-2. The Director of the Division of Elections shall prepare and
31 distribute on or before January 10 of each presidential year and on or
32 before April 1 **[in each]**of every other year prior to the primary
33 election for the general election and the general election such
34 information as may be needed relative to election procedures for the
35 ensuing year.

36 The county board of elections shall prepare and distribute on or
37 before January 10 of each presidential year and on or before April 1 of
38 **[each]**every other year, registration and voting instructions printed in
39 at least 14-point type for conspicuous display at each polling place at
40 any election.

41 All other books, ballots, envelopes and other blank forms which the
42 county clerk is required to furnish under any other section of this Title,
43 stationery and supplies for the primary election for the general
44 election, the presidential primary election for delegates and alternates
45 to national conventions and the general election, shall be furnished,
46 prepared and distributed by the clerks of the various counties; except

1 that all books, blank forms, stationery and supplies, articles and
2 equipment which may be deemed necessary to be furnished, used or
3 issued by the county board or superintendent shall be furnished, used
4 or issued, prepared and distributed by such county board or
5 superintendent, as the case may be.

6 The county board shall furnish and deliver to the county clerk, the
7 municipal clerks and the district boards in municipalities having more
8 than one election district: a map or description of the district lines of
9 their respective election districts, together with the street and house
10 numbers where possible in such election districts and a list or map of
11 all of the polling places within the county to assist any voter in
12 identifying the correct location of the polling place at which the voter
13 should vote if that voter erroneously reports to the municipal clerk or
14 the wrong polling place.

15 Nothing in subtitle 2 of the Title, Municipalities and Counties
16 (R.S.40:16-1 et seq.), shall in anywise be construed to affect, restrict,
17 or abridge the powers conferred on the county clerks, county boards
18 or superintendents by this Title.

19 (cf: P.L.1999, c.232, s.1)

20

21 15. R.S.19:12-1 is amended to read as follows:

22 19:12-1. The ~~Secretary of State~~ Attorney General shall within
23 thirty days after the completion of the canvass by the board of State
24 canvassers, certify to each county clerk and county board the fact that
25 at the next preceding general election held for the election of all of the
26 members of the General Assembly ten per centum (10%) of the total
27 vote cast in the State for members of the General Assembly had been
28 cast for candidates having the same designation, thereby creating,
29 within the meaning of this Title, a political party, to be known and
30 recognized as such under the same designation as used by the
31 candidates for whom the required number of votes were cast.

32 He shall also not later than the sixtieth day preceding the
33 presidential primary election in each presidential year [for the general
34 election in every year,] in which electors of President and
35 Vice-President of the United States [,] are to be selected, and not
36 later than the sixtieth day preceding the primary election for the
37 general election in which a representative of the United States Senate,
38 members of the House of Representatives, a Governor, or Senator, or
39 member or members of the General Assembly for any county, or any
40 of them, are to be elected or any public question is to be submitted to
41 the voters of the entire State, direct and cause to be delivered to the
42 clerk of the county and the county board wherein any such election is
43 to be held, a notice stating that such officer or officers are to be
44 elected and that such public question is to be submitted to the voters
45 of the entire State at the ensuing general election.

46 (cf: P.L.1948, c.2, s.12)

1 16. R.S.19:12-3 is amended to read as follows:

2 19:12-3. The clerk of each county shall immediately upon the
3 receipt of the certificate from the [Secretary of State] Attorney
4 General setting forth that a political party has been created, forward
5 a certified copy of such certificate to each municipal clerk of his
6 county.

7 He shall also, not later than the fiftieth day preceding the
8 presidential primary election in each presidential year and the primary
9 election for the general election in every other year, cause a copy of
10 the notice received from the [Secretary of State] Attorney General of
11 the officer or officers to be elected at the ensuing general election,
12 certified under his hand to be true and correct, to be delivered to the
13 clerk of each municipality in the county.

14 (cf: P.L.1948, c.2, s.14)

15

16 17. R.S.19:12-5 is amended to read as follows:

17 19:12-5. The clerk of every county shall, not later than the fiftieth
18 day preceding the presidential primary election in each presidential
19 year and the primary election for the general election in every other
20 year, immediately preceding the expiration of the term of office of all
21 other officers who are voted for by the voters of the entire county or
22 of more than one municipality within the county, direct and cause to
23 be delivered to the clerk of each municipality and the county board in
24 counties of the first class, a notice that such officer or officers, as the
25 case may be, will be chosen at the ensuing general election.

26 (cf: P.L.1948, c.2, s.15)

27

28 18. R.S.19:12-6 is amended to read as follows:

29 19:12-6. All municipal clerks, not later than the fiftieth day
30 preceding the presidential primary election in each presidential year
31 and the primary election for the general election in every other year,
32 shall make and certify under their hands and seals of office and
33 forward to the clerk of the county in which the municipality is located
34 a statement designating the public offices to be filled at such election,
35 and the number of persons to be voted for each office. In counties of
36 the first class such statement shall also be forwarded to the county
37 board.

38 (cf: P.L.1948, c.2, s.16)

39

40 19. R.S.19:12-7 is amended to read as follows:

41 19:12-7. a. The county board in each county shall cause to be
42 published in a newspaper or newspapers which, singly or in
43 combination, are of general circulation throughout the county, a notice
44 containing the information specified in subsection b. hereof, except for
45 such of the contents as may be omitted pursuant to subsection c. or d.
46 hereof. Such notice shall be published once during the 30 days next

1 preceding the day fixed for the closing of the registration books for the
2 primary election, once during the calendar week next preceding the
3 week in which the presidential primary election or the primary election
4 for the general election is held, as the case may be, once during the 30
5 days next preceding the day fixed for the closing of the registration
6 books for the general election, and once during the calendar week next
7 preceding the week in which the general election is held.

8 b. Such notice shall set forth:

9 (1) For the primary election for the general election:

10 (a) That a primary election for making nominations for the general
11 election[,] and for the selection of members of the county committees
12 of each political party[, and in each presidential year for the selection
13 of delegates and alternates to national conventions of political
14 parties,] will be held on the day and between the hours and at the
15 places provided for by or pursuant to this Title.

16 (b) The place or places at which and hours during which a person
17 may register, the procedure for the transfer of registration, and the
18 date on which the books are closed for registration or transfer of
19 registration.

20 (c) The several State, county, municipal and party offices or
21 positions to be filled, or for which nominations are to be made, at such
22 primary election.

23 (d) The existence of registration and voting aids, including: (i) the
24 availability of registration and voting instructions at places of
25 registration as provided under R.S.19:31-6; and (ii), if available, the
26 accessibility of voter information to the deaf by means of a
27 telecommunications device.

28 (e) The availability of assistance to a person unable to vote due to
29 blindness, disability or inability to read or write.

30 (f) In the case of the notice published during the calendar week
31 next preceding the week in which the primary election is held, that a
32 voter who, prior to the election, shall have moved within the same
33 county without (i) filing, on or before the 29th day preceding the
34 election, a notice of change of residence with the commissioner of
35 registration of the county or the municipal clerk of the municipality in
36 which the voter resides on the day of the election, (ii) returning the
37 confirmation notice sent to the voter by the commissioner of
38 registration of the county, if such a notice has been sent to the voter,
39 or (iii) otherwise notifying the commissioner of registration of the
40 voter's change of address within the county shall be permitted to
41 correct the voter's registration and to vote in the primary election by
42 provisional ballot at the polling place of the district in which the voter
43 resides on the day of the election. The notice shall further provide that
44 the voter may contact the county commissioner of registration or
45 municipal clerk to determine the proper polling place location for the
46 voter.

1 (2) For the general election:

2 (a) That a general election will be held on the day and between the
3 hours and at the places provided for by or pursuant to this Title.

4 (b) The place or places at which and hours during which a person
5 may register, the procedure for transfer of registration, and the date on
6 which the books are closed for registration or transfer of registration.

7 (c) The several State, county and, municipal offices to be filled
8 and, except as provided in R.S.19:14-33 of this Title as to publication
9 of notice of any Statewide proposition directed by the Legislature to
10 be submitted to the people, the State, county and municipal public
11 questions to be voted upon at such general election.

12 (d) The existence of registration and voting aids, including: (i) the
13 availability of registration and voting instructions at places of
14 registration as provided under R.S.19:31-6; and (ii) the accessibility
15 of voter information to the deaf by means of a telecommunications
16 device.

17 (e) The availability of assistance to a person unable to vote due to
18 blindness, disability or inability to read or write.

19 (f) In the case of the notice published during the calendar week
20 next preceding the week in which the general election is held, that a
21 voter who, prior to the election, shall have moved within the same
22 county without (i) filing, on or before the 29th day preceding the
23 election, a notice of change of residence with the commissioner of
24 registration of the county or the municipal clerk of the municipality in
25 which the voter resides on the day of the election, (ii) returning the
26 confirmation notice sent to the voter by the commissioner of
27 registration of the county, if such a notice has been sent to the voter,
28 or (iii) otherwise notifying the commissioner of registration of the
29 voter's change of address within the county shall be permitted to
30 correct the voter's registration and to vote in the general election by
31 provisional ballot at the polling place of the district in which the voter
32 resides on the day of the election. The notice shall further provide that
33 the voter may contact the county commissioner of registration or
34 municipal clerk to determine the proper polling place location for the
35 voter.

36 (3) For a school election:

37 (a) The day, time and place thereof,

38 (b) The offices, if any, to be filled at the election,

39 (c) The substance of any public question to be submitted to the
40 voters thereat,

41 (d) That a voter who, prior to the election, shall have moved within
42 the same county without (i) filing, on or before the 29th day preceding
43 the election, a notice of change of residence with the commissioner of
44 registration of the county or the municipal clerk of the municipality in
45 which the voter resides on the day of the election, (ii) returning the
46 confirmation notice sent to the voter by the commissioner of

1 registration of the county, if such a notice has been sent to the voter,
2 or (iii) otherwise notifying the commissioner of registration of the
3 voter's change of address within the county shall be permitted to
4 correct the voter's registration and to vote in the school election by
5 provisional ballot at the polling place of the district in which the voter
6 resides on the day of the election,

7 (e) That if the voter has any questions as to where to vote on the
8 day of the election, the voter may contact the county commissioner of
9 registration or municipal clerk to determine the proper polling place
10 location for the voter; and

11 (f) Such other information as may be required by law.

12 (4) For the presidential primary election:

13 (a) That a primary for the selection of delegates and alternates to
14 national conventions of political parties will be held on the day and
15 between the hours and at the places provided for by or pursuant to this
16 Title.

17 (b) The place or places at which and hours during which a person
18 may register; the procedure for the transfer of registration, and the
19 date on which the books are closed for registration or transfer of
20 registration.

21 (c) The existence of registration and voting aids, including: (i) the
22 availability of registration and voting instructions at places of
23 registration as provided under R.S.19:31-6; and (ii), if available, the
24 accessibility of voter information to the deaf by means of a
25 telecommunications device.

26 (d) The availability of assistance to a person unable to vote due to
27 blindness, disability or inability to read or write.

28 c. If such publication is made in more than one newspaper, it shall
29 not be necessary to duplicate in the notice published in each such
30 newspaper all the information required under this section, so long as:

31 (1) The municipal officers or party positions to be filled, or
32 nominations made, or municipal public questions to be voted upon by
33 the voters of any municipality, shall be set forth in at least one
34 newspaper having general circulation in such municipality;

35 (2) All offices to be filled, or nominations made therefor, or public
36 questions to be voted upon, by the voters of the entire State or of the
37 entire county shall be set forth in a newspaper or newspapers which,
38 singly or in combination, have general circulation throughout the
39 county;

40 (3) Information relating to nominations and elections in each
41 Legislative District comprised in whole or part in the county, shall be
42 published in at least a newspaper or newspapers which singly or in
43 combination, have general circulation in every municipality of the
44 county which is comprised in such legislative district.

45 d. Such part or parts of the original notices as published which
46 pertain to day of registration or primary election which has occurred

1 shall be eliminated from such notice in succeeding insertions.

2 e. (Deleted by amendment, PL.1999, c.232.)

3 f. The cost of publishing the notices required by this section shall
4 be paid by the respective counties, unless otherwise provided for by
5 law.

6 (cf: P.L.1999, c.232, s.2)

7

8 20. Section 3 of P.L.1990, C.57 (C.19:13-14.1) is amended to read
9 as follows:

10 3. A person whose name appears on the ballot at a primary election
11 for the general election as a candidate for nomination by a political
12 party for any municipal office shall not be eligible to serve as the
13 candidate of any other political party for that office in that municipality
14 at the general election following that primary.

15 (cf: P.L.1990, c.57, s.3)

16

17 21. R.S.19:13-20 is amended to read as follows:

18 19:13-20. In the event of a vacancy, howsoever caused, among
19 candidates nominated at [primaries] a primary election for the general
20 election, which vacancy shall occur not later than the 51st day before
21 the general election, or in the event of inability to select a candidate
22 because of a tie vote at such primary, a candidate shall be selected in
23 the following manner:

24 a. (1) In the case of an office to be filled by the voters of the entire
25 State, the candidate shall be selected by the State committee of the
26 political party wherein such vacancy has occurred.

27 (2) In the case of an office to be filled by the voters of a single and
28 entire county, the candidate shall be selected by the county committee
29 in such county of the political party wherein such vacancy has
30 occurred.

31 (3) In the case of an office to be filled by the voters of a portion of
32 the State comprising all or part of two or more counties, the candidate
33 shall be selected by those members of the county committees of the
34 party wherein the vacancy has occurred who represent those portions
35 of the respective counties which are comprised in the district from
36 which the candidate is to be elected.

37 (4) In the case of an office to be filled by the voters of a portion of
38 a single county, the candidate shall be selected by those members of
39 the county committee of the party wherein the vacancy has occurred
40 who represent those portions of the county which are comprised in the
41 district from which the candidate is to be elected.

42 At any meeting held for the selection of a candidate under this
43 subsection, a majority of the persons eligible to vote thereat shall be
44 required to be present for the conduct of any business, and no person
45 shall be entitled to vote at that meeting who is appointed to the State
46 committee or county committee after the seventh day preceding the

- 1 date of the meeting.

1 In the case of a meeting held to select a candidate for other than a
2 Statewide office, the chairman of the meeting shall be chosen by
3 majority vote of the persons present and entitled to vote thereat. The
4 chairman so chosen may propose rules to govern the determination of
5 credentials and the procedures under which the meeting shall be
6 conducted, and those rules shall be adopted upon a majority vote of
7 the persons entitled to vote upon the selection. If a majority vote is
8 not obtained for those rules, the delegates shall determine credentials
9 and conduct the business of the meeting under such other rules as may
10 be adopted by a majority vote. All contested votes taken at the
11 selection meeting shall be by secret ballot.

12 b. (1) Whenever in accordance with subsection a. of this section
13 members of two or more county committees are empowered to select
14 a candidate to fill a vacancy, it shall be the responsibility of the
15 chairmen of said county committees, acting jointly not later in any case
16 than the seventh day following the occurrence of the vacancy, to give
17 notice to each of the members of their respective committees who are
18 so empowered of the date, time and place of the meeting at which the
19 selection will be made, that meeting to be held at least one day
20 following the date on which the notice is given.

21 (2) Whenever in accordance with the provisions of subsection a. of
22 this section members of a county committee are empowered to select
23 a candidate to fill a vacancy, it shall be the responsibility of the
24 chairman of such county committee, not later in any case than the
25 seventh day following the occurrence of the vacancy, to give notice to
26 each of the members of the committee who are so empowered of the
27 date, time and place of the meeting at which the selection will be
28 made, that meeting to be held at least one day following the date on
29 which the notice is given.

30 (3) A county committee chairman or chairmen who call a meeting
31 pursuant to paragraph (1) or (2) of this subsection shall not be entitled
32 to vote upon the selection of a candidate at such meeting unless he or
33 they are so entitled pursuant to subsection a.

34 (4) Whenever in accordance with the provisions of subsection a. of
35 this section the State committee of a political party is empowered to
36 select a candidate to fill a vacancy, it shall be the responsibility of the
37 chairman of that State committee to give notice to each of the
38 members of the committee of the date, time and place of the meeting
39 at which the selection will be made, that meeting to be held at least
40 one day following the date on which the notice is given.

41 c. Whenever a selection is to be made pursuant to this section to
42 fill a vacancy resulting from inability to select a candidate because of
43 a tie vote at a primary election for the general election, the selection
44 shall be made from among those who have thus received the same
45 number of votes at the primary.

1 d. A selection made pursuant to this section shall be made not later
2 than the 48th day preceding the date of the general election, and a
3 statement of such selection shall be filed with the [Secretary of State]
4 Attorney General or the appropriate county clerk, as the case may be,
5 not later than [said 48th] that day, and in the following manner:

6 (1) A selection made by a State committee of political party shall
7 be certified to the [Secretary of State] Attorney General by the State
8 chairman of the political party.

9 (2) A selection made by a county committee of a political party, or
10 a portion of the members thereof, shall be certified to the county clerk
11 of the county by the county chairman of such political party; except
12 that when such selection is of a candidate for the Senate or General
13 Assembly or the United States House of Representatives the county
14 chairman shall certify the selection to the State chairman of such
15 political party, who shall certify the same to the [Secretary of State]
16 Attorney General.

17 (3) A selection made by members of two or more county
18 committees of a political party acting jointly shall be certified by the
19 chairmen of said committees, acting jointly, to the State chairman of
20 such political party, who shall certify the same to the [Secretary of
21 State] Attorney General.

22 e. A statement filed pursuant to subsection d. of this section shall
23 state the residence and post office address of the person so selected,
24 and shall certify that the person so selected is qualified under the laws
25 of this State to be a candidate for such office, and is a member of the
26 political party filling the vacancy. Accompanying the statement the
27 person endorsed therein shall file a certificate stating that he is
28 qualified under the laws of this State to be a candidate for the office
29 mentioned in the statement, that he consents to stand as a candidate at
30 the ensuing general election and that he is a member of the political
31 party named in said statement, and further that he is not a member of,
32 or identified with, any other political party or any political
33 organization espousing the cause of candidates of any other political
34 party, to which shall be annexed the oath of allegiance prescribed in
35 R.S.41:1-1 duly taken and subscribed by him before an officer
36 authorized to take oaths in this State. The person so selected shall be
37 the candidate of the party for such office at the ensuing general
38 election.

39 (cf: P.L.1988, c.126, s.1)

40
41 22. R.S.19:14-6 is amended to read as follows:

42 19:14-6. In each column, immediately below the six-point rule,
43 shall be printed the proper word or words to designate the column, to
44 be known as the "column designation."

45 In the columns at the extreme left shall be printed the name of each
46 of the political parties which made nominations at the next preceding

1 presidential primary election, during the same year such an election is
2 held, and the next preceding primary election for the general election
3 every year, directly under which shall appear the words "to vote for
4 any candidate whose name appears in the column below, mark a cross
5 x , plus + or check X in the square at the left of the name of such
6 candidate. Do not vote for more candidates than are to be elected to
7 any office." Such columns shall be three inches in width.

8 The column next to the right of such columns shall be designated
9 "personal choice," under which shall appear the words "in the blank
10 column below, under the proper title of office, the voter may write or
11 paste the name of any person for whom he desires to vote, whose
12 name is not printed on this ballot, and shall mark a cross x , plus + or
13 check X in the square at the left of such name. Do not vote for more
14 candidates than are to be elected to any office." There shall also be
15 the same instructions regarding electors of president and
16 vice-president which now appear at the head of all other columns.
17 This column shall be four inches in width.

18 The remaining column or columns, as the case may be, shall each
19 be designated "Nomination by Petition," under which shall be printed
20 the words "to vote for any candidate whose name appears in the
21 column below mark a x , plus + or check X in the square at the left of
22 the name of such candidate. Do not vote for more candidates than are
23 to be elected to any office." These columns shall be four inches in
24 width.

25 Below the column designations and accompanying instructions and
26 not more than one and one-half inches below the six-point diagram
27 rule and parallel thereto, shall be printed a six-point diagram rule
28 extending across the entire ballot from one four point rule to the other.
29 (cf: P.L.1947, c.104, s.2)

30
31 23. R.S.19:14-8 is amended to read as follows:

32 19:14-8. In the columns of each of the political parties which made
33 nominations at the next preceding primary election to the general
34 election and in the personal choice column, within the space between
35 the two-point hair line rules, there shall be printed the title of each
36 office to be filled at such election, except as hereinafter provided.

37 Such titles of office shall be arranged in the following order:
38 [electors of President and Vice-President of the United States;]
39 member of the United States Senate; Governor; member of the House
40 of Representatives; member of the State Senate; members of the
41 General Assembly; county executive, in counties that have adopted the
42 county executive plan of the "Optional County Charter Law,"
43 P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate;
44 register of deeds and mortgages; county supervisor; members of the
45 board of chosen freeholders; coroners; mayor and members of
46 municipal governing bodies, and any other titles of office. Above each

1 of such titles of office, except the one at the top, shall be printed a
2 two-point diagram rule in place of the two-point hair line rule. Below
3 the titles of such offices shall be printed the names of the candidates
4 for the offices.

5 In the columns of each of the political parties which made
6 nominations at the next preceding presidential primary election and in
7 the personal choice column, within the space between the two-point
8 hair line rules, there shall be printed the title of office for electors of
9 President and Vice President of the United States.

10 The arrangement of the names of candidates for any office for
11 which more than one are to be elected shall be determined in the
12 manner hereinafter provided, as in the case of candidates nominated by
13 petition.

14 When no nomination for an office has been made the words "No
15 Nomination Made" in type large enough to fill the entire space or
16 spaces below the title of office shall be printed upon the ballot.

17 Immediately to the left of the name of each candidate, at the
18 extreme left of each column, including the personal choice column,
19 shall be printed a square, one-quarter of an inch in size, formed by
20 two-point diagram rules. In the personal choice column no names of
21 candidates shall be printed.

22 To the right of the title of each office in the party columns and the
23 personal choice column shall be printed the words "Vote for ,"
24 inserting in words the number of persons to be elected to such office.
25 (cf: P.L.1995, c.191, s.1)

26

27 24. R.S.19:14-12 is amended to read as follows:

28 19:14-12. The county clerk shall draw lots in his county to
29 determine which columns the political parties which made nominations
30 at the next preceding presidential primary election in each presidential
31 year and at the primary election for the general election every year,
32 shall occupy on the ballot in the county. The name of the party first
33 drawn shall occupy the first column at the left of the ballot, and the
34 name of the party next drawn shall occupy the second column, and so
35 forth.

36 The position which the names of candidates, and bracketed groups
37 of names of candidates nominated by petitions for all offices, shall
38 have upon the general election ballot, shall be determined by the
39 county clerks in their respective counties.

40 The manner of drawing the lots shall be as follows: paper slips with
41 the names of each political party written thereon, shall be placed in
42 capsules of the same size, shape, color and substance and then placed
43 in a covered box with an aperture in the top large enough to admit a
44 man's hand and to allow the capsules to be drawn therefrom. The box
45 shall be well shaken and turned over to thoroughly intermingle the
46 capsules. The county clerk or his deputy shall at his office, draw from

1 the box each capsule separately without knowledge on his part as to
2 which capsule he is drawing.

3 The person making the drawing shall open the capsule and shall
4 make public announcement at the drawing of each name, the order in
5 which name is drawn and the office for which the drawing is made.

6 Where there is but one person to be elected to an office, the names
7 of the several candidates who have filed petitions for such office shall
8 be written upon paper slips and placed in separate capsules of the same
9 size, shape, color and substance. The capsules shall be placed in a
10 covered box with an aperture in the top large enough to admit a man's
11 hand and to allow the capsules to be drawn therefrom. The box shall
12 be turned and shaken thoroughly to mix the capsules and the capsules
13 shall be withdrawn one at a time.

14 When there is more than one person to be elected to an office
15 where petitions have designated that certain candidates shall be
16 bracketed, the position of such bracketed names on the ballot (each
17 bracketed group to be treated as a single name), together with
18 individuals who have filed petitions for such office, shall be determined
19 as above described.

20 Any legal voter of the county or municipality, as the case may be,
21 shall have the privilege of witnessing the drawing.

22 The name or names of the candidate or bracketed group of
23 candidates first drawn from the box shall be printed directly below the
24 proper title of the office for which they were nominated, and the name
25 or names of the candidate or bracketed group of candidates next
26 drawn shall be printed next in order, and so on, until the last name or
27 bracketed group of names shall be drawn from the box.

28 The arrangement of names of any bracketed group of candidates for
29 any office for which more than one are to be elected shall be printed
30 in the same order on the ballot as they were arranged on the petition
31 of nomination.

32 The drawing for the positions which the names of candidates and
33 bracketed groups of names of candidates, nominated by petition for
34 office, and for the columns which the political parties which made
35 nominations at the next preceding presidential primary election and the
36 preceding primary election for the general election shall occupy upon
37 the general election ballot, shall be held at 3 o'clock in the afternoon
38 of the eighty-fifth day prior to the day of the general election.

39 (cf: P.L.1977, c.431, s.1)

40

41 25. R.S.19:23-1 is amended to read as follows:

42 19:23-1. The chairman of the State committee of a political party
43 shall, on or before March 1 in the year when a Governor is to be
44 elected, notify in writing the chairman of each county committee of
45 such party of the number of male or female members or members with
46 less than one full vote to be elected from the county at the ensuing

1 primary election for the general election, and each such chairman shall,
2 on or before April 1 of such year, send a copy of such notice to the
3 county clerk.

4 The chairman of each county committee shall also, on or before
5 January 10 of each presidential year and on or before April 1 [, in each
6 year] of every other year, file with the clerks of the several
7 municipalities the number of committeemen to be elected at the
8 ensuing primary for the general election to the county committee.
9 (cf: P.L.1978, c.15, s.3)

10

11 26. R.S.19:23-24 is amended to read as follows:

12 19:23-24. The position which the candidates and bracketed groups
13 of names of candidates for the primary for the general election shall
14 have upon the ballots used for the primary election [ballots] for the
15 general election, in the case of candidates for nomination for members
16 of the United States Senate, Governor, members of the House of
17 Representatives, members of the State Senate, members of the General
18 Assembly, [choice for President, delegates and alternates-at-large to
19 the national conventions of political parties, district delegates and
20 alternates to conventions of political parties,] candidates for party
21 positions, and county offices or party positions which are to be voted
22 for by the voters of the entire county or a portion thereof greater than
23 a single municipality, including a congressional district which is wholly
24 within a single municipality, shall be determined by the county clerks
25 in their respective counties; and, excepting in counties where
26 R.S.19:49-2 applies, the position on the ballot used for the primary
27 [ballots] election for the general election in the case of candidates for
28 nomination for office or party position wherein the candidates for
29 office or party position to be filled are to be voted for by the voters of
30 a municipality only, or a subdivision thereof (excepting in the case of
31 members of the House of Representatives) shall be determined by the
32 municipal clerk in such municipalities, in the following manner: The
33 county clerk, or his deputy, or the municipal clerk or his deputy, as the
34 case may be, shall at his office on the 47th day prior to the primary
35 election for the general election at three o'clock in the afternoon draw
36 from the box, as hereinafter described, each card separately without
37 knowledge on his part as to which card he is drawing. Any legal voter
38 of the county or municipality, as the case may be, shall have the
39 privilege of witnessing such drawing. The person making the drawing
40 shall make public announcement at the drawing of each name, the
41 order in which same is drawn, and the office for which the drawing is
42 made. When there is to be but one person nominated for the office,
43 the names of the several candidates who have filed petitions for such
44 office shall be written upon cards (one name on a card) of the same
45 size, substance and thickness. The cards shall be deposited in a box
46 with an aperture in the cover of sufficient size to admit a man's hand.

1 The box shall be well shaken and turned over to thoroughly mix the
2 cards, and the cards shall then be withdrawn one at a time. The first
3 name drawn shall have first place, the second name drawn, second
4 place, and so on; the order of the withdrawal of the cards from the box
5 determining the order of arrangement in which the names shall appear
6 upon the primary election ballot. Where there is more than one person
7 to be nominated to an office where petitions have designated that
8 certain candidates shall be bracketed, the position of such bracketed
9 names on the ballot (each bracket to be treated as a single name),
10 together with individuals who have filed petitions for nomination for
11 such office, shall be determined as above described. Where there is
12 more than one person to be nominated for an office and there are more
13 candidates who have filed petitions than there are persons to be
14 nominated, the order of the printing of such names upon the primary
15 election ballots shall be determined as above described.

16 The county clerk in certifying to the municipal clerk the offices to
17 be filled and the names of candidates to be printed upon the ballots
18 used for the primary election [ballots] for the general election, shall
19 certify them in the order as drawn in accordance with the above
20 described procedure, and the municipal clerk shall print the names
21 upon the ballots as so certified and in addition shall print the names of
22 such candidates as have filed petitions with him in the order as
23 determined as a result of the drawing as above described. Candidates
24 for the office of the county executive in counties that have adopted the
25 county executive plan of the "Optional County Charter Law,"
26 P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede the candidates for
27 other county offices for which there are candidates on the ballot used
28 for the primary election [ballot] for the general election.

29 (cf: P.L.1995, c.191, s.3)

30

31 27. R.S.19:23-40 is amended to read as follows:

32 19:23-40. The presidential primary election shall be held for all
33 political parties in each presidential year on the last Tuesday in
34 February.

35 The primary election for the general election shall be held for all
36 political parties upon the Tuesday next after the first Monday in June.

37 All primary elections shall occur between the hours of 6:00 A.M.
38 and 8:00 P.M., Standard Time [. It] and shall be held for all political
39 parties in the same places as hereinbefore provided for the ensuing
40 general election.

41 (cf: P.L.2001, c.245, s.4)

42

43 28. R.S.19:23-42 is amended to read as follows:

44 19:23-42. The presidential primary election and the primary for the
45 general election shall be conducted by the district boards substantially
46 in the same manner as the general election, except as herein otherwise

1 provided.

2 Each district board may allow one member thereof at a time to be
3 absent from the polling place or room for a period not exceeding one
4 hour between the hours of one o'clock and five o'clock in the
5 afternoon or for such shorter time as it shall see fit; but at no time
6 from the opening of the polls to the completion of the canvass shall
7 there be less than a majority of the board present in the polling room
8 or place.

9 (cf: R.S.19:23-42)

10

11 29. R.S.19:23-45 is amended to read as follows:

12 19:23-45. No voter shall be allowed to vote at [the] any primary
13 election unless his name appears in the signature copy register.

14 A voter who votes in a primary election of a political party or who
15 signs and files with the municipal clerk or the county commissioner of
16 registration a declaration that he desires to vote in [the] any primary
17 election of a political party shall be deemed to be a member of that
18 party until he signs and files a declaration that he desires to vote in
19 [the] a primary election of another political party at which time he
20 shall be deemed to be a member of such other political party. The
21 [Secretary of State] Attorney General shall cause to be prepared
22 political party affiliation declaration forms and shall provide such
23 forms to the commissioners of registration of the several counties and
24 to the clerks of the municipalities within such counties.

25 No voter, except a newly registered voter at the first primary at
26 which he is eligible to vote, or a voter who has not previously voted
27 in a primary election, may vote in a primary election of a political party
28 unless he was deemed to be a member of that party on the fiftieth day
29 next preceding such primary election.

30 A member of the county committee of a political party and a public
31 official or public employee holding any office or public employment to
32 which he has been elected or appointed as a member of a political
33 party shall be deemed a member of such political party.

34 Any person voting in the primary ballot box of any political party
35 in any primary election in contravention of the election law shall be
36 guilty of a misdemeanor, and any person who aids or assists any such
37 person in such violation by means of public proclamation or order, or
38 by means of any public or private direction or suggestions, or by
39 means of any help or assistance or cooperation, shall likewise be guilty
40 of a misdemeanor.

41 (cf: P.L.1977, c.97, s.1)

42

43 30. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
44 as follows:

45 2. a. The county commissioner of registration in each of the
46 several counties, shall cause a notice to be published in each

1 municipality of their respective counties in a newspaper or newspapers
2 circulating therein. The notice to be so published shall be published
3 once during each of the 2 calendar weeks next preceding the week in
4 which the fiftieth day next preceding [the] any primary election of a
5 political party occurs.

6 b. The notice required to be published by the preceding paragraph
7 shall inform the reader thereof that no voter, except a newly registered
8 voter at the first primary at which he is eligible to vote, or a voter who
9 has not previously voted in a primary election may vote in a primary
10 election of a political party unless he was deemed to be a member of
11 that party on the fiftieth day next preceding such primary election. It
12 shall further inform the reader thereof that a voter who votes in [the]
13 any primary election of a political party or who signs and files with the
14 municipal clerk or the county commissioner of registration a
15 declaration that he desires to vote in [the] a primary election of a
16 political party shall be deemed to be a member of that party until he
17 signs and files a declaration that he desires to vote in [the] a primary
18 election of another political party at which time he shall be deemed to
19 be a member of such other political party. The notice shall also state
20 the time and location where a person may obtain political party
21 affiliation declaration forms.

22 (cf: P.L.1977, c.97, s.2)

23

24 31. R.S.19:23-46 is amended to read as follows:

25 19:23-46. Each voter offering to vote shall announce his name and
26 the party primary in which he wishes to vote. The district board shall
27 thereupon ascertain by reference to the signature copy register or the
28 primary election registry book required for either the presidential
29 primary or the primary election for the general election by this title, as
30 the case may be, and, in municipalities not having permanent
31 registration, if necessary by reference to the primary party poll books
32 of the preceding presidential primary election or primary election for
33 the general election, that such voter is registered as required by this
34 title and also that he is not ineligible or otherwise disqualified by the
35 provisions of section 19:23-45 of this title; in which event he shall be
36 allowed to vote.

37 (cf: R.S.19:23-46)

38

39 32. R.S.19:23-49 is amended to read as follows:

40 19:23-49. At the close of [the] a presidential primary election and
41 a primary election for the general election each district board shall
42 immediately proceed to count the votes cast at the election and
43 ascertain the results thereof for the candidates of each political party
44 holding such elections, proceeding in the manner indicated by the
45 statement hereinafter provided for, and as nearly as may be in the
46 manner herein required for the counting by the district board of votes

1 cast at the general election.

2 (cf: R.S.19:23-49)

3 33. R.S.19:23-58 is amended to read as follows:

4 19:23-58. Any provisions of this title which pertain particularly to
5 any election or to the general election shall apply to the presidential
6 primary election or the primary election for the general election, as the
7 case may be, in so far as they are not inconsistent with the special
8 provisions of this title pertaining to the presidential primary election
9 or the primary election for the general election.

10 (cf: R.S.19:23-58)

11

12 34. R.S.19:24-1 is amended to read as follows:

13 19:24-1. In every year in which presidential primary elections are
14 to be held as herein provided for the election of delegates and
15 alternates to the national conventions of political parties, including any
16 national mid-term convention or conference of a political party,
17 [which primary elections are to be held on the first Tuesday in June as
18 hereinbefore provided,] the chairman of the State committee of each
19 political party shall notify the [Secretary of State] Attorney General,
20 on or before [March 1] January 2 of that year, of the number of
21 delegates-at-large and the number of alternates-at-large to be elected
22 to the next national convention of such party by the voters of the
23 party throughout the State, and also of the number of delegates and
24 alternates to be chosen to such convention in the respective
25 congressional districts or other territorial subdivisions of the State as
26 mentioned in such notification.

27 If the State chairmen, or either of them, shall fail to file notice, the
28 [Secretary of State] Attorney General shall ascertain such facts from
29 the call for its national convention issued by the National or State
30 committee.

31 (cf: P.L.1978, c.15, s.5)

32

33 35. R.S.19:24-2 is amended to read as follows:

34 19:24-2. The [Secretary of State] Attorney General shall, on or
35 before [March 20] January 1 of that year, certify to the county clerk
36 and county board of each county the number of delegates and
37 alternates-at-large to be chosen by each such party and the number of
38 delegates and alternates to be chosen in each congressional district or
39 other territorial subdivision of the State, composed in whole or in part
40 of the county of such county clerk.

41 Any provisions of this Title which pertain particularly to any
42 election or to the general election or to the primary election for the
43 general election shall apply to the presidential primary election for
44 delegates and alternates to national conventions in so far as they are
45 not inconsistent with the special provisions of this Title pertaining to
46 the presidential primary election for delegates and alternates to

1 national conventions.

1 Notwithstanding any provision of this Title, national and State party
2 rules shall govern the selection of delegates and alternates to national
3 party conventions, provided the State chairman of the political party
4 notifies the [Secretary of State] Attorney General prior to [March 1]
5 January 1 of the year in which delegates and alternates are elected of
6 the applicable party rules governing the delegate selection process.
7 The [Secretary of State] Attorney General shall notify the county
8 clerks prior to [April 1] January 10 of the year in which delegates and
9 alternates are elected of the applicable party rules, if any, which apply
10 to matters within their jurisdiction. Pursuant to this section, the
11 [Secretary of State] Attorney General shall issue to the county clerks
12 uniform regulations governing the delegate selection process.
13 (cf: P.L.1976, c.9, s.1)
14

15 36. R.S.19:24-4 is amended to read as follows:

16 19:24-4. Not less than 100 members of each such political party
17 may file with the Attorney General at least 57 days prior to the
18 presidential primary election [for the general election] in any year of
19 a national convention a petition requesting that the name of a person
20 therein indorsed shall be printed on the presidential primary ticket of
21 such political party as candidate for the position of delegate-at-large
22 or alternate-at-large, to be chosen by the party voters throughout the
23 State to the national convention of that party, or as a delegate or
24 alternate to be chosen to that convention by the voters of any
25 congressional district.

26 The signers to the petition for any delegate-at-large or
27 alternate-at-large shall be legal voters resident in the State; and the
28 signers for any delegate or alternate from any Congressional district
29 shall be voters of such district.

30 The Attorney General shall not later than the 48th day preceding
31 the presidential primary election [for the general election] certify to
32 each county clerk and county board such nominations for delegates
33 and alternates-at-large and the nominations for delegate or alternate
34 for any Congressional district.

35 (cf: P.L.2001, c.211, s.2)
36

37 37. R.S.19:25-3 is amended to read as follows:

38 19:25-3. Not less than one thousand voters of any political party
39 may file a petition with the Attorney General on or before the 57th day
40 before a presidential primary election [in any year in which a President
41 of the United States is to be chosen], requesting that the name of the
42 person indorsed therein as a candidate of such party for the office of
43 President of the United States shall be printed upon the official
44 presidential primary ballot of that party for the then ensuing election
45 for delegates and alternates to the national convention of such party.

1 The petition shall be prepared and filed in the form and manner
2 herein required for the indorsement of candidates to be voted for at the
3 primary election for the general election, except that the candidate
4 shall not be permitted to have a designation or slogan following his
5 name, and that it shall not be necessary to have the consent of such
6 candidate for President indorsed on the petition.

7 (cf: P.L.2001, c.211, s.3)

8

9 38. R.S.19:25-4 is amended to read as follows:

10 19:25-4. The [Secretary of State] Attorney General shall certify
11 the names so indorsed to the county clerk of each county not later than
12 the 48th day before such presidential primary election, but if any
13 person so indorsed shall on or before such date decline in writing, filed
14 in the office of the [Secretary of State] Attorney General, to have his
15 name printed upon the presidential primary election ballot as a
16 candidate for President, the [Secretary of State] Attorney General
17 shall not so certify such name.

18 (cf: P.L.1985, c.92, s.24)

19

20 39. R.S.19:26-1 is amended to read as follows:

21 19:26-1. At the close of all primary elections held according to the
22 provisions of this title, and after counting the ballots cast at such
23 primary and making the statements thereof as herein provided, each
24 district board shall place all ballots voted at the election and all spoiled
25 and unused ballots inside the ballot boxes used at such election, and
26 after locking and sealing the same, shall forthwith deliver the ballot
27 boxes to the municipal clerk and the keys thereof to the county clerk.
28 The [district board in municipalities not having permanent registration
29 shall deliver to the county clerk the party primary poll books of the
30 previous year, together with the primary election registry books and
31 the primary party poll books made up at the current primary election.
32 In all municipalities having permanent registration, the] signature copy
33 register binders and the current primary party poll books used at any
34 primary election shall be returned by the district boards to the
35 commissioner, not later than noon of the day following the preceding
36 primary election [for the general election].

37 The commissioner shall return the primary party poll books used at
38 any primary election to the municipal clerks [in municipalities having
39 permanent registration] not later than one month preceding the next
40 primary election.

41 [In all municipalities not having permanent registration the register
42 of voters shall be returned by the district boards to the county clerk
43 not later than the day following the primary election for the general
44 election.]

45 The county clerks, in counties other than counties of the first class,

1 shall, during the ten days next preceding the third registry day deliver,
2 at their offices or in any other way they may see fit, the register of
3 voters to the respective district boards.

4 The county clerks in counties of the first class shall deliver the
5 register of voters to the municipal clerks, who shall deliver such
6 register to the district boards at the same time and with the official
7 general election sample ballots.

8 (cf: R.S.19:26-1)

9

10 40. R.S.19:27-11 is amended to read as follows:

11 19:27-11. In the event of any vacancy in any county or municipal
12 office, except for the office of a member of the board of chosen
13 freeholders, which vacancy shall occur after the 11th day preceding the
14 last day for filing petitions for nominations for the primary election for
15 the general election and on or before the 51st day preceding the
16 general election, each political party may select a candidate for the
17 office in question in the manner prescribed in R.S.19:13-20 for
18 selecting candidates to fill vacancies among candidates nominated at
19 primary elections to the general elections. A statement of such
20 selection shall be filed with the county clerk not later than the close of
21 business of the 48th day preceding the date of the general election.

22 Besides the selection of candidates by each political party as before
23 provided, candidates may also be nominated by petition in a similar
24 manner as herein provided for direct nomination by petition for the
25 general election but the petition shall be filed with the county clerk at
26 least 48 days prior to such general election.

27 When the vacancy occurs in a county office the county clerk shall
28 forthwith give notice thereof to the chairman of the county committee
29 of each political party and in counties of the first class to the county
30 board, and in case the vacancy occurs in a municipal office the
31 municipal clerk shall forthwith give notice thereof to the county clerk,
32 the chairman of the county committee of each political party and in
33 counties of the first class the county board.

34 The county clerk shall print on the ballots for the territory affected,
35 in the personal choice column, the title of office and leave a proper
36 space under such title of office; and print the title of office and the
37 names of such persons as have been duly nominated, in their proper
38 columns.

39 (cf: P.L.1990, c.33, s.1)

40

41 41. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
42 read as follows:

43 7. When any vacancy happens in the Legislature otherwise than by
44 expiration of term, it shall be filled by election for the unexpired term
45 only at the next general election occurring not less than 51 days after
46 the occurrence of the vacancy, except that no such vacancy shall be

1 filled at the general election which immediately precedes the expiration
2 of the term in which the vacancy occurs. In the event a vacancy
3 eligible to be filled by election hereunder occurs on or before the sixth
4 day preceding the last day for filing petitions for nomination for the
5 primary election, such petitions may be prepared and filed for
6 nomination in that primary election in the manner provided by article
7 3 of chapter 23 of this Title. In the event the vacancy occurs after that
8 sixth day preceding the last day for filing petitions for nomination for
9 the primary election for the general election, a political party may
10 select a candidate for the office in question in the manner prescribed
11 in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill
12 vacancies among candidates nominated at primary elections for the
13 general elections. A statement of such selection under R.S.19:13-20
14 shall be filed with the [Secretary of State] Attorney General not later
15 than the 48th day preceding the date of the general election.

16 Besides the selection of candidates by each political party,
17 candidates may also be nominated by petition in a manner similar to
18 direct nomination by petition for the general election; but if the
19 candidate of any party to fill the vacancy will be chosen at a primary
20 election, such petition shall be filed with the [Secretary of State]
21 Attorney General at least 55 days prior to the primary election; and if
22 no candidate of any party will be chosen at a primary election, such
23 petition shall be filed with the [Secretary of State] Attorney General
24 not later than 12 o'clock noon of the day on which the first selection
25 meeting by any party is held under this section to select a nominee to
26 fill the vacancy.

27 When the vacancy occurs in the Senate or General Assembly, the
28 county clerk of each county which is comprised in whole or part in the
29 Senate or General Assembly district shall forthwith give notice thereof
30 to the chairman of the county committee of each political party and in
31 counties of the first class to the county board.

32 The county clerk shall print on the ballots for the territory affected,
33 in the personal choice column, the title of office and leave a proper
34 space under such title of office; and print the title of office and the
35 names of such persons as have been duly nominated, in their proper
36 columns.

37 (cf: P.L.1990, c.56, s.2)

38

39 42. R.S.19:28-1 is amended to read as follows:

40 19:28-1. When any candidate at any election shall have reason to
41 believe that an error has been made by any district board or any board
42 of canvassers in counting the vote or declaring the vote of any
43 election, he may, on or before the [second Saturday] Friday following
44 such election, in the case of the primary election for the general
45 election, or on or before the second Saturday following the election in
46 the case of any other election, or declaration of any board of

1 canvassers, apply to a judge of the Superior Court assigned to the
2 county wherein such district or districts are located, for a recount of
3 the votes cast at the election in any district or districts.

4 When ten voters at any election shall have reason to believe that an
5 error has been so made in counting or declaring the vote upon any
6 public question at any election, such voters may, within a like time,
7 make like application for a like recount of the votes cast at the election
8 on such public question.

9 (cf: P.L.1991, c.91, s.247)

10
11 43. R.S.19:29-3 is amended to read as follows:

12 19:29-3. The petition contesting any nomination to public office,
13 election to party office or position, election as a delegate in a
14 presidential primary or the proposal of any proposition shall be filed
15 not later than 10 days after the primary election.

16 The petition contesting any election to public office or approval or
17 disapproval of any proposition shall be filed not later than 30 days
18 after such election, unless the ground of action is discovered from the
19 statements, deposit slips or vouchers filed under this Title, subsequent
20 to such primary or other election, in which event such petition may be
21 filed 10 or 30 days respectively after such statements, deposit slips or
22 vouchers are filed.

23 Any petition of contest may be filed within 10 days after the result
24 of any recount has been determined or announced.

25 (cf: P.L.1956, c.128, s.3)

26
27 44. R.S.19:31-16 is amended to read as follows:

28 19:31-16. a. The health officer or other officer in charge of
29 records of death in each municipality shall file with the commissioner
30 of registration for the county in which the municipality is located once
31 each month, during the first five days thereof, the age, date of death,
32 and the names and addresses of all persons 18 years of age or older
33 who have died within such municipality during the previous month.
34 Within 30 days after the receipt of such list the commissioner shall
35 make and complete such investigation as is necessary to establish to
36 his satisfaction that such deceased person is registered as a voter in the
37 county. If such fact is so established, the commissioner shall cause the
38 registration and record of voting forms of the deceased registrant to
39 be transferred to the death file as soon as possible. If the deceased
40 person was not so registered in the county, but the person maintained
41 a residence in another county of this State, the officer in charge of
42 records of death in the municipality in which the decedent died shall
43 forward a copy of the notice of death to the officer in charge of
44 records of death in the municipality in which the decedent resided.
45 That officer having received the notice shall notify the commissioner
46 of the county in which that municipality is located of the death of the

1 person. Any commissioner who receives such notification shall
2 undertake the procedures prescribed herein with respect to the
3 registration in that county of the decedent.

4 b. The State registrar of vital statistics shall file with the
5 commissioner of registration of each county no later than January 15
6 of each presidential year and no later than May 1 of [each] every
7 other year an alphabetized list of the name, address, and date of birth,
8 if available, of each resident of the county 18 years of age or older
9 who died during the previous year. Within 30 days after the receipt of
10 the list the commissioner shall undertake and complete such
11 investigation as is necessary to establish that each person on the list is
12 not registered as a voter in the county. The commissioner shall cause
13 the registration and record of voting forms of any deceased registrant
14 found on the list to be transferred to the death file as soon as possible.
15 (cf: P.L.1999, c.232, s.31; s.34)

16

17 45. R.S.19:31-20 is amended to read as follows:

18 19:31-20. On or before the second Monday preceding the
19 presidential primary election, the primary election for the general
20 election and the general election, respectively, the commissioner in
21 counties not having a superintendent of elections, shall deliver to the
22 municipal clerk in each municipality the signature copy registers for
23 each election district in such municipality and shall take a receipt for
24 same. The municipal clerk shall thereupon deliver at his office, or in
25 any other way he sees fit, such registers to a member or members of
26 the proper district boards at the same time and together with the
27 primary [for the general election] sample ballots or the general
28 election sample ballots, as the case may be. The registers shall be used
29 by the district boards on election days and for the purpose of mailing
30 the sample ballots. The commissioner in counties having a
31 superintendent of elections shall deliver such registers at his office, or
32 in any other way he may see fit, to the various district boards, taking
33 a receipt for same.

34 Before delivering the registers the commissioner shall cause to be
35 printed upon a separate sheet or sheets of paper, to be inserted inside
36 of the front cover of such registers in conspicuous type, such
37 instructions to election officers regarding the use and disposition of
38 the binders and forms as he deems necessary.

39 (cf: P.L.1947, c.168, s.22)

40

41 46. R.S.19:31-21 is amended to read as follows:

42 19:31-21. A person whose name appears in the signature copy
43 register and who upon applying for a ballot or voting authority shall
44 have given the information and signed the signature comparison record
45 as provided in this Title and whose signature in the signature
46 comparison record shall have been compared by a member of the

1 district board and in the presence and view of the challengers with the
2 signature of the applicant as recorded in the register shall be eligible
3 to receive a ballot or voting authority unless it be shown to the
4 satisfaction of a majority of the members of the district board that he
5 is not entitled to vote in the district or has otherwise become
6 disqualified.

7 No person shall be required to sign the signature comparison record
8 as a means of identification if he shall have been unable to write his
9 name when he registered, or if, having been able to write his name
10 when registered, he subsequently shall have lost his sight or lost the
11 hand with which he was accustomed to write or shall by reason of
12 disease or accident be unable to write his name when he applies to
13 vote, but each such person shall establish his identity in the manner
14 provided in this Title.

15 In addition to signing the signature comparison record and after the
16 comparison of the signature with the signature in the register, a person
17 offering to vote at [a] the presidential primary election or the primary
18 election for the general election, ~~as the case may be,~~ shall announce his
19 name and the party primary in which he wishes to vote.

20 After a person has voted the member of the district board having
21 charge of the signature copy registers shall place the number of the
22 person's ballot in the proper column on the record of voting form of
23 such person, which number shall constitute a record that the person
24 has voted. In the case of [a] the presidential primary election or the
25 primary election for the general election such member of the district
26 board shall also place in the proper column on the record of voting
27 form the first three letters of the name of the political party whose
28 primary ballot such person has voted.

29 In the event that the duplicate permanent registration form of any
30 person cannot be found in the signature copy register at the time he
31 applies for a ballot or voting authority, a member of the district board
32 shall promptly ascertain from the commissioner or a duly authorized
33 clerk if such person is permanently registered. Upon information that
34 such is the fact, such member of the district board shall require the
35 person applying for a ballot or voting authority to obtain an order
36 from the commissioner authorizing him to receive a ballot or voting
37 authority. The commissioner shall specially authorize and deputize
38 clerks to issue such orders in municipalities within his county. The
39 commissioner or his clerk shall require the voter to sign his name upon
40 such order for the purpose of signature comparison. The district
41 board shall require the voter to again sign his name on said order, in
42 the presence of the board, and if the signatures compare, to permit him
43 to vote. At primary elections the commissioner or his duly authorized
44 clerk shall endorse on the order the political party whose ballot such
45 person voted at the last preceding primary election. The order shall be

1 returned to the commissioner at the same time and along with the
2 signature copy registers.
3 (cf: P.L.1945, c.77, s.1)

4

5 47. R.S.19:31-22 is amended to read as follows:

6 19:31-22. Not later than noon of the day following the canvass of
7 the votes cast at the presidential primary election, the primary election
8 for the general election or the general election, the signature copy
9 registers shall be returned by each district board to the commissioner
10 at his office or in any other way as the commissioner may see fit.

11 Upon receipt of the registers the commissioner shall inspect them
12 and verify from the party primary poll books and the general election
13 poll books, as the case may be, that the entries required to be made on
14 the record of voting forms in such registers by the district boards have
15 been made. If the commissioner shall ascertain that such entries have
16 not been made or have been improperly made, he shall cause such
17 entries and corrections to be made forthwith and also notify the county
18 board of such failure of duty and the members of such district board
19 who have so failed in their duty and shall be ineligible for appointment
20 as members of any district board thereafter.

21 (cf: P.L.1965, c.106, s.1)

22

23 48. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to read
24 as follows:

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

1 board of elections, as the case may be, for two years after the election
2 for which it was filed.

3 (cf: P.L.1991, c.249, s.9)

4

5 49. R.S.19:45-6 is amended to read as follows:

6 19:45-6. The compensation of each member of the district boards
7 for all services performed by them under the provisions of this Title
8 shall be as follows:

9 In all counties, for all services rendered including the counting of
10 the votes, and in counties wherein voting machines are used, the
11 tabulation of the votes registered on the voting machines, and the
12 delivery of the returns, registry binders, ballot boxes and keys for the
13 voting machines to the proper election officials, \$200 each time [the]
14 any primary election, the general election or any special election is
15 held under this Title; provided, however, that:

16 a. (1) The member of the board charged with the duty of obtaining
17 and signing for the signature copy registers shall receive an additional
18 \$12.50 per election, such remuneration being limited to only one board
19 member per election, or \$6.25 to each of two board members if they
20 share such responsibility for the signature copy registers, and (2) the
21 member of the board charged with the duty of returning the signature
22 copy registers shall receive an additional \$12.50 per election, such
23 remuneration being limited to only one board member per election, or
24 \$6.25 to each of two board members if they share such responsibility
25 for the signature copy registers;

26 b. In the case of any member of the board who is required under
27 R.S.19:50-1 to attend in a given year a training program for district
28 board members, but who fails to attend such a training program in that
29 year, that compensation shall be \$50.00 for each of those elections;

30 c. In counties wherein voting machines are used no compensation
31 shall be paid for any services rendered at any special election held at
32 the same time as any primary or general election. Such compensation
33 shall be in lieu of all other fees and payments; and

34 d. Compensation for district board members serving at a school
35 election shall be paid by the board of education of the school district
36 conducting the election at an hourly rate of \$5.77, except that the
37 board of education may compensate such district board members at a
38 pro-rated hourly rate consistent with the daily rate up to a maximum
39 of \$14.29. The provisions of subsections a., b., and c. of this section
40 shall also apply to district board members serving at a school election,
41 except that in the case of subsection b., the compensation shall be at
42 an hourly rate of \$3.85.

43 Compensation due each member shall be paid within 30 days but
44 not within 20 days after each election; provided, however, that no
45 compensation shall be paid to any member of any such district board
46 who may have been removed from office or application for the

1 removal of whom is pending under the provisions of R.S.19:6-4.
2 (cf: P.L.2001, c.245, s.9)

3

4 50. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to read
5 as follows:

6 1. In all counties wherein voting machines are used the county
7 board of elections shall furnish for use in each election district at any
8 election, a sufficient number of voting authorities in substantially the
9 following form:

10	City of		City of	
11	Ward	District	Ward	District
12	Election Held		Election Held	
13	..... day of	19...	..... day of	19
14	Voting Authority		Voting Authority	
15	No.		No.	
16	.....		.....
17	Signature of Voter.		.....

18 This certificate must be handed
19 to the election officer in charge
20 of the voting machines in order to
21 vote.

22

23 County Board of Elections
24 Clerk.

25 The voting authorities shall be numbered consecutively, be bound
26 together in pads and shall be printed in two parts and perforated so
27 that one part may be given to the voter who shall return the same to
28 the district election officials in charge of the operation of the voting
29 machine in order that such official shall be able to place the same in
30 consecutive order on a string or wire. The other part of the voting
31 authority shall be signed by the voter in his own handwriting before he
32 be permitted to vote and shall remain bound in the pad. All pads
33 containing the portions of the voting authorities on which the names
34 of the persons who have voted have been signed, together with that
35 portion of the voting authority which has been placed on a wire or
36 string shall be returned to the commissioner of registration of the
37 county, who shall keep them for a period of at least six months.

38 At any presidential primary election or primary election for the
39 general election, each voting authority shall be marked to indicate the
40 party primary in which the voter signing the same voted and the used
41 voting authorities shall be strung in such a manner so that those used
42 in one party primary shall remain separate from those used in the other
43 party primary.

44 (cf: P.L.1992, c.3, s.9)

1 51. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read
2 as follows:

3 7. a. (1) The county clerk or the municipal clerk, in the case of a
4 municipal election, shall arrange for the preparation of a provisional
5 ballot packet for each election district. It shall include the appropriate
6 number of provisional ballots, the appropriate number of envelopes
7 with an affirmation statement and one provisional ballot inventory
8 form affixed to the provisional ballot bag. The clerk shall arrange for
9 the preparation of and placement in each provisional ballot bag of a
10 provisional ballot packet and an envelope containing a numbered seal.
11 The envelope shall contain, on its face, the instructions for the use of
12 the seal, the number and the election district location of the provisional
13 ballot bag, and the identification numbers of the seal placed in the
14 envelope. Each provisional ballot bag shall be sealed with a numbered
15 security seal before being forwarded to the appropriate election
16 district.

17 (2) Each provisional ballot bag and the inventory of the contents
18 of each such bag shall be delivered to the designated polling place no
19 later than the opening of the polls on the day of an election.

20 b. The county clerk or the municipal clerk, in the case of a
21 municipal election, shall arrange for the preparation of the envelope
22 and affirmation statement that is to accompany each provisional ballot.
23 The envelope shall be of sufficient size to accommodate the
24 provisional ballot, and the affirmation statement shall be affixed
25 thereto in a manner that enables it to be detached once completed and
26 verified by the county commissioner of registration. The statement
27 shall require the voter to provide the voter's name, and to indicate
28 whether the voter is registered to vote in a county but has moved
29 within that county since registering to vote; or is registered to vote in
30 the election district in which that polling place is located but the
31 voter's registration information is missing or otherwise deficient. The
32 statement shall further require the voter to provide the voter's most
33 recent prior voter registration address and address on the day of the
34 election and date of birth. The statement shall include the statement:
35 "I swear or affirm, that the foregoing statements made by me are true
36 and correct and that I understand that any fraudulent voting may
37 subject me to a fine of up to \$1,000, imprisonment up to five years or
38 both, pursuant to R.S.19:34-11." It shall be followed immediately by
39 spaces for the voter's signature and printed name, and in the case of a
40 name change, the voter's printed old and new name and a signature for
41 each name, the date the statement was completed, political party
42 affiliation, if used in a primary election, and the name of the person
43 providing assistance to the voter, if applicable. Each statement shall
44 also note the number of the election district, or ward, and name of the
45 municipality at which the statement will be used.

1 c. For the primary for the general election, the provisional ballots
2 shall be printed in ink on paper of a color that matches the color of the
3 voting authority, which shall indicate the party primary of the voter.
4 The provisional ballots shall be uniform in size, quality and type and
5 of a thickness that the printing thereon cannot be distinguished from
6 the back of the paper, and without any mark, device or figure on the
7 front or back other than as provided in P.L.1999, c.232 (C.19:53C-1
8 et al.). Each such ballot shall include near the top thereof and in large
9 type the designation PROVISIONAL BALLOT. In all other respects,
10 the provisional ballots shall conform generally to the other ballots to
11 be used in the election district for the primary election.

12 The clerk of the county or municipality shall arrange for the
13 preparation of each provisional ballot package with an appropriate
14 number of provisional ballots for each political party and a
15 corresponding number of envelopes with affirmation statements.
16 Additional provisional ballots and envelopes shall be available for
17 delivery to that election district on the day of the election, if necessary.

18 d. For the general election the provisional ballots shall be printed
19 in ink. The provisional ballots shall be uniform in size, quality and
20 type and of a thickness that the printing thereon cannot be
21 distinguished from the back of the paper, and without any mark,
22 device or figure on the front or back other than as provided in this act.
23 Each such ballot shall include near the top thereof and in large type the
24 designation PROVISIONAL BALLOT. In all other respects, the
25 provisional ballots shall conform generally to the other ballots to be
26 used in the election district for the general election.

27 The clerk of the county or municipality shall arrange for the
28 preparation of each provisional ballot package with an appropriate
29 number of provisional ballots and a corresponding number of
30 envelopes with affirmation statements. Additional provisional ballots
31 and envelopes shall be available for delivery to that election district on
32 the day of the election, if necessary.

33 e. For a school election the provisional ballots shall be printed in
34 ink. The provisional ballots shall be uniform in size, quality and type
35 and of a thickness that the printing thereon cannot be distinguished
36 from the back of the paper, and without any mark, device or figure on
37 the front or back other than as provided in this act. Each such ballot
38 shall include near the top thereof and in large type the designation
39 PROVISIONAL BALLOT. In all other respects, the provisional
40 ballots shall conform generally to the other ballots to be used in the
41 election district for the school election.

42 The clerk of the county shall arrange for the preparation of each
43 provisional ballot package with an appropriate number of provisional
44 ballots and a corresponding number of envelopes with affirmation
45 statements. Additional provisional ballots and envelopes shall be
46 available for delivery to that election district on the day of the election,
47 if necessary.

1 f. For the presidential primary election, the provisional ballots shall
2 be printed in ink on paper of a color that matches the color of the
3 voting authority, which shall indicate the presidential primary of the
4 voter. The provisional ballots shall be uniform in size, quality and type
5 and of a thickness that the printing thereon cannot be distinguished
6 from the back of the paper, and without any mark, device or figure on
7 the front or back other than as provided in P.L.1999, c.232
8 (C.19:53C-1 et al.). Each such ballot shall include near the top thereof
9 and in large type the designation PROVISIONAL BALLOT. In all
10 other respects, the provisional ballots shall conform generally to the
11 other ballots to be used in the election district for the primary election
12 for the general election.

13 The clerk of the county or municipality shall arrange for the
14 preparation of each provisional ballot package with an appropriate
15 number of provisional ballots for each political party and a
16 corresponding number of envelopes with affirmation statements.
17 Additional provisional ballots and envelopes shall be available for
18 delivery to that election district on the day of the election, if necessary.
19 (cf: P.L.1999, c.232, s.7)

20

21 52. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read
22 as follows:

23 2. Whenever used in this act, the following terms shall, unless the
24 context indicates otherwise, be construed to have the following
25 meanings:

26 "Absentee ballot" means any military service ballot or civilian
27 absentee ballot as herein defined.

28 "Absentee voter" means any person qualified to vote a military
29 service ballot or a civilian absentee ballot under the provisions of this
30 act.

31 "Armed Forces of the United States" means any branch or
32 department of the United States Army, Navy, Air Force, Coast Guard
33 or Marine Corps.

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

36 "Civilian absentee voter" means any qualified and registered voter
37 of the State who expects to be absent from the State on the day of any
38 election and any qualified and registered voter who will be within the
39 State on the day of any election but because of illness or physical
40 disability, including blindness or pregnancy, or because of the
41 observance of a religious holiday pursuant to the tenets of his religion,
42 or because of resident attendance at a school, college or university, or
43 because of the nature and hours of his employment, will be unable to
44 cast his ballot at the polling place in his election district on the day of
45 the election.

1 "Election," "general election," "primary election for the general
2 election," "presidential primary election," "municipal election," "school
3 election," and "special election" shall mean, respectively, such
4 elections as defined in the Title to which this is a supplement
5 (R.S.19:1-1 et seq.).

6 "Family member" means an adult who is a spouse, parent, child,
7 grandparent, grandchild or sibling of a voter, whether by adoption or
8 natural relationship. It shall also include any adult occupant regularly
9 living with a voter in any residential building or part of a building
10 intended for the use of no more than one family.

11 "Incapacitated absentee voter" means a voter who, due to
12 incapacity, is unable to complete his ballot.

13 "Military service" means active service by any person, as a member
14 of any branch or department of the United States Army, Navy, Air
15 Force, Coast Guard or Marine Corps, or as a member of the maritime
16 or merchant marine service, or as a reservist absent from his place of
17 residence and undergoing training under Army, Navy, Air Force, Coast
18 Guard or Marine Corps direction, at a place other than that of such
19 person's residence.

20 "Military service voter" means a qualified elector under the
21 Constitution and the laws of this State who comes within one of the
22 following categories:

23 (a) Persons in the military service and their spouses and
24 dependents.

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

29 (c) Civilians attached to or serving with the Armed Forces of the
30 United States without this State and their spouses and dependents
31 when residing with or accompanying them.

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

34 "Member of the maritime or merchant marine service" means any
35 person employed as an officer or crew member of a vessel documented
36 under the laws of the United States, or a vessel owned by the United
37 States, or a vessel of foreign-flag registry under charter to or control
38 of the United States or enrolled with the United States for employment
39 or training for employment, or maintained by the United States for
40 emergency relief service as an officer or crew member of any such
41 vessel or any such person as otherwise defined in section 107 of
42 Pub.L.99-410, the "Uniformed and Overseas Citizens Absentee Voting
43 Act," (42 U.S.C.1973ff-6).

44 (cf: P.L.1995, c.278, s.22)

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

3 7. The county clerk of the county, in the case of any Statewide
4 election, countywide election, or school election in a regional or other
5 school district comprising more than one municipality; the clerk of the
6 municipality, in the case of any municipal election or school election
7 in a school district comprising a single municipality; and the
8 commissioners or other governing or administrative body of the
9 district, in the case of any election to be held in any fire district, road
10 district, sewerage district, street lighting district, water supply district
11 or other special district, other than a municipality, created for specified
12 public purposes within one or more municipalities, shall publish or
13 cause to be published the following notices in substantially the
14 following forms:

15 NOTICE TO MILITARY SERVICE VOTERS AND
16 TO THEIR RELATIVES AND FRIENDS

17 If you are in the military service, or the spouse or dependent of a
18 person in military service or are a patient in a veterans' hospital or a
19 civilian attached to or serving with the Armed Forces of the United
20 States without the State of New Jersey, or the spouse or dependent of
21 and accompanying or residing with a civilian attached to or serving
22 with the Armed Forces of the United States, and desire to vote, or if
23 you are a relative or friend of any such person who, you believe, will
24 desire to vote in the (school, municipal,
25 primary, presidential primary, general or other) election to be held on
26 (date of election) kindly write to the undersigned at
27 once making application for a military service ballot to be voted in said
28 election to be forwarded to you, stating your name, age, serial number
29 if you are in military service, home address and the address at which
30 you are stationed or can be found, or if you desire the military service
31 ballot for a relative or friend then make application under oath for a
32 military service ballot to be forwarded to him, stating in your
33 application that he is over the age of 18 years and stating his name,
34 serial number if he is in military service, home address and the address
35 at which he is stationed or can be found.

36 Military service voters may also apply for a military service ballot
37 by sending a federal postcard application form to the undersigned.

38 On the application for a military service ballot, military service
39 voters may request that a military service ballot be sent for all
40 subsequent elections held during this calendar year.

41 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
42 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
43 NOT USE MILITARY ABSENTEE BALLOT UNLESS
44 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
45 STATION IS LOCATED.)

1 Forms of application other than federal postcard application forms
2 can be obtained from the undersigned. Dated
3

4 (signature and title of county clerk)
5

6 (address of county clerk)

7 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
8 BALLOTS

9 If you are a qualified and registered voter of the State who expects
10 to be absent outside the State on(date of election) or a
11 qualified and registered voter who will be within the State on
12 (date of election) but because of permanent and
13 total disability, or because of illness or temporary physical disability,
14 or because of the observance of a religious holiday pursuant to the
15 tenets of your religion, or because of resident attendance at a school,
16 college, or university, or because of the nature and hours of
17 employment, will be unable to cast your ballot at the polling place in
18 your district on said date, and you desire to vote in the
19 (school, municipal, primary, presidential primary,
20 general, or other) election to be held on (date of election)
21 kindly complete the application form below and send to the
22 undersigned, or write or apply in person to the undersigned at once
23 requesting that a civilian absentee ballot be forwarded to you. Such
24 request must state your home address, and the address to which said
25 ballot should be sent, and must be signed with your signature, and
26 state the reason why you will not be able to vote at your usual polling
27 place. No civilian absentee ballot will be furnished or forwarded to
28 any applicant unless request therefor is received not less than seven
29 days prior to the election, and contains the foregoing information.

30 Voters who are permanently and totally disabled shall, after their
31 initial request and without further action on their part, be forwarded
32 an absentee ballot application by the county clerk for all future
33 elections in which they are eligible to vote. Permanently and totally
34 disabled voters also have the option of indicating on their absentee
35 ballot applications that they would prefer to receive absentee ballots
36 for each election that takes place during the remainder of this calendar
37 year. Permanently and totally disabled voters who exercise this option
38 will be furnished with absentee ballots for each election that takes
39 place during the remainder of this calendar year, without further action
40 on their part. Application forms may be obtained by applying to the
41 undersigned either in writing or by telephone, or the application form
42 provided below may be completed and forwarded to the undersigned.
43 Dated

44 (signature and title of county clerk)
45

46 (address of county clerk)

47

1 (Telephone No. of county clerk)

2 APPLICATION FORM FOR CIVILIAN

3 ABSENTEE BALLOT

4 (Form to be prepared by the Attorney General pursuant to section
5 17 of P.L.1977, c.47 (C.19:57-4.1)).

6 Such notices shall be separately published prior to the 50th day
7 immediately preceding the holding of any election.

8 Notices relating to any Statewide or countywide election shall be
9 published by the county clerk in at least two newspapers published in
10 the county. All other officials charged with the duty of publishing
11 such notices shall publish the same in at least one newspaper published
12 in each municipality or district in which the election is to be held or if
13 no newspaper be published in said municipality or district, then in a
14 newspaper published in the county and circulating in such municipality,
15 municipalities or district. All such notices shall be display
16 advertisements.

17 (cf: P.L.2000, c.86, s.2)

18

19 54. Section 8 of P.L.1953, c.211 (C.19:57-8) is amended to read
20 as follows:

21 8. Each county clerk shall cause to be printed sufficient military
22 service ballots and civilian absentee ballots for each presidential
23 primary election, primary election for the general election, and for the
24 general election, and there shall be furnished to the said county clerk
25 of the county, as expeditiously as possible before the day fixed for
26 holding any other election within the county, by the officer whose duty
27 it shall be to provide the official ballots for such election, sufficient
28 military service ballots and civilian absentee ballots. Along with all
29 such ballots for all elections there shall also be furnished by such
30 county clerk or other official, inner and outer envelopes and printed
31 directions for the preparation and transmitting of such ballots, for use
32 in such election within the county and all expenses of mailing such
33 ballots shall be paid in the same manner as other expenses of said
34 election are paid.

35 The absentee ballots used in counties which do not use any type of
36 computer punch cards as absentee ballots shall be printed on paper
37 different in color from that used for [the] any primary or general
38 election ballot, but in all other respects, shall be as nearly as possible
39 facsimiles of the election ballot to be voted at such election, as
40 prescribed by the county clerk and in conformity with the provisions
41 of this act.

42 (cf: P.L.1994, c.77, s.12)

43

44 55. Section 15 of P.L.1953, c.211 (C.19:57-15) is amended to read
45 as follows:

1 member may also assist you in doing so.

2 (SIGNATURE of voter)

3

4 Any person providing assistance shall complete the following:

5

6 I do hereby certify that I am the person who provided assistance to
7 this voter and declare that I will maintain the secrecy of this ballot.

8

.....

9 (SIGNATURE of person
10 providing assistance)

11

12

.....

13 (PRINTED name of person
14 providing assistance)

15

16

.....

17

.....

18 (address of person providing
19 assistance)

20

21 Upon the margin of the flap on the inner envelope forwarded with
22 any civilian absentee ballot intended to be voted in any presidential
23 primary election or primary election for the general election, as the
24 case may be, there shall be printed a certificate in the following form:

25

CERTIFICATE OF CIVILIAN ABSENTEE VOTER

26

27 I,, whose home address is

28 (PRINT your name clearly) (street

29

30, DO HEREBY CERTIFY,

31 address or R.D. number) (municipality) subject to the penalties for
32 fraudulent voting, that I marked this ballot for the primary election of
33 the (name of party) political party.

34 I am the person who applied for the enclosed ballot. I MARKED
35 AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET.
36 However, a family member may assist you in doing so. If you are an
37 incapacitated absentee voter, a person other than a family member may
38 also assist you in doing so.

39

.....

40 (SIGNATURE of voter)

41

42 Any person providing assistance shall complete the following:

43

44 I do hereby certify that I am the person who provided assistance to
45 this voter and declare that I will maintain the secrecy of this ballot.

46

.....

47 (SIGNATURE of person providing

1 assistance)
 2
 3
 4 (PRINTED name of person
 5 providing assistance)
 6
 7
 8
 9 (address of person providing
 10 assistance)

11 (cf: P.L.1994, c.77, s.14)

12

13 57. Section 23 of P.L.1953, c.211 (C.19:57-23) is amended to read
14 as follows:

15 23. Any absentee voter shall be entitled to mark any absentee
 16 ballot, so forwarded to him, for voting at any election by indicating his
 17 choice of candidates for the offices named, and as to public questions,
 18 if any, stated thereon, in accordance with the election laws of this
 19 State, except that in such ballots to be voted in any presidential
 20 primary election or primary election for the general election, as the
 21 case may be, his choice shall be limited to the candidates of his
 22 political party or to any person or persons whose names are written
 23 thereon by him. When so marked, such ballot shall be placed in said
 24 inner envelope, which shall then be sealed, and the voter shall then fill
 25 in the form of certificate attached to said inner envelope, at the end of
 26 which he shall sign and print his name in his own handwriting. The
 27 inner envelope with the certificate shall then be placed in said outer
 28 envelope, which shall then be sealed.

29 No absentee voter shall permit any person in any way, except as
 30 provided hereafter, to unseal, mark or inspect his ballot, interfere with
 31 the secrecy of his absentee ballot vote, complete or sign the certificate,
 32 or seal the inner or outer envelope, nor shall any person do so.

33 An absentee voter shall be entitled to assistance from a family
 34 member in performing any of the actions above. An incapacitated
 35 absentee voter shall also be entitled to assistance from a person other
 36 than a family member in performing any of such actions. The family
 37 member or other person providing such assistance shall certify that he
 38 did assist the voter and will maintain the secrecy of the vote by both
 39 printing and signing his name in the space provided on the certificate.
 40 In no event may a candidate for election provide such assistance, nor
 41 may any person, at the time of providing such assistance, campaign or
 42 electioneer on behalf of any candidate.

43 Said sealed outer envelope with the inner envelope and the ballot
 44 enclosed therein shall then either be mailed with sufficient postage to
 45 the county board of elections to which it is addressed or delivered
 46 personally by the voter or a bearer designated by him to such board or
 47 its designee. Such ballot must be received by such board or its

1 designee before the time designated by R.S.19:15-2 or R.S.19:23-40
2 for the closing of the polls, as may be appropriate on the day of an
3 election.

4 At the time any person delivers a ballot to the county board, he
5 shall sign a record which the county shall maintain of all absentee
6 ballots personally delivered to it.

7 (cf: P.L.2001, c.245, s.5)

8

9 58. Section 24 of P.L.1953, c.211 (C.19:57-24) is amended to read
10 as follows:

11 24. The county board of elections shall, promptly after receiving
12 each civilian absentee ballot, remove the inner envelope, containing the
13 ballot, from the outer envelope and shall compare the signature and
14 the information contained on the flap of the inner envelope with the
15 signature and information contained in the respective requests for
16 civilian absentee ballots. In addition, as to civilian absentee ballots
17 issued less than 7 days prior to an election, the county board of
18 elections shall also check to establish that the absentee voter did not
19 vote in person. The county board shall reject any such ballot unless
20 the board is satisfied as a result of such comparison or by reference to
21 the permanent registration books that the voter is legally entitled to
22 vote and that the ballot conforms with the requirements of this act.

23 The county board of elections shall, promptly after receiving each
24 military service ballot, remove the inner envelope, containing the
25 ballot, from the outer envelope and ascertain through the
26 commissioner of registration whether or not the name of the person,
27 whose name appears following the certificate on the flap of said inner
28 envelope, has been certified by the county clerk to the commissioner
29 of registration of the county as a person to whom a military service
30 ballot, to be voted at the election at which it is intended to be voted,
31 has been forwarded pursuant to this act.

32 The county board shall investigate the qualifications of a military
33 service voter under this act by comparison of the contents of said
34 certificate with the information appearing upon the application for said
35 military service ballot, including the signatures thereon when the
36 military service voter's signature appears upon said application, and by
37 comparison with the military records of the State when deemed
38 desirable.

39 In the case of a military service or civilian absentee ballot to be
40 voted at a presidential primary election or a primary election for the
41 general election, whether or not the military service or civilian
42 absentee voter has indicated in said certificate his intention to vote it
43 in **[the]** a primary election of any political party in which he is not
44 entitled to vote **[it]** in according to the registration records of the
45 county, and if it shall appear from said record that he is not entitled to
46 vote said ballot in **[the]** any primary election of the political party
47 which has been so indicated, such ballots shall be rejected.

1 Any absentee ballot which is received by a county board of
2 elections shall be rejected if both the inner and outer envelopes are
3 unsealed or if either envelope has a seal that has been tampered with.

4 Disputes as to the qualifications of military service or civilian
5 absentee voters to vote or as to whether or not or how any such
6 military or civilian absentee ballot shall be counted in such election
7 shall be referred to the Superior Court for determination.

8 After such investigation the county board of elections shall detach
9 or separate the certificate from the inner envelope containing the
10 military service or civilian absentee ballot, unless it has been rejected
11 by it or by the Superior Court, marking the envelope so as to identify
12 the election district in which the ballot contained therein is to be voted
13 as indicated by the absentee voter's home address appearing on the
14 certificate attached to or accompanying said inner envelope and, in the
15 case of ballots to be voted at a primary election for a general election,
16 so as to identify the political party in the primary election of which it
17 is to be voted.

18 (cf: P.L.1981, c.390, s.9)

19
20 59. Section 31 of P.L.1953, c.211 (C.19:57-31) is amended to read
21 as follows:

22 31. On the day of each election each county board of elections
23 shall open in the presence of the commissioner of registration or his
24 assistant or assistants the inner envelopes in which the absentee
25 ballots, returned to it, to be voted in such election, are contained,
26 except those containing the ballots which the board or the Superior
27 Court has rejected, and shall remove from said inner envelopes the
28 absentee ballots and shall then proceed to count and canvass the votes
29 cast on such absentee ballots, but no absentee ballot shall be counted
30 in any presidential primary election or primary election for the general
31 election if the ballot of the political party marked for voting thereon
32 differs from the designation of the political party in the primary
33 election of which such ballot is intended to be voted as marked on said
34 envelope by the county board of elections. Immediately after the
35 canvass is completed, the respective county boards of election shall
36 certify the result of such canvass to the county clerk or the municipal
37 or district clerk or other appropriate officer as the case may be
38 showing the result of the canvass by municipality and ward, and the
39 votes so counted and canvassed shall be counted in determining the
40 result of said election.

41 The county board of elections shall, immediately after the canvass
42 is completed for [a] any primary election, certify the results of the
43 votes cast for members of the county committees to the respective
44 municipal clerks, which votes shall be counted in determining the
45 result of said election.

46 (cf: P.L.1991, c.91, s.260)

1 60. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to read
2 as follows:

3 32. As soon as practicable after such election, the commissioner of
4 registration shall cause to be marked all duplicate voting records which
5 have not been marked with a red "A" or "M" in accordance with this
6 act, to show that an absentee ballot was delivered or forwarded to the
7 respective registered voters. For each civilian absentee ballot, and for
8 each military absentee ballot cast by a military service voter who is
9 required under section 3 of this act to be registered in the municipality
10 where he intends to cast such absentee ballot, that has been voted,
11 received and counted, the commissioner of registration shall also, by
12 reference to the certificates removed from the inner envelopes of such
13 ballots, cause to be written or stamped the word "Voted" in the space
14 provided in the duplicate voting record for recording the ballot number
15 of the voter's ballot in such election, and in the case of a presidential
16 primary election or the primary election for the general election he
17 shall also cause to be written or stamped in the proper space of the
18 record of voting form the first three letters of the name of the political
19 party primary in which such ballot was voted. The record of voting
20 forms in the original permanent registration binders shall be conformed
21 to the foregoing entries in the duplicate forms.

22 (cf: P.L.1994, c.154, s.5)

23

24 61. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to
25 read as follows:

26 2. a. When any vacancy occurs on the board of chosen freeholders
27 otherwise than by expiration of term, it shall be filled by election for
28 the unexpired term only at the next general election occurring not less
29 than 60 days after the occurrence of the vacancy, except that no such
30 vacancy shall be filled at the general election which immediately
31 precedes the expiration of the term in which the vacancy occurs. In
32 the event a vacancy eligible to be filled by election hereunder occurs
33 on or before the sixth day preceding the last day for filing petitions for
34 nomination for the primary election for the general election, such
35 petitions may be prepared and filed for nomination in that primary
36 election in the manner provided by article 3 of chapter 23 of Title 19
37 of the Revised Statutes. In the event the vacancy occurs after that
38 sixth day preceding the last day for filing petitions for nomination for
39 the primary election for the general election, or if the vacancy occurs
40 on or before the sixth day preceding the last day for filing petitions for
41 nomination for the primary election for the general election but no
42 such petition has been filed with respect to a given political party, each
43 political party, or that party respectively, may select a candidate for
44 the office in question in the manner prescribed in subsections a. and b.
45 of R.S.19:13-20 for selecting candidates to fill vacancies among
46 candidates nominated at primary elections. A statement of such
47 selection under R.S.19:13-20 shall be filed with the county clerk not

1 later than the 48th day preceding the date of the general election.

2 Besides the selection of candidates by each political party,
3 candidates may also be nominated by petition in a manner similar to
4 direct nomination by petition for the general election; but if the
5 candidate of any party to fill the vacancy will be chosen at a primary
6 election for the general election, such petition shall be filed with the
7 county clerk at least 55 days prior to the primary election; and if no
8 candidate of any party will be chosen at a primary election for the
9 general election, such petition shall be filed with the county clerk not
10 later than 12 o'clock noon of the day on which the first selection
11 meeting by any party is held under this section to select a nominee to
12 fill the vacancy.

13 The county clerk shall print on the ballots for the territory affected,
14 in the personal choice column, the title of office and leave a proper
15 space under such title of office; and print the title of office and the
16 names of such persons as have been duly nominated, in their proper
17 columns.

18 b. Notwithstanding subsection a. of this section, if at any time after
19 an election for a member of the board of chosen freeholders and before
20 the time fixed for the commencement of the term of the office, the
21 person elected to that office dies or otherwise becomes unable to
22 assume office, the county committee of the political party of which the
23 person elected was the nominee shall appoint another person to fill the
24 position until the next general election. If the person elected was not
25 the nominee of a political party, on or within 30 days after the time
26 fixed for the commencement of the term of office, the governing body
27 shall appoint a successor to fill the office until the next general
28 election without regard to party.

29 (cf: P.L.2000, c.126, s.10)

30

31 62. Section 6 of P.L.1990, c.33 (C.40:41A-145.2) is amended to
32 read as follows:

33 6. In the case of a vacancy occurring with respect to a member of
34 the board of chosen freeholders who was elected as the candidate of
35 a political party which at the last preceding general election held
36 received the largest number of votes or the next largest number of
37 votes in the county for members of the board of chosen freeholders,
38 for the interim period pending the election and qualification of a
39 permanent successor to fill the vacancy, or for the interim period
40 constituting the remainder of the term in the case of a vacancy
41 occurring which cannot be filled pursuant to section 5 of this act at a
42 general election, the vacancy shall be filled within 35 days by a
43 member of the political party of which the person who vacated the
44 office was the candidate at the time of his election thereto. The
45 interim successor shall be selected by the appropriate political party's
46 county committee in the same manner prescribed in subsections a. and
47 b. of R.S.19:13-20 for selecting candidates to fill vacancies among

1 candidates nominated at primary elections for the general elections,
2 and a statement of the selection of that successor shall be certified to
3 and filed with the county clerk in the same manner prescribed by
4 subsection d. of that section for certifying statements concerning the
5 selection of such candidates.

6 (cf: P.L.1990, c.33, s.6)

7

8 63. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to read
9 as follows:

10 8. Within 2 weeks immediately following the filing of the certified
11 report by the ward commissioners, the municipal clerk shall cause to
12 be published at least once in at least one newspaper generally
13 circulating in the municipality a notice of the ward boundaries as fixed
14 and determined in the report.

15 Upon completion of the publication, the former wards, if any, shall
16 be superseded, and thereafter all officers elected or appointed in the
17 municipality for or representing the wards thereof shall be elected
18 from, or appointed for, the wards fixed and determined by the ward
19 commissioners; except that, in municipalities wherein municipal
20 officers are elected at the general election held on the first Tuesday
21 after the first Monday in November, if the publication shall be
22 completed in a year in which municipal officers are elected during the
23 period between the date [75] 165 days before the primary election for
24 the general election and the date of the general election, the wards so
25 fixed and determined shall take effect on the day following the holding
26 of that general election; and, in municipalities wherein municipal
27 officers are elected at a regular municipal election held on the second
28 Tuesday in May, if the publication shall be completed in a year in
29 which municipal officers are elected during the period between the
30 date 75 days before the regular municipal election and the date of the
31 election, the wards so fixed and determined shall take effect on the day
32 following the holding of that regular municipal election.

33 (cf: P.L.1981, c.496, s.8)

34

35 64. Section 1-25 of P.L.1950, c.210 (C.40:69A-25) is amended to
36 read as follows:

37 1-25. Any municipality may, subject to the provisions of section
38 1-23 of this act, abandon its optional plan and revert to the form of
39 government under which it was governed immediately prior thereto,
40 upon the filing of a petition and referendum as follows:

41 (a) Upon petition of the registered voters of the municipality
42 signed by the same number thereof as required in section 1-19, for an
43 election to submit the question of abandonment and reversion as herein
44 provided, the municipal clerk shall provide for submission of the
45 question in like manner as provided in section 1-20.

46 (b) The form of the question shall be as follows:

47

1 shall.....(Name of municipality)..... abandon its present
2 form of government and revert to its prior form of government, known
3 as(Popular Name of Plan)..... as provided by
4(Statutory Reference of Prior Plan).....

5 (c) If a majority of those voting on the question vote in the
6 affirmative the municipality shall revert to its prior form of government
7 as of 12 m. of the fifty-ninth day following the election of officers
8 under the form of government to which the municipality will revert.
9 The first officers under such form of government shall be elected at the
10 next regular municipal or general election, as appropriate to the form
11 of government to which the municipality will revert, occurring not less
12 than 60 days following the referendum. It shall be the duty of the
13 municipal clerk to perform all the duties respecting such election as
14 would be required of a municipal clerk for elections under the form of
15 government to which the municipality will revert. Whenever a
16 municipality has reverted to any form of government other than the
17 commission form of government law (R.S.40:79-1 et seq.), or the
18 municipal manager form of government (R.S.40:70-1 et seq.), at a
19 later date than the one fixed for the filing of nominating petitions at
20 the primary election for the general election, the candidates to be first
21 elected shall be nominated by direct petition in the manner provided by
22 law for nomination, by direct petition for a general election.

23 Any law to the contrary notwithstanding, persons holding office at
24 the time of a referendum approving reversion shall continue to hold
25 office until the municipality reverts to the previous form of
26 government. Vacancies existing at the holding of the referendum or
27 which occur between the holding of the referendum and the reversion
28 of the municipality to its previous form of government, shall be filled
29 by appointment pursuant to procedures for the filing of vacancies
30 appropriate to the "Optional Municipal Charter Law."

31 If a majority of those voting on the question vote in the negative,
32 the question of abandonment and reversion shall not again be
33 submitted for five years.

34 (d) The reversion to a prior form of government shall take effect
35 as provided in sections 17-57 through 17-59 of this act for transition
36 to an optional plan hereunder.

37 (e) No petition shall be filed nor referendum held pursuant to this
38 section which would provide for the reversion of a municipality to a

1 form of government which it is not currently authorized to adopt by
2 law.

3 (cf: P.L.1991, c.430, s.3)

4

5 65. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended
6 to read as follows:

7 17-56. The schedule of installation of an optional plan adopted
8 pursuant to this act shall, as provided herein, take the following
9 course:

10 (a) An election to submit the question of adoption of an optional
11 plan may be held at any time in accordance with the provisions of
12 article 1 of this act;

13 (b) In the event of a favorable vote of the voters at the above
14 election, the first election of officers under the adopted plan shall take
15 place on (1) the second Tuesday in May occurring not less than 75
16 days next following the adoption of one of the optional plans in
17 municipalities adopting a charter providing for the holding of regular
18 municipal elections at which all members of the council are to be
19 elected at large; (2) the second Tuesday in May occurring not less
20 than 120 days following the adoption of one of the optional plans in
21 municipalities adopting a charter providing for the holding of regular
22 municipal elections and for the division of the municipality into wards;
23 (3) at the next general election occurring not less than 75 days next
24 following the adoption of one of the optional plans in municipalities
25 adopting a charter providing for the holding of general elections at
26 which all members of the council are to be elected at large; or (4) at
27 the next general election occurring not less than 120 days next
28 following the adoption of one of the optional plans in municipalities
29 adopting a charter providing for the holding of general elections and
30 for the division of the municipality into wards.

31 Whenever a municipality has adopted a charter referred to in
32 subsection (3) above, within 10 days, or subsection (4) within 40 days,
33 prior to the last day fixed for the filing of nominating petitions for the
34 primary election for the general election, the candidates to be first
35 elected shall be nominated in the manner provided by chapter 27 of
36 Title 19 of the Revised Statutes with respect to the filling of certain
37 vacancies in nominations for county or municipal offices to be filled
38 at the general election.

39 (c) An optional plan shall take effect, in accordance with the
40 further provisions of this article at (1) 12 o'clock noon on July 1 next
41 following the first election of officers in municipalities adopting a
42 charter providing for the holding of regular municipal elections, or (2)
43 12 o'clock noon on January 1 next following the first election of
44 officers in municipalities adopting a charter providing for the holding
45 of general elections.

46 (cf: P.L.1981, c.465, s.37)

47

1 66. R.S.40:85-11 is amended to read as follows:

2 40:85-11. At the primary election for the general election held in
3 such municipality after the general election at which such question
4 shall be adopted, the electors of such municipality shall nominate
5 officials for the new form of government to take effect in the
6 following January, and at the general election one year after the
7 general election at which such question shall have been adopted, the
8 electors of such municipality shall elect the officials under the form of
9 government which shall take effect the following January.
10 (cf: R.S.40:85-11)

11

12 67. This act shall take effect on the January 1 next following
13 enactment.

14

15

16

STATEMENT

17

18 The purpose of this bill is to establish a separate presidential
19 primary election.

20 Specifically, the bill provides that a primary election to vote for
21 electors for the office of President and Vice President of the United
22 States, established by this bill as the presidential primary, shall be held
23 in each presidential election year on the last Tuesday in February.

24 The bill also substitutes references to the Secretary of State with
25 references to the Attorney General in regard to the oversight of certain
26 State elections functions. This change is made pursuant to Governor
27 Christine Todd Whitman's Reorganization Plan No. 004-1998,
28 effective May 29, 1998, which transferred the Division of Elections
29 from being a responsibility of the Secretary of State to the Attorney
30 General.

SENATE, No. 2402

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 14, 2005

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Provides for separate presidential primary election on last Tuesday in February.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT establishing separate presidential primary election and
2 amending various sections of the statutory law.

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

6
7 1. R.S.19:1-1 is amended to read as follows:

8 19:1-1. As used in this Title:

9 "Election" means the procedure whereby the electors of this State
10 or any political subdivision thereof elect persons to fill public office or
11 pass on public questions.

12 "General election" means the annual election to be held on the first
13 Tuesday after the first Monday in November.

14 "Primary election for the general election" means the procedure
15 whereby the members of a political party in this State or any political
16 subdivision thereof nominate candidates to be voted for at general
17 elections, or elect persons to fill party offices[, or] .

18 "Presidential primary election" means the procedure whereby the
19 members of a political party in this State or any political subdivision
20 thereof elect persons to serve as delegates and alternates to national
21 conventions.

22 "Municipal election" means an election to be held in and for a single
23 municipality only, at regular intervals.

24 "Special election" means an election which is not provided for by
25 law to be held at stated intervals.

26 "Any election" includes all primary, general, municipal , school and
27 special elections, as defined herein.

28 "Municipality" includes any city, town, borough, village, or
29 township.

30 "School election" means any annual or special election to be held
31 in and for a local or regional school district established pursuant to
32 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

33 "Public office" includes any office in the government of this State
34 or any of its political subdivisions filled at elections by the electors of
35 the State or political subdivision.

36 "Public question" includes any question, proposition or referendum
37 required by the legislative or governing body of this State or any of its
38 political subdivisions to be submitted by referendum procedure to the
39 voters of the State or political subdivision for decision at elections.

40 "Political party" means a party which, at the election held for all of
41 the members of the General Assembly next preceding the holding of
42 any primary election held pursuant to this Title, polled for members of
43 the General Assembly at least 10% of the total vote cast in this State.

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

Matter underlined thus is new matter.

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3

1 "Party office" means the office of delegate or alternate to the
2 national convention of a political party or member of the State, county
3 or municipal committees of a political party.

4 "Masculine" includes the feminine, and the masculine pronoun
5 wherever used in this Title shall be construed to include the feminine.

6 "Presidential year" means the year in which electors of President
7 and Vice-President of the United States are voted for at the general
8 election.

9 "Election district" means the territory within which or for which
10 there is a polling place or room for all voters in the territory to cast
11 their ballots at any election.

12 "District board" means the district board of registry and election in
13 an election district.

14 "County board" means the county board of elections in a county.

15 "Superintendent" means the superintendent of elections in counties
16 wherein the same shall have been appointed.

17 "Commissioner" means the commissioner of registration in counties.

18 "File" or "filed" means deposited in the regularly maintained office
19 of the public official wherever said regularly maintained office is
20 designated by statute, ordinance or resolution.

21 (cf: P.L.1995, c.278, s.13)

22
23 2. R.S.19:2-1 is amended to read as follows:

24 19:2-1. **[Primary] Presidential primary** elections for delegates and
25 alternates to national conventions of political parties **[and] shall be**
26 **held in each presidential year on the last Tuesday in February.**

27 Primary elections for the general election shall be held in each year
28 on the Tuesday next after the first Monday in June~~[,]~~ .

29 All primary elections shall occur between the hours of 6:00 A.M.
30 and 8:00 P.M., Standard Time. Primary elections for special elections
31 shall be held not earlier than 30 nor later than 20 days prior to the
32 special elections.

33 (cf: P.L.2001, c.245, s.1)

34
35 3. R.S.19:3-3 is amended to read as follows:

36 19:3-3. Delegates and alternates to the national conventions of the
37 political parties held in each presidential year shall be elected at the
38 presidential primary election to be held on the last Tuesday **[next**
39 **after the first Monday]** in **[June] February** in that year.

40 The members of State, county and municipal committees of the
41 political parties shall be chosen at the primary for the general election
42 as hereinafter provided.

43 (cf: P.L.1976, c.26, s.1)

44
45 4. Section 6 of P.L.1976, c. 83 (C.19:4-15) is amended to read as
46 follows:

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1 6. a. No county board shall make division of an election district in
2 any year in the period commencing 75 days before the presidential
3 primary election in each presidential year or the primary election for
4 the general election, and the day of the general election.

5 b. To facilitate the use of Federal decennial census populations for
6 apportionment and redistricting purposes and notwithstanding the
7 provisions of this or any other law, no election districts shall, except
8 with the prior approval of the [Secretary of State] Attorney General,
9 be created, abolished, divided or consolidated between January 1 of
10 any year whose last digit is 7 and December 1 of any year whose last
11 digit is 0.

12 (cf: P.L.1976, c.83, s.6)

13
14 5. R.S.19:6-2 is amended to read as follows:

15 19:6-2. a. The following persons may apply in writing to the
16 county board, on a form prepared and furnished by the county board,
17 for appointment as a member of a district board of any municipality in
18 the county in which he or she resides: (1) a legal voter who is a
19 member of a political party by virtue of having voted in a party
20 primary or who has filed a party declaration form for the ensuing
21 presidential primary or primary election for the general election with
22 the commissioner of the county in which the voter is registered and
23 who, for two years prior to making written application, has not
24 espoused the cause of another political party or its candidates; (2) a
25 legal voter who is not affiliated with a political party; (3) a United
26 States citizen and resident of this State who is 16 or 17 years of age,
27 attends a secondary school and has the written permission of his or her
28 parent or guardian to serve as a member of the board if appointed; or
29 (4) a United States citizen and resident of this State who is 16 or 17
30 years of age and has graduated from a secondary school or has passed
31 a general educational development test, GED, and has the written
32 permission of his or her parent or guardian to serve as a member of the
33 board if appointed.

34 b. The application, signed by the applicant under his or her oath,
35 shall state: (1) the applicant's name and address; (2) the applicant's
36 age, if the applicant is less than 18 years of age; (3) the political party
37 to which he or she belongs or, if the applicant is not affiliated with a
38 political party, the fact that the applicant is not so affiliated; (4) that
39 the applicant is of good moral character and has not been convicted of
40 any crime involving moral turpitude; and (5) that the applicant
41 possesses the following qualifications: eyesight, with or without
42 correction, sufficient to read nonpareil type; ability to read the English
43 language readily; ability to add and subtract figures correctly; ability
44 to write legibly with reasonable facility; reasonable knowledge of the
45 duties to be performed by the applicant as an election officer under the
46 election laws of this State; and health sufficient to discharge his or her
47 duties as an election officer.

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1 c. If an applicant for appointment to a district board is 16 or 17
2 years of age, then the applicant shall provide to the county board,
3 along with the application provided under subsection b. of this section:
4 (1) a written document signed by the applicant's parent or guardian
5 giving the applicant permission to serve as a member of a district
6 board if appointed and (2) if an election, meeting or training is
7 scheduled to take place when school is in session, a written document
8 from his or her school that acknowledges the applicant's application
9 for appointment as a member of a district board and excuses the
10 applicant from school on the dates of service if appointed, except that
11 the requirement contained in subparagraph (2) of this subsection shall
12 not apply to a United States citizen and resident of this State who is
13 16 or 17 years of age and has graduated from a secondary school or
14 has passed a general educational development test, GED.

15 d. No person shall be precluded from applying to serve as a
16 member of a district board of any municipality for failure to vote in
17 any year such person was ineligible to vote by reason of age or
18 residence.

19 e. In no case shall a person 16 or 17 years of age be permitted to
20 serve as a member of a district board on the day of an election for
21 more than the number of hours permitted for such a person to work
22 pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and
23 supplemented.

24 (cf: P.L.2002, c.125, s.1)

25

26 6. R.S.19:6-3 is amended to read as follows:

27 19:6-3. a. (1) The county board shall, on or before January 10 of
28 each presidential year and on or before April 1 of every other year,
29 appoint the members of the district boards in the manner prescribed by
30 paragraph (2) of this subsection. The members of any district board
31 shall be equally apportioned between the two political parties which at
32 the last preceding general election held for the election of all of the
33 members of the General Assembly cast the largest and next largest
34 number of votes respectively in this State for members of the General
35 Assembly, except that if the county board is unable to fill all of the
36 positions of the members of a particular district board from among
37 qualified members of those two political parties, the county board shall
38 appoint to any such unfilled position an otherwise qualified person
39 who is unaffiliated with any political party, but no such appointment
40 of an unaffiliated person shall be made prior to January 15 of each
41 presidential year and prior to March 25 of every other year, and in no
42 event shall more than two such unaffiliated persons serve at the same
43 time on any district board.

44 (2) In making appointments of members of the several district
45 boards of the county, the county board shall consult with the
46 chairperson of the county committee of each of the two political
47 parties referred to in paragraph (1) of this subsection. On or before

1 January 1 of each presidential year and on or before March 15 of
2 **[each]** every other year, the county board shall transmit to each of
3 those chairpersons a list of those positions on the membership of the
4 several district boards that are subject to apportionment under that
5 paragraph (1) to the political party of which that chairperson is a
6 member, and to which the county board has been unable to make an
7 appointment from among qualified members of that political party.
8 The county board shall include with each such list a request that the
9 chairperson to whom that list is transmitted return to the board a list
10 of the names of candidates for those unfilled positions. On or before
11 January 1 of each presidential year and on or before March 25 of every
12 other year, the county board shall, on the basis of the lists so returned
13 to it, fill as many of the remaining unfilled positions in the membership
14 of the several district boards as possible, and shall assign or reassign
15 appointees as necessary to ensure that the membership of each district
16 board within the county shall include at least one member of each of
17 the two political parties. The county board shall then appoint to any
18 unfilled position on a district board an otherwise qualified person who
19 is unaffiliated with any political party.

20 b. In case the county board shall neglect, refuse or be unable to
21 appoint and certify the members of the district boards as herein
22 provided, the Assignment Judge of the Superior Court shall, before
23 January 25 of each presidential year or before April 10 **[in each]** of
24 every other year, make such appointments and certifications.
25 (cf: P.L.1996, c.120, s.3)

26

27 7. R.S.19:6-10 is amended to read as follows:

28 19:6-10. Each district board shall, on or before the second Tuesday
29 next preceding the presidential primary election in those years when
30 such an election is held or the primary election for the general election
31 in every other year, meet and organize by the election of one of its
32 members as judge, who shall be chairman of the board, and another of
33 its members as inspector. The judge and inspector shall not be
34 members or voters of the same political party. In case of failure to
35 elect a judge as herein provided, after balloting or voting three times,
36 the senior member of the board in respect to length of continuous
37 service as a member of such district board shall become judge, and in
38 case of failure to elect an inspector after balloting or voting three
39 times, the next senior member of the board in respect to length of
40 continuous service as a member of such district board shall become
41 inspector; provided, that both the chairman and the inspector shall not
42 be members or voters of the same political party. The other members
43 of the board shall be clerks of election, and shall perform all the duties
44 required by law of the clerks of district boards.

45 (cf: P.L.1996, c.120, s.5)

46

47 8. R.S.19:6-18 is amended to read as follows:

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1 19:6-18. During the 30-day period immediately preceding
2 December 5 of the year preceding each presidential year and February
3 15 [in each] of every other year, the chairman and vice-chairlady of
4 each county committee and the State committeeman and State
5 committeewoman of each of such two political parties, respectively
6 shall meet and jointly, in writing, nominate one person residing in the
7 county of such county committee chairman, duly qualified, for member
8 of the county board in and for such county for the succeeding year, in
9 the case of the presidential year.

10 If more than two members are elected to the State committee of any
11 party from a county, the State committeeman and State
12 committeewoman who shall participate in the process of nomination
13 shall be those holding full votes who received the greatest number of
14 votes in their respective elections for members of the State committee.

15 If nomination be so made, the said county committee chairman shall
16 certify the nomination so made to the State chairman and to the
17 Governor, and the Governor shall commission such appointees, who
18 shall be members of opposite parties, on or before January 1 of each
19 presidential year or on or before March 1 in every other year, as the
20 case may be. If nomination be not so made on account of a tie vote in
21 the said meeting of the county committee chairman, county committee
22 vice-chairlady, State committeeman and State committeewoman, in
23 respect to such nomination, the said county committee chairman shall
24 certify the fact of such a tie vote to the State chairman, who shall have
25 the deciding vote and who shall certify, in writing, to the Governor,
26 the nomination made by his deciding vote. Appointees to county
27 boards of election pursuant to this section shall continue in office for
28 2 years from either January 1 or March 1, as the case may be, next
29 after their appointment.

30 The first appointment having been made pursuant to law for terms
31 of 1 and 2 years, respectively, the members subsequently appointed
32 each year shall fill the offices of the appointees whose terms expire in
33 that year.

34 (cf: P.L.1978, c.15, s.2)

35
36 9. R.S.19:6-22 is amended to read as follows:

37 19:6-22. a. (1) The county boards shall, at 10 a.m., on the second
38 Tuesday in January of each presidential year and on that same day in
39 March of every other year, or on such other day as they may agree on
40 within the first 15 days in January or March, as the case may be, in
41 each year, meet at the courthouse, or other place as provided for, in
42 their respective counties, and, subject to the provisions of paragraph
43 (2) of this subsection, organize by electing one of their number to be
44 chairman and one to be secretary; but the chairman and secretary shall
45 not be members of the same political party.

46 (2) In case of failure to elect a chairman after three ballots or viva
47 voce votes, the member having the greatest seniority on the board shall

1 be the chairman thereof, except that if the member having the greatest
2 seniority on the board so chooses, that member shall instead be
3 secretary of the board; in the event that that senior member so chooses
4 to become secretary, no election shall be held to choose a secretary of
5 the board, the board shall elect one of its members who is not of the
6 same political party as the secretary to be the chairman of the board,
7 and in the case of a failure again to elect a chairman after three ballots
8 or viva voce votes, the person among those members having the
9 greatest seniority on the board shall be the chairman thereof.

10 In any case of failure to elect a chairman, if two or more members
11 of the board who are eligible to become chairman have greatest and
12 equal seniority on the board, then the board shall, not later than the
13 fifth day following the organization meeting, notify the Governor of an
14 inability to fill the position of chairman either by election or on the
15 basis of seniority, including in that notice a certification of the names
16 of those senior members of the board. In addition, if the position of
17 secretary has not otherwise been filled under the foregoing provisions
18 of this paragraph, the board shall defer for the time being the election
19 of a secretary. Not later than the fifth day following receipt of the
20 notice, the Governor shall designate one of those senior members to
21 be chairman of the board and certify that designation to the board. If
22 the position of secretary was not filled at the initial meeting of the
23 county board to organize, then not later than the fifth day following
24 receipt of that certification, the board shall reconvene at the call of the
25 chairman so designated and shall elect a secretary of the board.

26 In case of failure to elect a secretary after three ballots or viva voce
27 votes, the member of the board having the greatest seniority shall be
28 secretary of the board, except that if that member has become
29 chairman because of election to that position or because of designation
30 as a result of the failure to elect a chairman, the member with the next
31 greatest seniority shall be secretary. In no case, however, shall the
32 chairman and secretary be members of the same political party.

33 Seniority for the purposes of this section shall be determined by the
34 total amount of time that a person has served as a member of the
35 board, beginning from the date that that person took the oath of office
36 as a member.

37 b. The boards shall have power in their discretion to hold their
38 meetings for any purpose, except organization, in any part of their
39 respective counties. Meetings may be called by either the chairman or
40 the secretary of the board, or at the request of any two members.

41 (cf: P.L.1996, c.90, s.1)

42

43 10. R.S.19:7-2 is amended to read as follows:

44 19:7-2. A candidate who has filed a petition for an office to be
45 voted for at [the] any primary election, and a candidate for an office
46 whose name may appear upon the ballot to be used in any election,
47 may also act as a challenger as herein provided and may likewise

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1 appoint 2 challengers for each district in which he is to be voted for;
2 but only 2 challengers shall be allowed for each election district to
3 represent all the candidates nominated in and by the same original
4 petition. The appointment of the challengers shall be in writing under
5 the hand of the person or persons making same and shall specify the
6 names and residences of the challengers and the election districts for
7 which they are severally appointed. Whenever a public question shall
8 appear on the ballot to be voted upon by the voters of an election
9 district and application has been made by the proponents or opponents
10 of such public question for the appointment of challengers, the county
11 board may in its discretion appoint 2 challengers each to represent
12 such proponents or opponents. Such challengers shall be in addition
13 to those provided for in section 19:7-1 of this Title.

14 (cf: P.L.1956, c.66, s.1)

15

16 11. R.S.19:8-2 is amended to read as follows:

17 19:8-2. The clerk of every municipality, on or before January 10 of
18 each presidential year and on or before April 1 of every other year,
19 shall certify to the county board of every county wherein such
20 municipality is located a suggested list of places in the municipality
21 suitable for polling places. The county board shall select the polling
22 places for the election districts in the municipalities of the county for
23 all elections in the municipalities thereof, including all commission
24 government elections in the county. The county boards shall not be
25 obliged to select the polling places so suggested by the municipal
26 clerks, but may choose others where they may deem it expedient.
27 Preference in locations shall be given to schools and public buildings
28 where space shall be made available by the authorities in charge, upon
29 request, if same can be done without detrimental interruption of school
30 or the usual public services thereof, and for which the authority in
31 charge shall be reimbursed, by agreement, for expenses of light,
32 janitorial and other attending services arising from such use. In no
33 case shall the authorities in charge of a public school or other public
34 building deny the request of the county board for the use, as a polling
35 place, of any building they own or lease.

36 Where the county board shall fail to agree as to the selection of the
37 polling place or places for any election district, within five days of an
38 election, the county clerk shall select and designate the polling place
39 or places in any such election district.

40 The county board may select a polling place other than a
41 schoolhouse or public building outside of the district but such polling
42 place shall not be located more than 1,000 feet distant from the
43 boundary line of the district.

44 (cf: P.L.1989, c.292, s.1)

45

46 12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read
47 as follows:

1 4. No later than February 15 of each presidential year and no later
2 than May 15th of **[each]** every other year, each county board of
3 elections shall report to the **[Secretary of State]** Attorney General, on
4 the form provided by the **[Secretary of State]** Attorney General, a list
5 of all polling places in the county, specifying any found inaccessible.
6 The county board of elections shall indicate the reasons for
7 inaccessibility, and the efforts made pursuant to this act to locate
8 alternative polling places or to make the existing facilities accessible.
9 Each county board of elections shall notify the **[Secretary of State]**
10 Attorney General of any changes in polling place locations before the
11 next general election, including any changes required due to the
12 alteration of district boundaries.

13 (cf: P.L.1991, c.429, s.4)

14

15 13. R.S.19:8-4 is amended to read as follows:

16 19:8-4. The county board before February 15 of each presidential
17 year and May 15 **[each]** of every other year shall certify a list of
18 polling places so selected to the sheriff and to the clerk of the county
19 and to the superintendent of elections of the county if any there be and
20 to each municipal clerk in the county.

21 (cf: P.L.1965, c.4, s.8)

22

23 14. R.S.19:9-2 is amended to read as follows:

24 19:9-2. The Director of the Division of Elections shall prepare and
25 distribute on or before January 10 of each presidential year and on or
26 before April 1 **[in each]** of every other year prior to the primary
27 election for the general election and the general election such
28 information as may be needed relative to election procedures for the
29 ensuing year.

30 The county board of elections shall prepare and distribute on or
31 before January 10 of each presidential year and on or before April 1 of
32 **[each]** every other year, registration and voting instructions printed
33 in at least 14-point type for conspicuous display at each polling place
34 at any election.

35 All other books, ballots, envelopes and other blank forms which the
36 county clerk is required to furnish under any other section of this Title,
37 stationery and supplies for the primary election for the general
38 election, the presidential primary election for delegates and alternates
39 to national conventions and the general election, shall be furnished,
40 prepared and distributed by the clerks of the various counties; except
41 that all books, blank forms, stationery and supplies, articles and
42 equipment which may be deemed necessary to be furnished, used or
43 issued by the county board or superintendent shall be furnished, used
44 or issued, prepared and distributed by such county board or
45 superintendent, as the case may be.

46 The county board shall furnish and deliver to the county clerk, the

1 municipal clerks and the district boards in municipalities having more
2 than one election district: a map or description of the district lines of
3 their respective election districts, together with the street and house
4 numbers where possible in such election districts and a list or map of
5 all of the polling places within the county to assist any voter in
6 identifying the correct location of the polling place at which the voter
7 should vote if that voter erroneously reports to the municipal clerk or
8 the wrong polling place.

9 Nothing in subtitle 2 of the Title, Municipalities and Counties
10 (R.S.40:16-1 et seq.), shall in anywise be construed to affect, restrict,
11 or abridge the powers conferred on the county clerks, county boards
12 or superintendents by this Title.

13 (cf: P.L.1999, c.232, s.1)

14
15 15. R.S.19:12-1 is amended to read as follows:

16 19:12-1. The [Secretary of State] Attorney General shall within
17 thirty days after the completion of the canvass by the board of State
18 canvassers, certify to each county clerk and county board the fact that
19 at the next preceding general election held for the election of all of the
20 members of the General Assembly ten per centum (10%) of the total
21 vote cast in the State for members of the General Assembly had been
22 cast for candidates having the same designation, thereby creating,
23 within the meaning of this Title, a political party, to be known and
24 recognized as such under the same designation as used by the
25 candidates for whom the required number of votes were cast.

26 He shall also not later than the sixtieth day preceding the
27 presidential primary election [for the general election in every year,]
28 in each presidential year in which electors of President and
29 Vice-President of the United States [,] are to be selected, and not
30 later than the sixtieth day preceding the primary election for the
31 general election in which a representative of the United States Senate,
32 members of the House of Representatives, a Governor, or Senator, or
33 member or members of the General Assembly for any county, or any
34 of them, are to be elected or any public question is to be submitted to
35 the voters of the entire State, direct and cause to be delivered to the
36 clerk of the county and the county board wherein any such election is
37 to be held, a notice stating that such officer or officers are to be
38 elected and that such public question is to be submitted to the voters
39 of the entire State at the ensuing general election.

40 (cf: P.L.1948, c.2, s.12)

41
42 16. R.S.19:12-3 is amended to read as follows:

43 19:12-3. The clerk of each county shall immediately upon the
44 receipt of the certificate from the [Secretary of State] Attorney
45 General setting forth that a political party has been created, forward
46 a certified copy of such certificate to each municipal clerk of his

1 county.

2 He shall also, not later than the fiftieth day preceding the
3 presidential primary election in each presidential year and the primary
4 election for the general election in every other year, cause a copy of
5 the notice received from the [Secretary of State] Attorney General of
6 the officer or officers to be elected at the ensuing general election,
7 certified under his hand to be true and correct, to be delivered to the
8 clerk of each municipality in the county.

9 (cf: P.L.1948, c.2, s.14)

10

11 17. R.S.19:12-5 is amended to read as follows:

12 19:12-5. The clerk of every county shall, not later than the fiftieth
13 day preceding the presidential primary election in each presidential
14 year and the primary election for the general election in every other
15 year, immediately preceding the expiration of the term of office of all
16 other officers who are voted for by the voters of the entire county or
17 of more than one municipality within the county, direct and cause to
18 be delivered to the clerk of each municipality and the county board in
19 counties of the first class, a notice that such officer or officers, as the
20 case may be, will be chosen at the ensuing general election.

21 (cf: P.L.1948, c.2, s.15)

22

23 18. R.S.19:12-6 is amended to read as follows:

24 19:12-6. All municipal clerks, not later than the fiftieth day
25 preceding the presidential primary election in each presidential year
26 and the primary election for the general election in every other year,
27 shall make and certify under their hands and seals of office and
28 forward to the clerk of the county in which the municipality is located
29 a statement designating the public offices to be filled at such election,
30 and the number of persons to be voted for each office. In counties of
31 the first class such statement shall also be forwarded to the county
32 board.

33 (cf: P.L.1948, c.2, s.16)

34

35 19. R.S.19:12-7 is amended to read as follows:

36 19:12-7. a. The county board in each county shall cause to be
37 published in a newspaper or newspapers which, singly or in
38 combination, are of general circulation throughout the county, a notice
39 containing the information specified in subsection b. hereof, except for
40 such of the contents as may be omitted pursuant to subsection c. or d.
41 hereof. Such notice shall be published once during the 30 days next
42 preceding the day fixed for the closing of the registration books for the
43 primary election, once during the calendar week next preceding the
44 week in which the presidential primary election or the primary election
45 for the general election is held, as the case may be, once during the 30
46 days next preceding the day fixed for the closing of the registration

1 books for the general election, and once during the calendar week next
2 preceding the week in which the general election is held.

3 b. Such notice shall set forth:

4 (1) For the primary election for the general election:

5 (a) That a primary election for making nominations for the general
6 election[,] and for the selection of members of the county committees
7 of each political party[, and in each presidential year for the selection
8 of delegates and alternates to national conventions of political
9 parties,] will be held on the day and between the hours and at the
10 places provided for by or pursuant to this Title.

11 (b) The place or places at which and hours during which a person
12 may register, the procedure for the transfer of registration, and the
13 date on which the books are closed for registration or transfer of
14 registration.

15 (c) The several State, county, municipal and party offices or
16 positions to be filled, or for which nominations are to be made, at such
17 primary election.

18 (d) The existence of registration and voting aids, including: (i) the
19 availability of registration and voting instructions at places of
20 registration as provided under R.S.19:31-6; and (ii), if available, the
21 accessibility of voter information to the deaf by means of a
22 telecommunications device.

23 (e) The availability of assistance to a person unable to vote due to
24 blindness, disability or inability to read or write.

25 (f) In the case of the notice published during the calendar week
26 next preceding the week in which the primary election is held, that a
27 voter who, prior to the election, shall have moved within the same
28 county without (i) filing, on or before the 29th day preceding the
29 election, a notice of change of residence with the commissioner of
30 registration of the county or the municipal clerk of the municipality in
31 which the voter resides on the day of the election, (ii) returning the
32 confirmation notice sent to the voter by the commissioner of
33 registration of the county, if such a notice has been sent to the voter,
34 or (iii) otherwise notifying the commissioner of registration of the
35 voter's change of address within the county shall be permitted to
36 correct the voter's registration and to vote in the primary election by
37 provisional ballot at the polling place of the district in which the voter
38 resides on the day of the election. The notice shall further provide that
39 the voter may contact the county commissioner of registration or
40 municipal clerk to determine the proper polling place location for the
41 voter.

42 (2) For the general election:

43 (a) That a general election will be held on the day and between the
44 hours and at the places provided for by or pursuant to this Title.

45 (b) The place or places at which and hours during which a person
46 may register, the procedure for transfer of registration, and the date on

1 which the books are closed for registration or transfer of registration.

2 (c) The several State, county and, municipal offices to be filled
3 and, except as provided in R.S.19:14-33 of this Title as to publication
4 of notice of any Statewide proposition directed by the Legislature to
5 be submitted to the people, the State, county and municipal public
6 questions to be voted upon at such general election.

7 (d) The existence of registration and voting aids, including: (i) the
8 availability of registration and voting instructions at places of
9 registration as provided under R.S.19:31-6; and (ii) the accessibility
10 of voter information to the deaf by means of a telecommunications
11 device.

12 (e) The availability of assistance to a person unable to vote due to
13 blindness, disability or inability to read or write.

14 (f) In the case of the notice published during the calendar week
15 next preceding the week in which the general election is held, that a
16 voter who, prior to the election, shall have moved within the same
17 county without (i) filing, on or before the 29th day preceding the
18 election, a notice of change of residence with the commissioner of
19 registration of the county or the municipal clerk of the municipality in
20 which the voter resides on the day of the election, (ii) returning the
21 confirmation notice sent to the voter by the commissioner of
22 registration of the county, if such a notice has been sent to the voter,
23 or (iii) otherwise notifying the commissioner of registration of the
24 voter's change of address within the county shall be permitted to
25 correct the voter's registration and to vote in the general election by
26 provisional ballot at the polling place of the district in which the voter
27 resides on the day of the election. The notice shall further provide that
28 the voter may contact the county commissioner of registration or
29 municipal clerk to determine the proper polling place location for the
30 voter.

31 (3) For a school election:

32 (a) The day, time and place thereof,

33 (b) The offices, if any, to be filled at the election,

34 (c) The substance of any public question to be submitted to the
35 voters thereat,

36 (d) That a voter who, prior to the election, shall have moved within
37 the same county without (i) filing, on or before the 29th day preceding
38 the election, a notice of change of residence with the commissioner of
39 registration of the county or the municipal clerk of the municipality in
40 which the voter resides on the day of the election, (ii) returning the
41 confirmation notice sent to the voter by the commissioner of
42 registration of the county, if such a notice has been sent to the voter,
43 or (iii) otherwise notifying the commissioner of registration of the
44 voter's change of address within the county shall be permitted to
45 correct the voter's registration and to vote in the school election by
46 provisional ballot at the polling place of the district in which the voter

1 resides on the day of the election,

2 (e) That if the voter has any questions as to where to vote on the
3 day of the election, the voter may contact the county commissioner of
4 registration or municipal clerk to determine the proper polling place
5 location for the voter; and

6 (f) Such other information as may be required by law.

7 (4) For the presidential primary election:

8 (a) That a primary for the selection of delegates and alternates to
9 national conventions of political parties will be held on the day and
10 between the hours and at the places provided for pursuant to this Title.

11 (b) The place or places at which and hours during which a person
12 may register, the procedure for the transfer of registration, and the
13 date on which the books are closed for registration or transfer of
14 registration.

15 (c) The existence of registration and voting aids, including: (i) the
16 availability of registration and voting instructions at places of
17 registration as provided under R.S.19:31-6; and (ii), if available, the
18 accessibility of voter information to the deaf by means of a
19 telecommunications device.

20 (d) The availability of assistance to a person unable to vote due to
21 blindness, disability or inability to read or write.

22 c. If such publication is made in more than one newspaper, it shall
23 not be necessary to duplicate in the notice published in each such
24 newspaper all the information required under this section, so long as:

25 (1) The municipal officers or party positions to be filled, or
26 nominations made, or municipal public questions to be voted upon by
27 the voters of any municipality, shall be set forth in at least one
28 newspaper having general circulation in such municipality;

29 (2) All offices to be filled, or nominations made therefor, or public
30 questions to be voted upon, by the voters of the entire State or of the
31 entire county shall be set forth in a newspaper or newspapers which,
32 singly or in combination, have general circulation throughout the
33 county;

34 (3) Information relating to nominations and elections in each
35 Legislative District comprised in whole or part in the county, shall be
36 published in at least a newspaper or newspapers which singly or in
37 combination, have general circulation in every municipality of the
38 county which is comprised in such legislative district.

39 d. Such part or parts of the original notices as published which
40 pertain to day of registration or primary election which has occurred
41 shall be eliminated from such notice in succeeding insertions.

42 e. (Deleted by amendment, PL.1999, c.232.)

43 f. The cost of publishing the notices required by this section shall
44 be paid by the respective counties, unless otherwise provided for by
45 law.

46 (cf: P.L.1999, c.232, s.2)

S2402 BRYANT

16

1 20. Section 3 of P.L.1990, c.57 (C.19:13-14.1) is amended to read
2 as follows:

3 3. A person whose name appears on the ballot at a primary election
4 for the general election as a candidate for nomination by a political
5 party for any municipal office shall not be eligible to serve as the
6 candidate of any other political party for that office in that municipality
7 at the general election following that primary.

8 (cf: P.L.1990, c.57, s.3)

9

10 21. R.S.19:13-20 is amended to read as follows:

11 19:13-20. In the event of a vacancy, howsoever caused, among
12 candidates nominated at ~~[primaries]~~ a primary election for the general
13 election, which vacancy shall occur not later than the 51st day before
14 the general election, or in the event of inability to select a candidate
15 because of a tie vote at such primary, a candidate shall be selected in
16 the following manner:

17 a. (1) In the case of an office to be filled by the voters of the entire
18 State, the candidate shall be selected by the State committee of the
19 political party wherein such vacancy has occurred.

20 (2) In the case of an office to be filled by the voters of a single and
21 entire county, the candidate shall be selected by the county committee
22 in such county of the political party wherein such vacancy has
23 occurred.

24 (3) In the case of an office to be filled by the voters of a portion of
25 the State comprising all or part of two or more counties, the candidate
26 shall be selected by those members of the county committees of the
27 party wherein the vacancy has occurred who represent those portions
28 of the respective counties which are comprised in the district from
29 which the candidate is to be elected.

30 (4) In the case of an office to be filled by the voters of a portion of
31 a single county, the candidate shall be selected by those members of
32 the county committee of the party wherein the vacancy has occurred
33 who represent those portions of the county which are comprised in the
34 district from which the candidate is to be elected.

35 At any meeting held for the selection of a candidate under this
36 subsection, a majority of the persons eligible to vote thereat shall be
37 required to be present for the conduct of any business, and no person
38 shall be entitled to vote at that meeting who is appointed to the State
39 committee or county committee after the seventh day preceding the
40 date of the meeting.

41 In the case of a meeting held to select a candidate for other than a
42 Statewide office, the chairman of the meeting shall be chosen by
43 majority vote of the persons present and entitled to vote thereat. The
44 chairman so chosen may propose rules to govern the determination of
45 credentials and the procedures under which the meeting shall be
46 conducted, and those rules shall be adopted upon a majority vote of

1 the persons entitled to vote upon the selection. If a majority vote is
2 not obtained for those rules, the delegates shall determine credentials
3 and conduct the business of the meeting under such other rules as may
4 be adopted by a majority vote. All contested votes taken at the
5 selection meeting shall be by secret ballot.

6 b. (1) Whenever in accordance with subsection a. of this section
7 members of two or more county committees are empowered to select
8 a candidate to fill a vacancy, it shall be the responsibility of the
9 chairmen of said county committees, acting jointly not later in any case
10 than the seventh day following the occurrence of the vacancy, to give
11 notice to each of the members of their respective committees who are
12 so empowered of the date, time and place of the meeting at which the
13 selection will be made, that meeting to be held at least one day
14 following the date on which the notice is given.

15 (2) Whenever in accordance with the provisions of subsection a. of
16 this section members of a county committee are empowered to select
17 a candidate to fill a vacancy, it shall be the responsibility of the
18 chairman of such county committee, not later in any case than the
19 seventh day following the occurrence of the vacancy, to give notice to
20 each of the members of the committee who are so empowered of the
21 date, time and place of the meeting at which the selection will be
22 made, that meeting to be held at least one day following the date on
23 which the notice is given.

24 (3) A county committee chairman or chairmen who call a meeting
25 pursuant to paragraph (1) or (2) of this subsection shall not be entitled
26 to vote upon the selection of a candidate at such meeting unless he or
27 they are so entitled pursuant to subsection a.

28 (4) Whenever in accordance with the provisions of subsection a. of
29 this section the State committee of a political party is empowered to
30 select a candidate to fill a vacancy, it shall be the responsibility of the
31 chairman of that State committee to give notice to each of the
32 members of the committee of the date, time and place of the meeting
33 at which the selection will be made, that meeting to be held at least
34 one day following the date on which the notice is given.

35 c. Whenever a selection is to be made pursuant to this section to
36 fill a vacancy resulting from inability to select a candidate because of
37 a tie vote at a primary election for the general election, the selection
38 shall be made from among those who have thus received the same
39 number of votes at the primary.

40 d. A selection made pursuant to this section shall be made not
41 later than the 48th day preceding the date of the general election, and
42 a statement of such selection shall be filed with the Attorney General
43 or the appropriate county clerk, as the case may be, not later than
44 [said 48th] that day, and in the following manner:

45 (1) A selection made by a State committee of political party shall
46 be certified to the Attorney General by the State chairman of the

1 political party.

2 (2) A selection made by a county committee of a political party, or
3 a portion of the members thereof, shall be certified to the county clerk
4 of the county by the county chairman of such political party; except
5 that when such selection is of a candidate for the Senate or General
6 Assembly or the United States House of Representatives the county
7 chairman shall certify the selection to the State chairman of such
8 political party, who shall certify the same to the Attorney General.

9 (3) A selection made by members of two or more county
10 committees of a political party acting jointly shall be certified by the
11 chairmen of said committees, acting jointly, to the State chairman of
12 such political party, who shall certify the same to the Attorney
13 General.

14 e. A statement filed pursuant to subsection d. of this section shall
15 state the residence and post office address of the person so selected,
16 and shall certify that the person so selected is qualified under the laws
17 of this State to be a candidate for such office, and is a member of the
18 political party filling the vacancy. Accompanying the statement the
19 person endorsed therein shall file a certificate stating that he is
20 qualified under the laws of this State to be a candidate for the office
21 mentioned in the statement, that he consents to stand as a candidate at
22 the ensuing general election and that he is a member of the political
23 party named in said statement, and further that he is not a member of,
24 or identified with, any other political party or any political
25 organization espousing the cause of candidates of any other political
26 party, to which shall be annexed the oath of allegiance prescribed in
27 R.S.41:1-1 duly taken and subscribed by him before an officer
28 authorized to take oaths in this State. The person so selected shall be
29 the candidate of the party for such office at the ensuing general
30 election. Each candidate for the office of Governor or the office of
31 member of the Senate or General Assembly filing a certification shall
32 annex thereto a statement signed by the candidate that he or she:

33 (1) has not been convicted of any offense graded by Title 2C of the
34 New Jersey Statutes as a crime of the first, second, third or fourth
35 degree, or any offense in any other jurisdiction which, if committed in
36 this State, would constitute such a crime; or

37 (2) has been so convicted, in which case, the candidate shall
38 disclose on the statement the crime for which convicted, the date and
39 place of the conviction and the penalties imposed for the conviction.
40 Such a candidate may, as an alternative, submit with the statement a
41 copy of an official document that provides such information. If the
42 candidate has been convicted of more than one criminal offense, such
43 information about each conviction shall be provided. Records
44 expunged pursuant to chapter 52 of Title 2C of the New Jersey
45 Statutes shall not be subject to disclosure.

46 (cf: P.L.2004, c.26, s.2)

S2402 BRYANT

19

1 22. R.S.19:14-6 is amended to read as follows:

2 19:14-6. In each column, immediately below the six-point rule,
3 shall be printed the proper word or words to designate the column, to
4 be known as the "column designation."

5 In the columns at the extreme left shall be printed the name of each
6 of the political parties which made nominations at the next preceding
7 presidential primary election, during the same year such an election is
8 held, and the next preceding primary election for the general election
9 every year, directly under which shall appear the words "to vote for
10 any candidate whose name appears in the column below, mark a cross
11 x , plus + or check X in the square at the left of the name of such
12 candidate. Do not vote for more candidates than are to be elected to
13 any office." Such columns shall be three inches in width.

14 The column next to the right of such columns shall be designated
15 "personal choice," under which shall appear the words "in the blank
16 column below, under the proper title of office, the voter may write or
17 paste the name of any person for whom he desires to vote, whose
18 name is not printed on this ballot, and shall mark a cross x , plus + or
19 check X in the square at the left of such name. Do not vote for more
20 candidates than are to be elected to any office." There shall also be
21 the same instructions regarding electors of president and
22 vice-president which now appear at the head of all other columns.
23 This column shall be four inches in width.

24 The remaining column or columns, as the case may be, shall each
25 be designated "Nomination by Petition," under which shall be printed
26 the words "to vote for any candidate whose name appears in the
27 column below mark a x , plus + or check X in the square at the left of
28 the name of such candidate. Do not vote for more candidates than are
29 to be elected to any office." These columns shall be four inches in
30 width.

31 Below the column designations and accompanying instructions and
32 not more than one and one-half inches below the six-point diagram
33 rule and parallel thereto, shall be printed a six-point diagram rule
34 extending across the entire ballot from one four point rule to the other.
35 (cf: P.L.1947, c.104, s.2)

36

37 23. R.S.19:14-8 is amended to read as follows:

38 19:14-8. In the columns of each of the political parties which made
39 nominations at the next preceding primary election to the general
40 election and in the personal choice column, within the space between
41 the two-point hair line rules, there shall be printed the title of each
42 office to be filled at such election, except as hereinafter provided.

43 Such titles of office shall be arranged in the following order:
44 [electors of President and Vice-President of the United States;]
45 member of the United States Senate; Governor; member of the House
46 of Representatives; member of the State Senate; members of the

1 General Assembly; county executive, in counties that have adopted the
2 county executive plan of the "Optional County Charter Law,"
3 P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate;
4 register of deeds and mortgages; county supervisor; members of the
5 board of chosen freeholders; coroners; mayor and members of
6 municipal governing bodies, and any other titles of office. Above each
7 of such titles of office, except the one at the top, shall be printed a
8 two-point diagram rule in place of the two-point hair line rule. Below
9 the titles of such offices shall be printed the names of the candidates
10 for the offices.

11 In the columns of each of the political parties which made
12 nominations at the next preceding presidential primary election and in
13 the personal choice column, within the space between the two-point
14 hair line rules, there shall be printed the title of office for electors of
15 President and Vice President of the United States.

16 The arrangement of the names of candidates for any office for
17 which more than one are to be elected shall be determined in the
18 manner hereinafter provided, as in the case of candidates nominated by
19 petition.

20 When no nomination for an office has been made the words "No
21 Nomination Made" in type large enough to fill the entire space or
22 spaces below the title of office shall be printed upon the ballot.

23 Immediately to the left of the name of each candidate, at the
24 extreme left of each column, including the personal choice column,
25 shall be printed a square, one-quarter of an inch in size, formed by
26 two-point diagram rules. In the personal choice column no names of
27 candidates shall be printed.

28 To the right of the title of each office in the party columns and the
29 personal choice column shall be printed the words "Vote for ,"
30 inserting in words the number of persons to be elected to such office.
31 (cf: P.L.1995, c.191, s.1)

32

33 24. R.S.19:14-12 is amended to read as follows:

34 19:14-12. The county clerk shall draw lots in his county to
35 determine which columns the political parties which made nominations
36 at the next preceding presidential primary election in each presidential
37 year and at the primary election for the general election every year.
38 shall occupy on the ballot in the county. The name of the party first
39 drawn shall occupy the first column at the left of the ballot, and the
40 name of the party next drawn shall occupy the second column, and so
41 forth.

42 The position which the names of candidates, and bracketed groups
43 of names of candidates nominated by petitions for all offices, shall
44 have upon the general election ballot, shall be determined by the
45 county clerks in their respective counties.

46 The manner of drawing the lots shall be as follows: paper slips with

1 the names of each political party written thereon, shall be placed in
2 capsules of the same size, shape, color and substance and then placed
3 in a covered box with an aperture in the top large enough to admit a
4 man's hand and to allow the capsules to be drawn therefrom. The box
5 shall be well shaken and turned over to thoroughly intermingle the
6 capsules. The county clerk or his deputy shall at his office, draw from
7 the box each capsule separately without knowledge on his part as to
8 which capsule he is drawing.

9 The person making the drawing shall open the capsule and shall
10 make public announcement at the drawing of each name, the order in
11 which name is drawn and the office for which the drawing is made.

12 Where there is but one person to be elected to an office, the names
13 of the several candidates who have filed petitions for such office shall
14 be written upon paper slips and placed in separate capsules of the same
15 size, shape, color and substance. The capsules shall be placed in a
16 covered box with an aperture in the top large enough to admit a man's
17 hand and to allow the capsules to be drawn therefrom. The box shall
18 be turned and shaken thoroughly to mix the capsules and the capsules
19 shall be withdrawn one at a time.

20 When there is more than one person to be elected to an office
21 where petitions have designated that certain candidates shall be
22 bracketed, the position of such bracketed names on the ballot (each
23 bracketed group to be treated as a single name), together with
24 individuals who have filed petitions for such office, shall be determined
25 as above described.

26 Any legal voter of the county or municipality, as the case may be,
27 shall have the privilege of witnessing the drawing.

28 The name or names of the candidate or bracketed group of
29 candidates first drawn from the box shall be printed directly below the
30 proper title of the office for which they were nominated, and the name
31 or names of the candidate or bracketed group of candidates next
32 drawn shall be printed next in order, and so on, until the last name or
33 bracketed group of names shall be drawn from the box.

34 The arrangement of names of any bracketed group of candidates for
35 any office for which more than one are to be elected shall be printed
36 in the same order on the ballot as they were arranged on the petition
37 of nomination.

38 The drawing for the positions which the names of candidates and
39 bracketed groups of names of candidates, nominated by petition for
40 office, and for the columns which the political parties which made
41 nominations at the next preceding presidential primary election and the
42 preceding primary election for the general election shall occupy upon
43 the general election ballot, shall be held at 3 o'clock in the afternoon
44 of the eighty-fifth day prior to the day of the general election.

45 (cf: P.L.1977, c.431, s.1)

S2402 BRYANT

22

1 25. R.S.19:23-1 is amended to read as follows:

2 19:23-1. The chairman of the State committee of a political party
3 shall, on or before March 1 in the year when a Governor is to be
4 elected, notify in writing the chairman of each county committee of
5 such party of the number of male or female members or members with
6 less than one full vote to be elected from the county at the ensuing
7 primary election for the general election, and each such chairman shall,
8 on or before April 1 of such year, send a copy of such notice to the
9 county clerk.

10 The chairman of each county committee shall also, on or before
11 January 10 of each presidential year and on or before April 1 [, in each
12 year] of every other year, file with the clerks of the several
13 municipalities the number of committeemen to be elected at the
14 ensuing primary for the general election to the county committee.

15 (cf: P.L.1978, c.15, s.3)

16

17 26. R.S.19:23-24 is amended to read as follows:

18 19:23-24. The position which the candidates and bracketed groups
19 of names of candidates for the primary for the general election shall
20 have upon the ballots used for the primary election [ballots] for the
21 general election, in the case of candidates for nomination for members
22 of the United States Senate, Governor, members of the House of
23 Representatives, members of the State Senate, members of the General
24 Assembly, [choice for President, delegates and alternates-at-large to
25 the national conventions of political parties, district delegates and
26 alternates to conventions of political parties,] candidates for party
27 positions, and county offices or party positions which are to be voted
28 for by the voters of the entire county or a portion thereof greater than
29 a single municipality, including a congressional district which is wholly
30 within a single municipality, shall be determined by the county clerks
31 in their respective counties; and, excepting in counties where
32 R.S.19:49-2 applies, the position on the ballot used for the primary
33 [ballots] election for the general election in the case of candidates for
34 nomination for office or party position wherein the candidates for
35 office or party position to be filled are to be voted for by the voters of
36 a municipality only, or a subdivision thereof (excepting in the case of
37 members of the House of Representatives) shall be determined by the
38 municipal clerk in such municipalities, in the following manner: The
39 county clerk, or his deputy, or the municipal clerk or his deputy, as the
40 case may be, shall at his office on the 47th day prior to the primary
41 election for the general election at three o'clock in the afternoon draw
42 from the box, as hereinafter described, each card separately without
43 knowledge on his part as to which card he is drawing. Any legal voter
44 of the county or municipality, as the case may be, shall have the
45 privilege of witnessing such drawing. The person making the drawing
46 shall make public announcement at the drawing of each name, the

1 order in which same is drawn, and the office for which the drawing is
2 made. When there is to be but one person nominated for the office,
3 the names of the several candidates who have filed petitions for such
4 office shall be written upon cards (one name on a card) of the same
5 size, substance and thickness. The cards shall be deposited in a box
6 with an aperture in the cover of sufficient size to admit a man's hand.
7 The box shall be well shaken and turned over to thoroughly mix the
8 cards, and the cards shall then be withdrawn one at a time. The first
9 name drawn shall have first place, the second name drawn, second
10 place, and so on; the order of the withdrawal of the cards from the box
11 determining the order of arrangement in which the names shall appear
12 upon the primary election ballot. Where there is more than one person
13 to be nominated to an office where petitions have designated that
14 certain candidates shall be bracketed, the position of such bracketed
15 names on the ballot (each bracket to be treated as a single name),
16 together with individuals who have filed petitions for nomination for
17 such office, shall be determined as above described. Where there is
18 more than one person to be nominated for an office and there are more
19 candidates who have filed petitions than there are persons to be
20 nominated, the order of the printing of such names upon the primary
21 election ballots shall be determined as above described.

22 The county clerk in certifying to the municipal clerk the offices to
23 be filled and the names of candidates to be printed upon the ballots
24 used for the primary election [ballots] for the general election, shall
25 certify them in the order as drawn in accordance with the above
26 described procedure, and the municipal clerk shall print the names
27 upon the ballots as so certified and in addition shall print the names of
28 such candidates as have filed petitions with him in the order as
29 determined as a result of the drawing as above described. Candidates
30 for the office of the county executive in counties that have adopted the
31 county executive plan of the "Optional County Charter Law,"
32 P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede the candidates for
33 other county offices for which there are candidates on the ballot used
34 for the primary election [ballot] for the general election.
35 (cf: P.L.1995, c.191, s.3)

36

37 27. R.S.19:23-40 is amended to read as follows:

38 19:23-40. The presidential primary election shall be held for all
39 political parties in each presidential year on the last Tuesday in
40 February.

41 The primary election for the general election shall be held for all
42 political parties upon the Tuesday next after the first Monday in June.

43 All primary elections shall occur between the hours of 6:00 A.M.
44 and 8:00 P.M., Standard Time [. It] and shall be held for all political
45 parties in the same places as hereinbefore provided for the ensuing
46 general election.

1 (cf: P.L.2001, c.245, s.4)

2 28. R.S.19:23-42 is amended to read as follows:

3 19:23-42. The presidential primary election and the primary for the
4 general election shall be conducted by the district boards substantially
5 in the same manner as the general election, except as herein otherwise
6 provided.

7 Each district board may allow one member thereof at a time to be
8 absent from the polling place or room for a period not exceeding one
9 hour between the hours of one o'clock and five o'clock in the
10 afternoon or for such shorter time as it shall see fit; but at no time
11 from the opening of the polls to the completion of the canvass shall
12 there be less than a majority of the board present in the polling room
13 or place.

14 (cf: R.S.19:23-42)

15

16 29. R.S.19:23-45 is amended to read as follows:

17 19:23-45. No voter shall be allowed to vote at **[the]** any primary
18 election unless his name appears in the signature copy register.

19 A voter who votes in a primary election of a political party or who
20 signs and files with the municipal clerk or the county commissioner of
21 registration a declaration that he desires to vote in **[the]** any primary
22 election of a political party shall be deemed to be a member of that
23 party until he signs and files a declaration that he desires to vote in
24 **[the]** a primary election of another political party at which time he
25 shall be deemed to be a member of such other political party. The
26 **[Secretary of State]** Attorney General shall cause to be prepared
27 political party affiliation declaration forms and shall provide such
28 forms to the commissioners of registration of the several counties and
29 to the clerks of the municipalities within such counties.

30 No voter, except a newly registered voter at the first primary at
31 which he is eligible to vote, or a voter who has not previously voted
32 in a primary election, may vote in a primary election of a political party
33 unless he was deemed to be a member of that party on the fiftieth day
34 next preceding such primary election.

35 A member of the county committee of a political party and a public
36 official or public employee holding any office or public employment to
37 which he has been elected or appointed as a member of a political
38 party shall be deemed a member of such political party.

39 Any person voting in the primary ballot box of any political party
40 in any primary election in contravention of the election law shall be
41 guilty of a misdemeanor, and any person who aids or assists any such
42 person in such violation by means of public proclamation or order, or
43 by means of any public or private direction or suggestions, or by
44 means of any help or assistance or cooperation, shall likewise be guilty
45 of a misdemeanor.

46 (cf: P.L.1977, c.97, s.1)

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25

1 30. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
2 as follows:

3 2. a. The county commissioner of registration in each of the
4 several counties, shall cause a notice to be published in each
5 municipality of their respective counties in a newspaper or newspapers
6 circulating therein. The notice to be so published shall be published
7 once during each of the 2 calendar weeks next preceding the week in
8 which the fiftieth day next preceding [the] any primary election of a
9 political party occurs.

10 b. The notice required to be published by the preceding paragraph
11 shall inform the reader thereof that no voter, except a newly registered
12 voter at the first primary at which he is eligible to vote, or a voter who
13 has not previously voted in a primary election may vote in a primary
14 election of a political party unless he was deemed to be a member of
15 that party on the fiftieth day next preceding such primary election. It
16 shall further inform the reader thereof that a voter who votes in [the]
17 any primary election of a political party or who signs and files with the
18 municipal clerk or the county commissioner of registration a
19 declaration that he desires to vote in [the] a primary election of a
20 political party shall be deemed to be a member of that party until he
21 signs and files a declaration that he desires to vote in [the] a primary
22 election of another political party at which time he shall be deemed to
23 be a member of such other political party. The notice shall also state
24 the time and location where a person may obtain political party
25 affiliation declaration forms.

26 (cf: P.L.1977, c.97, s.2)

27

28 31. R.S.19:23-46 is amended to read as follows:

29 19:23-46. Each voter offering to vote shall announce his name and
30 the party primary in which he wishes to vote. The district board shall
31 thereupon ascertain by reference to the signature copy register or the
32 primary election registry book required for either the presidential
33 primary or the primary election for the general election by this title, as
34 the case may be, and, in municipalities not having permanent
35 registration, if necessary by reference to the primary party poll books
36 of the preceding presidential primary election or primary election for
37 the general election, that such voter is registered as required by this
38 title and also that he is not ineligible or otherwise disqualified by the
39 provisions of section 19:23-45 of this title; in which event he shall be
40 allowed to vote.

41 (cf: R.S.19:23-46)

42

43 32. R.S.19:23-49 is amended to read as follows:

44 19:23-49. At the close of [the] a presidential primary election and
45 a primary election for the general election each district board shall
46 immediately proceed to count the votes cast at the election and

1 ascertain the results thereof for the candidates of each political party
2 holding such elections, proceeding in the manner indicated by the
3 statement hereinafter provided for, and as nearly as may be in the
4 manner herein required for the counting by the district board of votes
5 cast at the general election.

6 (cf: R.S.19:23-49)

7

8 33. R.S.19:23-58 is amended to read as follows:

9 19:23-58. Any provisions of this title which pertain particularly to
10 any election or to the general election shall apply to the presidential
11 primary election or the primary election for the general election, as the
12 case may be, in so far as they are not inconsistent with the special
13 provisions of this title pertaining to the presidential primary election
14 or the primary election for the general election.

15 (cf: R.S.19:23-58)

16

17 34. R.S.19:24-1 is amended to read as follows:

18 19:24-1. In every year in which presidential primary elections are
19 to be held as herein provided for the election of delegates and
20 alternates to the national conventions of political parties, including any
21 national mid-term convention or conference of a political party,
22 [which primary elections are to be held on the first Tuesday in June as
23 hereinbefore provided,] the chairman of the State committee of each
24 political party shall notify the [Secretary of State] Attorney General,
25 on or before [March 1] January 1 of that year, of the number of
26 delegates-at-large and the number of alternates-at-large to be elected
27 to the next national convention of such party by the voters of the
28 party throughout the State, and also of the number of delegates and
29 alternates to be chosen to such convention in the respective
30 congressional districts or other territorial subdivisions of the State as
31 mentioned in such notification.

32 If the State chairmen, or either of them, shall fail to file notice, the
33 [Secretary of State] Attorney General shall ascertain such facts from
34 the call for its national convention issued by the National or State
35 committee.

36 (cf: P.L.1978, c.15, s.5)

37

38 35. R.S.19:24-2 is amended to read as follows:

39 19:24-2. The [Secretary of State] Attorney General shall, on or
40 before [March 20] January 1 of that year, certify to the county clerk
41 and county board of each county the number of delegates and
42 alternates-at-large to be chosen by each such party and the number of
43 delegates and alternates to be chosen in each congressional district or
44 other territorial subdivision of the State, composed in whole or in part
45 of the county of such county clerk.

46 Any provisions of this Title which pertain particularly to any

1 election or to the general election or to the primary election for the
2 general election shall apply to the presidential primary election for
3 delegates and alternates to national conventions in so far as they are
4 not inconsistent with the special provisions of this Title pertaining to
5 the presidential primary election for delegates and alternates to
6 national conventions.

7 Notwithstanding any provision of this Title, national and State party
8 rules shall govern the selection of delegates and alternates to national
9 party conventions, provided the State chairman of the political party
10 notifies the [Secretary of State] Attorney General prior to [March 1]
11 January 1 of the year in which delegates and alternates are elected of
12 the applicable party rules governing the delegate selection process.
13 The [Secretary of State] Attorney General shall notify the county
14 clerks prior to [April 1] January 10 of the year in which delegates
15 and alternates are elected of the applicable party rules, if any, which
16 apply to matters within their jurisdiction. Pursuant to this section, the
17 [Secretary of State] Attorney General shall issue to the county clerks
18 uniform regulations governing the delegate selection process.
19 (cf: P.L.1976, c.9, s.1)

20

21 36. R.S.19:24-4 is amended to read as follows:

22 19:24-4. Not less than 100 members of each such political party
23 may file with the Attorney General at least 57 days prior to the
24 presidential primary election [for the general election] in any year of
25 a national convention a petition requesting that the name of a person
26 therein indorsed shall be printed on the presidential primary ticket of
27 such political party as candidate for the position of delegate-at-large
28 or alternate-at-large, to be chosen by the party voters throughout the
29 State to the national convention of that party, or as a delegate or
30 alternate to be chosen to that convention by the voters of any
31 congressional district.

32 The signers to the petition for any delegate-at-large or
33 alternate-at-large shall be legal voters resident in the State; and the
34 signers for any delegate or alternate from any Congressional district
35 shall be voters of such district.

36 The Attorney General shall not later than the 48th day preceding
37 the presidential primary election [for the general election] certify to
38 each county clerk and county board such nominations for delegates
39 and alternates-at-large and the nominations for delegate or alternate
40 for any Congressional district.

41 (cf: P.L.2001, c.211, s.2)

42

43 37. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as
44 follows:

45 1. Not less than one thousand voters of any political party may file
46 a petition with the Attorney General on or before the 57th day before

1 a presidential primary election [in any year in which a President of the
2 United States is to be chosen], requesting that the name of the person
3 indorsed therein as a candidate of such party for the office of President
4 of the United States shall be printed upon the official presidential
5 primary ballot of that party for the then ensuing election for delegates
6 and alternates to the national convention of such party.

7 The petition shall be prepared and filed in the form and manner
8 herein required for the indorsement of candidates to be voted for at the
9 primary election for the general election, except that the candidate
10 shall not be permitted to have a designation or slogan following his
11 name, and that it shall not be necessary to have the consent of such
12 candidate for President indorsed on the petition.

13 (cf: P.L.2001, c.211, s.3)

14

15 38. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as
16 follows:

17 2. The [Secretary of State] Attorney General shall certify the
18 names so indorsed to the county clerk of each county not later than the
19 48th day before such presidential primary election, but if any person
20 so indorsed shall on or before such date decline in writing, filed in the
21 office of the [Secretary of State] Attorney General, to have his name
22 printed upon the presidential primary election ballot as a candidate for
23 President, the [Secretary of State] Attorney General shall not so
24 certify such name.

25 (cf: P.L.1985, c.92, s.24)

26

27 39. R.S.19:26-1 is amended to read as follows:

28 19:26-1. At the close of all primary elections held according to the
29 provisions of this title, and after counting the ballots cast at such
30 primary and making the statements thereof as herein provided, each
31 district board shall place all ballots voted at the election and all spoiled
32 and unused ballots inside the ballot boxes used at such election, and
33 after locking and sealing the same, shall forthwith deliver the ballot
34 boxes to the municipal clerk and the keys thereof to the county clerk.
35 The [district board in municipalities not having permanent registration
36 shall deliver to the county clerk the party primary poll books of the
37 previous year, together with the primary election registry books and
38 the primary party poll books made up at the current primary election.
39 In all municipalities having permanent registration, the] signature copy
40 register binders and the current primary party poll books used at any
41 primary election shall be returned by the district boards to the
42 commissioner, not later than noon of the day following the preceding
43 primary election [for the general election].

44 The commissioner shall return the primary party poll books used at
45 any primary election to the municipal clerks [in municipalities having

1 permanent registration] not later than one month preceding the next
2 primary election.

3 [In all municipalities not having permanent registration the register
4 of voters shall be returned by the district boards to the county clerk
5 not later than the day following the primary election for the general
6 election.]

7 The county clerks, in counties other than counties of the first class,
8 shall, during the ten days next preceding the third registry day deliver,
9 at their offices or in any other way they may see fit, the register of
10 voters to the respective district boards.

11 The county clerks in counties of the first class shall deliver the
12 register of voters to the municipal clerks, who shall deliver such
13 register to the district boards at the same time and with the official
14 general election sample ballots.

15 (cf: R.S.19:26-1)

16

17 40. R.S.19:27-11 is amended to read as follows:

18 19:27-11. In the event of any vacancy in any county or municipal
19 office, except for the office of a member of the board of chosen
20 freeholders, which vacancy shall occur after the 11th day preceding the
21 last day for filing petitions for nominations for the primary election for
22 the general election and on or before the 51st day preceding the
23 general election, each political party may select a candidate for the
24 office in question in the manner prescribed in R.S.19:13-20 for
25 selecting candidates to fill vacancies among candidates nominated at
26 primary elections to the general elections. A statement of such
27 selection shall be filed with the county clerk not later than the close of
28 business of the 48th day preceding the date of the general election.

29 Besides the selection of candidates by each political party as before
30 provided, candidates may also be nominated by petition in a similar
31 manner as herein provided for direct nomination by petition for the
32 general election but the petition shall be filed with the county clerk at
33 least 48 days prior to such general election.

34 When the vacancy occurs in a county office the county clerk shall
35 forthwith give notice thereof to the chairman of the county committee
36 of each political party and in counties of the first class to the county
37 board, and in case the vacancy occurs in a municipal office the
38 municipal clerk shall forthwith give notice thereof to the county clerk,
39 the chairman of the county committee of each political party and in
40 counties of the first class the county board.

41 The county clerk shall print on the ballots for the territory affected,
42 in the personal choice column, the title of office and leave a proper
43 space under such title of office; and print the title of office and the
44 names of such persons as have been duly nominated, in their proper
45 columns.

46 (cf: P.L.1990, c.33, s.1)

1 41. Section 7 of P.L.1988, c.126 (C.19:27-11.1) is amended to
2 read as follows:

3 7. When any vacancy happens in the Legislature otherwise than by
4 expiration of term, it shall be filled by election for the unexpired term
5 only at the next general election occurring not less than 51 days after
6 the occurrence of the vacancy, except that no such vacancy shall be
7 filled at the general election which immediately precedes the expiration
8 of the term in which the vacancy occurs. In the event a vacancy
9 eligible to be filled by election hereunder occurs on or before the sixth
10 day preceding the last day for filing petitions for nomination for the
11 primary election, such petitions may be prepared and filed for
12 nomination in that primary election in the manner provided by article
13 3 of chapter 23 of this Title. In the event the vacancy occurs after that
14 sixth day preceding the last day for filing petitions for nomination for
15 the primary election for the general election, a political party may
16 select a candidate for the office in question in the manner prescribed
17 in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill
18 vacancies among candidates nominated at primary elections for the
19 general elections. A statement of such selection under R.S.19:13-20
20 shall be filed with the [Secretary of State] Attorney General not later
21 than the 48th day preceding the date of the general election.

22 Besides the selection of candidates by each political party,
23 candidates may also be nominated by petition in a manner similar to
24 direct nomination by petition for the general election; but if the
25 candidate of any party to fill the vacancy will be chosen at a primary
26 election, such petition shall be filed with the [Secretary of State]
27 Attorney General at least 55 days prior to the primary election; and if
28 no candidate of any party will be chosen at a primary election, such
29 petition shall be filed with the [Secretary of State] Attorney General
30 not later than 12 o'clock noon of the day on which the first selection
31 meeting by any party is held under this section to select a nominee to
32 fill the vacancy.

33 When the vacancy occurs in the Senate or General Assembly, the
34 county clerk of each county which is comprised in whole or part in the
35 Senate or General Assembly district shall forthwith give notice thereof
36 to the chairman of the county committee of each political party and in
37 counties of the first class to the county board.

38 The county clerk shall print on the ballots for the territory affected,
39 in the personal choice column, the title of office and leave a proper
40 space under such title of office; and print the title of office and the
41 names of such persons as have been duly nominated, in their proper
42 columns.

43 (cf: P.L.1990, c.56, s.2)

44

45 42. R.S.19:28-1 is amended to read as follows:

46 19:28-1. When any candidate at any election shall have reason to

1 believe that an error has been made by any district board or any board
2 of canvassers in counting the vote or declaring the vote of any
3 election, he may, on or before the [second Saturday] Friday following
4 such election, in the case of the primary election for the general
5 election, or on or before the second Saturday following the election in
6 the case of any other election, or declaration of any board of
7 canvassers, apply to a judge of the Superior Court assigned to the
8 county wherein such district or districts are located, for a recount of
9 the votes cast at the election in any district or districts.

10 When ten voters at any election shall have reason to believe that an
11 error has been so made in counting or declaring the vote upon any
12 public question at any election, such voters may, within a like time,
13 make like application for a like recount of the votes cast at the election
14 on such public question.

15 (cf: P.L.1991, c.91, s.247)

16
17 43. R.S.19:29-3 is amended to read as follows:

18 19:29-3. The petition contesting any nomination to public office,
19 election to party office or position, election as a delegate or alternate
20 in a presidential primary or the proposal of any proposition shall be
21 filed not later than 10 days after the primary election.

22 The petition contesting any election to public office or approval or
23 disapproval of any proposition shall be filed not later than 30 days
24 after such election, unless the ground of action is discovered from the
25 statements, deposit slips or vouchers filed under this Title, subsequent
26 to such primary or other election, in which event such petition may be
27 filed 10 or 30 days respectively after such statements, deposit slips or
28 vouchers are filed.

29 Any petition of contest may be filed within 10 days after the result
30 of any recount has been determined or announced.

31 (cf: P.L.1956, c.128, s.3)

32
33 44. R.S.19:31-16 is amended to read as follows:

34 19:31-16. a. The health officer or other officer in charge of
35 records of death in each municipality shall file with the commissioner
36 of registration for the county in which the municipality is located once
37 each month, during the first five days thereof, the age, date of death,
38 and the names and addresses of all persons 18 years of age or older
39 who have died within such municipality during the previous month.
40 Within 30 days after the receipt of such list the commissioner shall
41 make and complete such investigation as is necessary to establish to
42 his satisfaction that such deceased person is registered as a voter in the
43 county. If such fact is so established, the commissioner shall cause the
44 registration and record of voting forms of the deceased registrant to
45 be transferred to the death file as soon as possible. If the deceased
46 person was not so registered in the county, but the person maintained

1 a residence in another county of this State, the officer in charge of
2 records of death in the municipality in which the decedent died shall
3 forward a copy of the notice of death to the officer in charge of
4 records of death in the municipality in which the decedent resided.
5 That officer having received the notice shall notify the commissioner
6 of the county in which that municipality is located of the death of the
7 person. Any commissioner who receives such notification shall
8 undertake the procedures prescribed herein with respect to the
9 registration in that county of the decedent.

10 b. The State registrar of vital statistics shall file with the
11 commissioner of registration of each county no later than January 15
12 of each presidential year and no later than May 1 of [each] every
13 other year an alphabetized list of the name, address, and date of birth,
14 if available, of each resident of the county 18 years of age or older
15 who died during the previous year. Within 30 days after the receipt of
16 the list the commissioner shall undertake and complete such
17 investigation as is necessary to establish that each person on the list is
18 not registered as a voter in the county. The commissioner shall cause
19 the registration and record of voting forms of any deceased registrant
20 found on the list to be transferred to the death file as soon as possible.
21 (cf: P.L.1999, c.232, s.31)

22

23 45. R.S.19:31-20 is amended to read as follows:

24 19:31-20. On or before the second Monday preceding the
25 presidential primary election, the primary election for the general
26 election and the general election, respectively, the commissioner in
27 counties not having a superintendent of elections, shall deliver to the
28 municipal clerk in each municipality the signature copy registers for
29 each election district in such municipality and shall take a receipt for
30 same. The municipal clerk shall thereupon deliver at his office, or in
31 any other way he sees fit, such registers to a member or members of
32 the proper district boards at the same time and together with the
33 primary [for the general election] sample ballots or the general
34 election sample ballots, as the case may be. The registers shall be used
35 by the district boards on election days and for the purpose of mailing
36 the sample ballots. The commissioner in counties having a
37 superintendent of elections shall deliver such registers at his office, or
38 in any other way he may see fit, to the various district boards, taking
39 a receipt for same.

40 Before delivering the registers the commissioner shall cause to be
41 printed upon a separate sheet or sheets of paper, to be inserted inside
42 of the front cover of such registers in conspicuous type, such
43 instructions to election officers regarding the use and disposition of
44 the binders and forms as he deems necessary.

45 (cf: P.L.1947, c.168, s.22)

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33

1 46. R.S.19:31-21 is amended to read as follows:

2 19:31-21. A person whose name appears in the signature copy
3 register and who upon applying for a ballot or voting authority shall
4 have given the information and signed the signature comparison record
5 as provided in this Title and whose signature in the signature
6 comparison record shall have been compared by a member of the
7 district board and in the presence and view of the challengers with the
8 signature of the applicant as recorded in the register shall be eligible
9 to receive a ballot or voting authority unless it be shown to the
10 satisfaction of a majority of the members of the district board that he
11 is not entitled to vote in the district or has otherwise become
12 disqualified.

13 No person shall be required to sign the signature comparison record
14 as a means of identification if he shall have been unable to write his
15 name when he registered, or if, having been able to write his name
16 when registered, he subsequently shall have lost his sight or lost the
17 hand with which he was accustomed to write or shall by reason of
18 disease or accident be unable to write his name when he applies to
19 vote, but each such person shall establish his identity in the manner
20 provided in this Title.

21 In addition to signing the signature comparison record and after the
22 comparison of the signature with the signature in the register, a person
23 offering to vote at [a] the presidential primary election or the primary
24 election for the general election, as the case may be, shall announce his
25 name and the party primary in which he wishes to vote.

26 After a person has voted the member of the district board having
27 charge of the signature copy registers shall place the number of the
28 person's ballot in the proper column on the record of voting form of
29 such person, which number shall constitute a record that the person
30 has voted. In the case of [a] the presidential primary election or the
31 primary election for the general election such member of the district
32 board shall also place in the proper column on the record of voting
33 form the first three letters of the name of the political party whose
34 primary ballot such person has voted.

35 In the event that the duplicate permanent registration form of any
36 person cannot be found in the signature copy register at the time he
37 applies for a ballot or voting authority, a member of the district board
38 shall promptly ascertain from the commissioner or a duly authorized
39 clerk if such person is permanently registered. Upon information that
40 such is the fact, such member of the district board shall require the
41 person applying for a ballot or voting authority to obtain an order
42 from the commissioner authorizing him to receive a ballot or voting
43 authority. The commissioner shall specially authorize and deputize
44 clerks to issue such orders in municipalities within his county. The
45 commissioner or his clerk shall require the voter to sign his name upon
46 such order for the purpose of signature comparison. The district

1 board shall require the voter to again sign his name on said order, in
2 the presence of the board, and if the signatures compare, to permit him
3 to vote. At primary elections the commissioner or his duly authorized
4 clerk shall endorse on the order the political party whose ballot such
5 person voted at the last preceding primary election. The order shall be
6 returned to the commissioner at the same time and along with the
7 signature copy registers.

8 (cf: P.L.1945, c.77, s.1)

9

10 47. R.S.19:31-22 is amended to read as follows:

11 19:31-22. Not later than noon of the day following the canvass of
12 the votes cast at the presidential primary election, the primary election
13 for the general election or the general election, the signature copy
14 registers shall be returned by each district board to the commissioner
15 at his office or in any other way as the commissioner may see fit.

16 Upon receipt of the registers the commissioner shall inspect them
17 and verify from the party primary poll books and the general election
18 poll books, as the case may be, that the entries required to be made
19 on the record of voting forms in such registers by the district boards
20 have been made. If the commissioner shall ascertain that such entries
21 have not been made or have been improperly made, he shall cause such
22 entries and corrections to be made forthwith and also notify the county
23 board of such failure of duty and the members of such district board
24 who have so failed in their duty and shall be ineligible for appointment
25 as members of any district board thereafter.

26 (cf: P.L.1965, c.106, s.1)

27

28 48. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to read
29 as follows:

30 9. On the day of every municipal, primary, presidential primary,
31 general, special or annual [or special] school election the
32 superintendent of elections in counties having a superintendent of
33 elections or the county board of elections in all other counties shall
34 provide to each polling place in the county sufficient numbers of a
35 form on which voters or persons attempting to vote may register any
36 complaint regarding the conduct of the election at the polling place
37 where they voted or attempted to vote. In counties in which the
38 primary language of 10% or more of the registered voters is Spanish,
39 the form for the complaint shall appear in both English and Spanish.
40 The form shall protect the anonymity of the complainant, if that person
41 so wishes, and shall be accompanied by an envelope with the proper
42 postage and the name and address of the superintendent of elections
43 of the county or the chairman of the county board of elections, as the
44 case may be. A complaint may be used by the superintendent of
45 elections or any other municipal or State investigatory agency to
46 conduct an investigation into possible violation of the State election

1 law. Copies of the form containing the complaint shall be available
2 from the superintendent of elections or the county board of elections,
3 as the case may be. The original form of the complaint, or a copy,
4 shall be kept on file with the superintendent of elections or the county
5 board of elections, as the case may be, for two years after the election
6 for which it was filed.

7 (cf: P.L.1991, c.249, s.9)

8

9 49. R.S.19:45-6 is amended to read as follows:

10 19:45-6. The compensation of each member of the district boards
11 for all services performed by them under the provisions of this Title
12 shall be as follows:

13 In all counties, for all services rendered including the counting of
14 the votes, and in counties wherein voting machines are used, the
15 tabulation of the votes registered on the voting machines, and the
16 delivery of the returns, registry binders, ballot boxes and keys for the
17 voting machines to the proper election officials, \$200 each time [the]
18 any primary election, the general election or any special election is
19 held under this Title; provided, however, that:

20 a. (1) The member of the board charged with the duty of obtaining
21 and signing for the signature copy registers shall receive an additional
22 \$12.50 per election, such remuneration being limited to only one board
23 member per election, or \$6.25 to each of two board members if they
24 share such responsibility for the signature copy registers, and (2) the
25 member of the board charged with the duty of returning the signature
26 copy registers shall receive an additional \$12.50 per election, such
27 remuneration being limited to only one board member per election, or
28 \$6.25 to each of two board members if they share such responsibility
29 for the signature copy registers;

30 b. In the case of any member of the board who is required under
31 R.S.19:50-1 to attend in a given year a training program for district
32 board members, but who fails to attend such a training program in that
33 year, that compensation shall be \$50.00 for each of those elections;

34 c. In counties wherein voting machines are used no compensation
35 shall be paid for any services rendered at any special election held at
36 the same time as any primary or general election. Such compensation
37 shall be in lieu of all other fees and payments; and

38 d. Compensation for district board members serving at a school
39 election shall be paid by the board of education of the school district
40 conducting the election at an hourly rate of \$5.77, except that the
41 board of education may compensate such district board members at a
42 pro-rated hourly rate consistent with the daily rate up to a maximum
43 of \$14.29. The provisions of subsections a., b., and c. of this section
44 shall also apply to district board members serving at a school election,
45 except that in the case of subsection b., the compensation shall be at
46 an hourly rate of \$3.85.

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1 Compensation due each member shall be paid within 30 days but
2 not within 20 days after each election; provided, however, that no
3 compensation shall be paid to any member of any such district board
4 who may have been removed from office or application for the
5 removal of whom is pending under the provisions of R.S.19:6-4.
6 (cf: P.L.2001, c.245, s.9)

7
8 50. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to read
9 as follows:

10 1. In all counties wherein voting machines are used the county
11 board of elections shall furnish for use in each election district at any
12 election, a sufficient number of voting authorities in substantially the
13 following form:

14	City of		City of	
15	Ward	District	Ward	District
16	Election Held		Election Held	
17	..... day of	19...	..... day of	19
18	Voting Authority		Voting Authority	
19	No.		No.	
20	.....		.....
21	Signature of Voter.		.....

22 This certificate must be handed
23 to the election officer in charge
24 of the voting machines in order to
25 vote.

26

27 County Board of Elections
28 Clerk.

29 The voting authorities shall be numbered consecutively, be bound
30 together in pads and shall be printed in two parts and perforated so
31 that one part may be given to the voter who shall return the same to
32 the district election officials in charge of the operation of the voting
33 machine in order that such official shall be able to place the same in
34 consecutive order on a string or wire. The other part of the voting
35 authority shall be signed by the voter in his own handwriting before he
36 be permitted to vote and shall remain bound in the pad. All pads
37 containing the portions of the voting authorities on which the names
38 of the persons who have voted have been signed, together with that
39 portion of the voting authority which has been placed on a wire or
40 string shall be returned to the commissioner of registration of the
41 county, who shall keep them for a period of at least six months.

42 At any presidential primary election or primary election for the
43 general election, each voting authority shall be marked to indicate the
44 party primary in which the voter signing the same voted and the used
45 voting authorities shall be strung in such a manner so that those used

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37

1 in one party primary shall remain separate from those used in the other
2 party primary.
3 (cf: P.L.1992, c.3, s.9)

4
5 51. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read
6 as follows:

7 7. a. (1) The county clerk or the municipal clerk, in the case of a
8 municipal election, shall arrange for the preparation of a provisional
9 ballot packet for each election district. It shall include the appropriate
10 number of provisional ballots, the appropriate number of envelopes
11 with an affirmation statement, the appropriate number of written
12 notices to be distributed to voters who vote by provisional ballot and
13 one provisional ballot inventory form affixed to the provisional ballot
14 bag. The clerk shall arrange for the preparation of and placement in
15 each provisional ballot bag of a provisional ballot packet and an
16 envelope containing a numbered seal. The envelope shall contain, on
17 its face, the instructions for the use of the seal, the number and the
18 election district location of the provisional ballot bag, and the
19 identification numbers of the seal placed in the envelope. Each
20 provisional ballot bag shall be sealed with a numbered security seal
21 before being forwarded to the appropriate election district.

22 (2) Each provisional ballot bag and the inventory of the contents
23 of each such bag shall be delivered to the designated polling place no
24 later than the opening of the polls on the day of an election.

25 b. The county clerk or the municipal clerk, in the case of a
26 municipal election, shall arrange for the preparation of the envelope,
27 affirmation statement, and written notice that is to accompany each
28 provisional ballot. The envelope shall be of sufficient size to
29 accommodate the provisional ballot, and the affirmation statement
30 shall be affixed thereto in a manner that enables it to be detached once
31 completed and verified by the county commissioner of registration.
32 The statement shall require the voter to provide the voter's name, and
33 to indicate whether the voter is registered to vote in a county but has
34 moved within that county since registering to vote; or is registered to
35 vote in the election district in which that polling place is located but
36 the voter's registration information is missing or otherwise deficient.
37 The statement shall further require the voter to provide the voter's
38 most recent prior voter registration address and address on the day of
39 the election and date of birth. The statement shall include the
40 statement: "I swear or affirm, that the foregoing statements made by
41 me are true and correct and that I understand that any fraudulent
42 voting may subject me to a fine of up to \$1,000, imprisonment up to
43 five years or both, pursuant to R.S.19:34-11." It shall be followed
44 immediately by spaces for the voter's signature and printed name, and
45 in the case of a name change, the voter's printed old and new name and
46 a signature for each name, the date the statement was completed,

1 political party affiliation, if used in a primary election, and the name of
2 the person providing assistance to the voter, if applicable. Each
3 statement shall also note the number of the election district, or ward,
4 and name of the municipality at which the statement will be used.

5 The written notice shall contain information to be distributed to
6 each voter who votes by provisional ballot. The notice shall state that,
7 if the voter is a mail-in registrant voting for the first time in his or her
8 current county of residence following registration and was given a
9 provisional ballot because he or she did not provide required personal
10 identification information, the voter shall be given until the close of
11 business on the second day after the election to provide identification
12 to the applicable county commissioner of registration, and the notice
13 shall contain a telephone number at which the commissioner may be
14 contacted. The notice shall further state that failure to provide the
15 required personal identification information within that time period
16 shall result in the rejection of the ballot. The notice shall state that
17 pursuant to section 4 of P.L.2004, c.88 (C.19:61-4), any individual
18 who casts a provisional ballot will be able to ascertain under a system
19 established by the State whether the ballot was accepted for counting,
20 and if the vote was not counted, the reason for the rejection of the
21 ballot. The notice shall include instructions on how to access such
22 information.

23 c. For the primary for the general election, the provisional ballots
24 shall be printed in ink on paper of a color that matches the color of the
25 voting authority, which shall indicate the party primary of the voter.
26 The provisional ballots shall be uniform in size, quality and type and
27 of a thickness that the printing thereon cannot be distinguished from
28 the back of the paper, and without any mark, device or figure on the
29 front or back other than as provided in P.L.1999, c.232 (C.19:53C-1
30 et seq.). Each such ballot shall include near the top thereof and in
31 large type the designation PROVISIONAL BALLOT. In all other
32 respects, the provisional ballots shall conform generally to the other
33 ballots to be used in the election district for the primary election.

34 The clerk of the county or municipality shall arrange for the
35 preparation of each provisional ballot package with an appropriate
36 number of provisional ballots for each political party, a corresponding
37 number of envelopes with affirmation statements, and a corresponding
38 number of written notices. Additional provisional ballots, envelopes,
39 and notices shall be available for delivery to that election district on
40 the day of the election, if necessary.

41 d. For the general election the provisional ballots shall be printed
42 in ink. The provisional ballots shall be uniform in size, quality and
43 type and of a thickness that the printing thereon cannot be
44 distinguished from the back of the paper, and without any mark,
45 device or figure on the front or back other than as provided in this act.
46 Each such ballot shall include near the top thereof and in large type the

1 designation PROVISIONAL BALLOT. In all other respects, the
2 provisional ballots shall conform generally to the other ballots to be
3 used in the election district for the general election.

4 The clerk of the county or municipality shall arrange for the
5 preparation of each provisional ballot package with an appropriate
6 number of provisional ballots, a corresponding number of envelopes
7 with affirmation statements, and a corresponding number of written
8 notices. Additional provisional ballots, envelopes, and notices shall be
9 available for delivery to that election district on the day of the election,
10 if necessary.

11 e. For a school election the provisional ballots shall be printed in
12 ink. The provisional ballots shall be uniform in size, quality and type
13 and of a thickness that the printing thereon cannot be distinguished
14 from the back of the paper, and without any mark, device or figure on
15 the front or back other than as provided in this act. Each such ballot
16 shall include near the top thereof and in large type the designation
17 PROVISIONAL BALLOT. In all other respects, the provisional
18 ballots shall conform generally to the other ballots to be used in the
19 election district for the school election.

20 The clerk of the county shall arrange for the preparation of each
21 provisional ballot package with an appropriate number of provisional
22 ballots, a corresponding number of envelopes with affirmation
23 statements, and a corresponding number of written notices. Additional
24 provisional ballots, envelopes, and notices shall be available for
25 delivery to that election district on the day of the election, if necessary.

26 f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et
27 al.), a provisional ballot that requires the voter to punch out a hole in
28 the ballot as a means of recording the voter's vote shall not be used in
29 any election in this State.

30 g. For the presidential primary election, the provisional ballots shall
31 be printed in ink on paper of a color that matches the color of the
32 voting authority, which shall indicate the party of the voter. The
33 provisional ballots shall be uniform in size, quality and type and of a
34 thickness that the printing thereon cannot be distinguished from the
35 back of the paper, and without any mark, device or figure on the front
36 or back other than as provided in P.L.1999, c.232 (C.19:53C-1 et al.).
37 Each such ballot shall include near the top thereof and in large type the
38 designation PROVISIONAL BALLOT. In all other respects, the
39 provisional ballots shall conform generally to the other ballots to be
40 used in the election district for the primary election for the general
41 election.

42 The clerk of the county or municipality shall arrange for the
43 preparation of each provisional ballot package with an appropriate
44 number of provisional ballots for each political party and a
45 corresponding number of envelopes with affirmation statements.
46 Additional provisional ballots and envelopes shall be available for

1 delivery to that election district on the day of the election, if necessary.

2 (cf: P.L.2004, c.88, s.22)

3

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

6 2. Whenever used in this act, the following terms shall, unless the
7 context indicates otherwise, be construed to have the following
8 meanings:

9 "Absentee ballot" means any military service ballot or civilian
10 absentee ballot as herein defined.

11 "Absentee voter" means any person qualified to vote a military
12 service ballot or a civilian absentee ballot under the provisions of this
13 act.

14 "Armed Forces of the United States" means any branch or
15 department of the United States Army, Navy, Air Force, Coast Guard
16 or Marine Corps.

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

19 "Civilian absentee voter" means any qualified and registered voter
20 of the State who expects to be absent from the State on the day of any
21 election and any qualified and registered voter who will be within the
22 State on the day of any election but because of illness or physical
23 disability, including blindness or pregnancy, or because of the
24 observance of a religious holiday pursuant to the tenets of his religion,
25 or because of resident attendance at a school, college or university, or
26 because of the nature and hours of his employment, will be unable to
27 cast his ballot at the polling place in his election district on the day of
28 the election.

29 "Election," "general election," "primary election for the general
30 election," "presidential primary election." "municipal election," "school
31 election," and "special election" shall mean, respectively, such
32 elections as defined in the Title to which this is a supplement
33 (R.S.19:1-1 et seq.).

34 "Family member" means an adult who is a spouse, parent, child,
35 grandparent, grandchild or sibling of a voter, whether by adoption or
36 natural relationship. It shall also include any adult occupant regularly
37 living with a voter in any residential building or part of a building
38 intended for the use of no more than one family.

39 "Incapacitated absentee voter" means a voter who, due to
40 incapacity, is unable to complete his ballot.

41 "Military service" means active service by any person, as a member
42 of any branch or department of the United States Army, Navy, Air
43 Force, Coast Guard or Marine Corps, or as a member of the maritime
44 or merchant marine service, or as a reservist absent from his place of
45 residence and undergoing training under Army, Navy, Air Force, Coast
46 Guard or Marine Corps direction, at a place other than that of such

1 person's residence.

2 "Military service voter" means a qualified elector under the
3 Constitution and the laws of this State who comes within one of the
4 following categories:

5 (a) Persons in the military service and their spouses and
6 dependents.

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

11 (c) Civilians attached to or serving with the Armed Forces of the
12 United States without this State and their spouses and dependents
13 when residing with or accompanying them.

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

16 "Member of the maritime or merchant marine service" means any
17 person employed as an officer or crew member of a vessel documented
18 under the laws of the United States, or a vessel owned by the United
19 States, or a vessel of foreign-flag registry under charter to or control
20 of the United States or enrolled with the United States for employment
21 or training for employment, or maintained by the United States for
22 emergency relief service as an officer or crew member of any such
23 vessel or any such person as otherwise defined in section 107 of
24 Pub.L.99-410, the "Uniformed and Overseas Citizens Absentee Voting
25 Act," (42 U.S.C.1973ff-6).

26 (cf: P.L.1995, c.278, s.22)

27

28 53. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read
29 as follows:

30 7. a. The Attorney General, through the Division of Elections in
31 the Department of Law and Public Safety shall be responsible for
32 providing all information regarding military service ballots, as defined
33 in section 2 of P.L.1953, c.211 (C.19:57-2), and overseas federal
34 election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et
35 seq.). The division shall also make available valid military service
36 voter registration applications, military service ballot applications and
37 overseas federal election voter registration and ballot applications to
38 any military service or overseas federal election voter who wishes to
39 register to vote or to vote in any jurisdiction in this State. The
40 division shall publish or cause to be published the following notice in
41 substantially the following form:

42 NOTICE TO MILITARY SERVICE VOTERS AND
43 TO THEIR RELATIVES AND FRIENDS

44 If you are in the military service, or the spouse or dependent of a
45 person in military service or are a patient in a veterans' hospital or a
46 civilian attached to or serving with the Armed Forces of the United

1 States without the State of New Jersey, or the spouse or dependent of
2 and accompanying or residing with a civilian attached to or serving
3 with the Armed Forces of the United States, and desire to vote, or if
4 you are a relative or friend of any such person who, you believe, will
5 desire to vote in the (school, municipal,
6 primary, presidential primary, general or other) election to be held on
7 (date of election) kindly write to the undersigned at
8 once making application for a military service ballot to be voted in said
9 election to be forwarded to you, stating your name, age, serial number
10 if you are in military service, home address and the address at which
11 you are stationed or can be found, or if you desire the military service
12 ballot for a relative or friend then make application under oath for a
13 military service ballot to be forwarded to him, stating in your
14 application that he is over the age of 18 years and stating his name,
15 serial number if he is in military service, home address and the address
16 at which he is stationed or can be found.

17 Military service voters may also apply for a military service ballot
18 by sending a federal postcard application form to the undersigned.

19 On the application for a military service ballot, military service
20 voters may request that a military service ballot be sent for all
21 subsequent elections through and including the next two regularly
22 scheduled general elections for federal office which take place after the
23 request is made.

24 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
25 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
26 NOT USE MILITARY ABSENTEE BALLOT UNLESS
27 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
28 STATION IS LOCATED.)

29 Forms of application other than federal postcard application forms
30 can be obtained from the undersigned. Dated
31

32 (signature and title of Director of Division of Elections)

33

34

35 (address of Division of Elections)

36 b. The county clerk of the county, in the case of any Statewide
37 election, countywide election, or school election in a regional or other
38 school district comprising more than one municipality; the clerk of the
39 municipality, in the case of any municipal election or school election
40 in a school district comprising a single municipality; and the
41 commissioners or other governing or administrative body of the
42 district, in the case of any election to be held in any fire district, road
43 district, sewerage district, street lighting district, water supply district
44 or other special district, other than a municipality, created for specified
45 public purposes within one or more municipalities, shall publish or
46 cause to be published the following notice in substantially the

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1 following form:

2 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
3 BALLOTS

4 If you are a qualified and registered voter of the State who expects
5 to be absent outside the State on(date of election) or a
6 qualified and registered voter who will be within the State on
7 (date of election) but because of permanent and
8 total disability, or because of illness or temporary physical disability,
9 or because of the observance of a religious holiday pursuant to the
10 tenets of your religion, or because of resident attendance at a school,
11 college, or university, or because of the nature and hours of
12 employment, will be unable to cast your ballot at the polling place in
13 your district on said date, and you desire to vote in the
14 (school, municipal, primary, presidential primary,
15 general, or other) election to be held on (date of election)
16 kindly complete the application form below and send to the
17 undersigned, or write or apply in person to the undersigned at once
18 requesting that a civilian absentee ballot be forwarded to you. Such
19 request must state your home address, and the address to which said
20 ballot should be sent, and must be signed with your signature, and
21 state the reason why you will not be able to vote at your usual polling
22 place. No civilian absentee ballot will be furnished or forwarded to
23 any applicant unless request therefor is received not less than seven
24 days prior to the election, and contains the foregoing information.

25 Voters who are permanently and totally disabled shall, after their
26 initial request and without further action on their part, be forwarded
27 an absentee ballot application by the county clerk for all future
28 elections in which they are eligible to vote. Permanently and totally
29 disabled voters also have the option of indicating on their absentee
30 ballot applications that they would prefer to receive absentee ballots
31 for each election that takes place during the remainder of this calendar
32 year. Permanently and totally disabled voters who exercise this option
33 will be furnished with absentee ballots for each election that takes
34 place during the remainder of this calendar year, without further action
35 on their part. Application forms may be obtained by applying to the
36 undersigned either in writing or by telephone, or the application form
37 provided below may be completed and forwarded to the undersigned.

38 Dated

39 (signature and title of county clerk)

40

41

42 (address of county clerk)

43

44

45 (Telephone No. of county clerk)

46

APPLICATION FORM FOR CIVILIAN

1 ABSENTEE BALLOT

2 (Form to be prepared by the Attorney General pursuant to section
3 17 of P.L.1977, c.47 (C.19:57-4.1)).

4 c. The absentee ballot materials shall contain a notice that any
5 person voting by absentee ballot who registers by mail after January
6 1, 2003, who did not provide personal identification information when
7 registering and is voting for the first time in his or her current county
8 of residence following registration shall include the required
9 identification information with the absentee ballot, and that failure to
10 include such information shall result in the rejection of the ballot.

11 d. Such notices as described in subsections a. and b. of this
12 section shall be separately published prior to the 50th day immediately
13 preceding the holding of any election.

14 Notices relating to any Statewide or countywide election shall be
15 published in at least two newspapers published in the county. All
16 officials charged with the duty of publishing such notices shall publish
17 the same in at least one newspaper published in each municipality or
18 district in which the election is to be held or if no newspaper be
19 published in said municipality or district, then in a newspaper
20 published in the county and circulating in such municipality,
21 municipalities or district. All such notices shall be display
22 advertisements.

23 (cf: P.L.2004, c.88, s.28)

24

25 54. Section 8 of P.L.1953, c.211 (C.19:57-8) is amended to read
26 as follows:

27 8. Each county clerk shall cause to be printed sufficient military
28 service ballots and civilian absentee ballots for each presidential
29 primary election, primary election for the general election, and for the
30 general election, and there shall be furnished to the said county clerk
31 of the county, as expeditiously as possible before the day fixed for
32 holding any other election within the county, by the officer whose duty
33 it shall be to provide the official ballots for such election, sufficient
34 military service ballots and civilian absentee ballots. Along with all
35 such ballots for all elections there shall also be furnished by such
36 county clerk or other official, inner and outer envelopes and printed
37 directions for the preparation and transmitting of such ballots, for use
38 in such election within the county and all expenses of mailing such
39 ballots shall be paid in the same manner as other expenses of said
40 election are paid.

41 The absentee ballots shall be printed on paper different in color
42 from that used for **[the]** any primary or general election ballot, but in
43 all other respects, shall be as nearly as possible facsimiles of the
44 election ballot to be voted at such election, as prescribed by the county
45 clerk and in conformity with the provisions of this act.

46 (cf: P.L.2004, c.88, s.29)

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1 55. Section 15 of P.L.1953, c.211 (C.19:57-15) is amended to read
2 as follows:

3 15. Each absentee ballot to be used at any presidential primary
4 election or primary election for the general election, as the case may
5 be, to be held while this act is in effect shall, except as otherwise
6 provided, conform to the ballot to be used at said election in the
7 absentee voter's election district and to the form herein prescribed for
8 absentee ballots to be used in such general elections except that it shall
9 be so prepared that the absentee voter may indicate thereon his choice
10 of the candidates of one political party for each of the officers to be
11 voted upon at said election by the voters of said election district and
12 shall be separated into party ballots, which shall all be printed upon
13 one sheet where the voting system so allows.

14 Each such absentee ballot shall be plainly marked to indicate that
15 but one party ballot is to be voted by each absentee voter and that the
16 party ballot voted by him must conform to the name of the political
17 party indicated by the county clerk as hereinafter provided.

18 If the county clerk has ascertained through investigating an
19 absentee voter's registration record that, under the laws of this State,
20 such voter is qualified to vote only in a certain party primary, he shall
21 so indicate upon the primary ballot the primary party in which such
22 voter is entitled to vote.

23 In the case where the county clerk has ascertained through
24 investigating the absentee voter's registration record that such
25 applicant is requesting a ballot to vote in the first primary for which
26 he is eligible after registration, the county clerk shall indicate upon the
27 primary ballot that the voter can vote in any one of the party primaries.
28 (cf: P.L.1977, c.47, s.10)

29

30 56. Section 19 of P.L.1953, c.211 (C.19:57-19) is amended to read
31 as follows:

32 19. Upon the margin of the flap on the inner envelope forwarded
33 with any military absentee ballot intended to be voted in any
34 presidential primary election or any primary election for the general
35 election, as the case may be, there shall be printed a certificate in the
36 following form: CERTIFICATE OF MILITARY ABSENTEE VOTER

37

38 I,, whose home address is

39 (PRINT you name clearly) (street

40

41, DO HEREBY CERTIFY,

42 address or R.D. number) (municipality)

43

44 subject to the penalties for fraudulent voting, that I marked this ballot
45 for the primary election of the (name of party) political party.

46 I am voting this ballot pursuant to application previously filed. I

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1 MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN
2 SECRET. However, a family member may assist you in doing so. If
3 you are an incapacitated absentee voter, a person other than a family
4 member may also assist you in doing so.

5 (SIGNATURE of voter)

6
7 Any person providing assistance shall complete the following:

8
9 I do hereby certify that I am the person who provided assistance to
10 this voter and declare that I will maintain the secrecy of this ballot.

11
12 (SIGNATURE of person
13 providing assistance)

14
15
16 (PRINTED name of person
17 providing assistance)

18
19
20
21 (address of person providing
22 assistance)

23
24 Upon the margin of the flap on the inner envelope forwarded with
25 any civilian absentee ballot intended to be voted in any presidential
26 primary election or primary election for the general election, as the
27 case may be, there shall be printed a certificate in the following form:

28 CERTIFICATE OF CIVILIAN ABSENTEE VOTER

29
30 I,, whose home address is
31 (PRINT your name clearly) (street

32
33, DO HEREBY CERTIFY,
34 address or R.D. number) (municipality) subject to the penalties for
35 fraudulent voting, that I marked this ballot for the primary election of
36 the (name of party) political party.

37 I am the person who applied for the enclosed ballot. I MARKED
38 AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET.
39 However, a family member may assist you in doing so. If you are an
40 incapacitated absentee voter, a person other than a family member may
41 also assist you in doing so.

42
43 (SIGNATURE of voter)

44
45 Any person providing assistance shall complete the following:

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1 I do hereby certify that I am the person who provided assistance to
2 this voter and declare that I will maintain the secrecy of this ballot.

3
4 (SIGNATURE of person providing
5 assistance)

6
7
8 (PRINTED name of person
9 providing assistance)

10
11
12
13 (address of person providing
14 assistance)

15 (cf: P.L.1994, c.77, s.14)

16

17 57. Section 23 of P.L.1953, c.211 (C.19:57-23) is amended to read
18 as follows:

19 23. Any absentee voter shall be entitled to mark any absentee
20 ballot, so forwarded to him, for voting at any election by indicating his
21 choice of candidates for the offices named, and as to public questions,
22 if any, stated thereon, in accordance with the election laws of this
23 State, except that in such ballots to be voted in any presidential
24 primary election or primary election for the general election, as the
25 case may be, his choice shall be limited to the candidates of his
26 political party or to any person or persons whose names are written
27 thereon by him. When so marked, such ballot shall be placed in said
28 inner envelope, which shall then be sealed, and the voter shall then fill
29 in the form of certificate attached to said inner envelope, at the end of
30 which he shall sign and print his name in his own handwriting. The
31 inner envelope with the certificate shall then be placed in said outer
32 envelope, which shall then be sealed.

33 No absentee voter shall permit any person in any way, except as
34 provided hereafter, to unseal, mark or inspect his ballot, interfere with
35 the secrecy of his absentee ballot vote, complete or sign the certificate,
36 or seal the inner or outer envelope, nor shall any person do so.

37 An absentee voter shall be entitled to assistance from a family
38 member in performing any of the actions above. An incapacitated
39 absentee voter shall also be entitled to assistance from a person other
40 than a family member in performing any of such actions. The family
41 member or other person providing such assistance shall certify that he
42 did assist the voter and will maintain the secrecy of the vote by both
43 printing and signing his name in the space provided on the certificate.
44 In no event may a candidate for election provide such assistance, nor
45 may any person, at the time of providing such assistance, campaign or
46 electioneer on behalf of any candidate.

1 Said sealed outer envelope with the inner envelope and the ballot
2 enclosed therein shall then either be mailed with sufficient postage to
3 the county board of elections to which it is addressed or delivered
4 personally by the voter or a bearer designated by him to such board or
5 its designee. Such ballot must be received by such board or its
6 designee before the time designated by R.S.19:15-2 or R.S.19:23-40
7 for the closing of the polls, as may be appropriate on the day of an
8 election.

9 At the time any person delivers a ballot to the county board, he
10 shall sign a record which the county shall maintain of all absentee
11 ballots personally delivered to it.

12 (cf: P.L.2001, c.245, s.5)

13

14 58. Section 24 of P.L.1953, c.211 (C.19:57-24) is amended to read
15 as follows:

16 24. The county board of elections shall, promptly after receiving
17 each civilian absentee ballot, remove the inner envelope, containing the
18 ballot, from the outer envelope and shall compare the signature and
19 the information contained on the flap of the inner envelope with the
20 signature and information contained in the respective requests for
21 civilian absentee ballots. In addition, as to civilian absentee ballots
22 issued less than 7 days prior to an election, the county board of
23 elections shall also check to establish that the absentee voter did not
24 vote in person. The county board shall reject any such ballot unless
25 the board is satisfied as a result of such comparison or by reference to
26 the permanent registration books that the voter is legally entitled to
27 vote and that the ballot conforms with the requirements of this act.

28 The county board of elections shall, promptly after receiving each
29 military service ballot, remove the inner envelope, containing the
30 ballot, from the outer envelope and ascertain through the
31 commissioner of registration whether or not the name of the person,
32 whose name appears following the certificate on the flap of said inner
33 envelope, has been certified by the county clerk to the commissioner
34 of registration of the county as a person to whom a military service
35 ballot, to be voted at the election at which it is intended to be voted,
36 has been forwarded pursuant to this act.

37 The county board shall investigate the qualifications of a military
38 service voter under this act by comparison of the contents of said
39 certificate with the information appearing upon the application for said
40 military service ballot, including the signatures thereon when the
41 military service voter's signature appears upon said application, and by
42 comparison with the military records of the State when deemed
43 desirable.

44 In the case of a military service or civilian absentee ballot to be
45 voted at a presidential primary election or a primary election for the
46 general election, whether or not the military service or civilian

1 absentee voter has indicated in said certificate his intention to vote it
2 in [the] a primary election of any political party in which he is not
3 entitled to vote [it] in according to the registration records of the
4 county, and if it shall appear from said record that he is not entitled to
5 vote said ballot in [the] any primary election of the political party
6 which has been so indicated, such ballots shall be rejected.

7 Any absentee ballot which is received by a county board of
8 elections shall be rejected if both the inner and outer envelopes are
9 unsealed or if either envelope has a seal that has been tampered with.

10 Disputes as to the qualifications of military service or civilian
11 absentee voters to vote or as to whether or not or how any such
12 military or civilian absentee ballot shall be counted in such election
13 shall be referred to the Superior Court for determination.

14 After such investigation the county board of elections shall detach
15 or separate the certificate from the inner envelope containing the
16 military service or civilian absentee ballot, unless it has been rejected
17 by it or by the Superior Court, marking the envelope so as to identify
18 the election district in which the ballot contained therein is to be voted
19 as indicated by the absentee voter's home address appearing on the
20 certificate attached to or accompanying said inner envelope and, in the
21 case of ballots to be voted at a primary election for a general election,
22 so as to identify the political party in the primary election of which it
23 is to be voted.

24 (cf: P.L.1981, c.390, s.9)

25
26 59. Section 31 of P.L.1953, c.211 (C.19:57-31) is amended to read
27 as follows:

28 31. On the day of each election each county board of elections
29 shall open in the presence of the commissioner of registration or his
30 assistant or assistants the inner envelopes in which the absentee
31 ballots, returned to it, to be voted in such election, are contained,
32 except those containing the ballots which the board or the Superior
33 Court has rejected, and shall remove from said inner envelopes the
34 absentee ballots and shall then proceed to count and canvass the votes
35 cast on such absentee ballots, but no absentee ballot shall be counted
36 in any presidential primary election or primary election for the general
37 election if the ballot of the political party marked for voting thereon
38 differs from the designation of the political party in the primary
39 election of which such ballot is intended to be voted as marked on said
40 envelope by the county board of elections. Immediately after the
41 canvass is completed, the respective county boards of election shall
42 certify the result of such canvass to the county clerk or the municipal
43 or district clerk or other appropriate officer as the case may be
44 showing the result of the canvass by municipality and ward, and the
45 votes so counted and canvassed shall be counted in determining the
46 result of said election.

1 The county board of elections shall, immediately after the canvass
2 is completed for [a] any primary election, certify the results of the
3 votes cast for members of the county committees to the respective
4 municipal clerks, which votes shall be counted in determining the
5 result of said election.

6 (cf: P.L.1991, c.91, s.260)

7

8 60. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to read
9 as follows:

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

29 (cf: P.L.1994, c.154, s.5)

30

31 61. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read as
32 follows:

33 2. a. The board of education of a type II district may call a special
34 election of the legal voters of the district on only the fourth Tuesday
35 in January, the second Tuesday in March other than in year when a
36 presidential primary election occurs, in which case no such election on
37 that date may be called, the last Tuesday in September, or the second
38 Tuesday in December when in its judgment the interests of the schools
39 require such an election. The board of education shall give the
40 municipal clerk or clerks, as the case may be, and the county board of
41 elections no less than 60 days' notice, in writing, of its intention to
42 hold a special election.

43 b. No business shall be transacted at any special election except
44 such as shall have been set forth in the notices by which the election
45 was called.

46 (cf: P.L.2001, c.98, s.1)

1 62. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to
2 read as follows:

3 2. a. When any vacancy occurs on the board of chosen freeholders
4 otherwise than by expiration of term, it shall be filled by election for
5 the unexpired term only at the next general election occurring not less
6 than 60 days after the occurrence of the vacancy, except that no such
7 vacancy shall be filled at the general election which immediately
8 precedes the expiration of the term in which the vacancy occurs. In
9 the event a vacancy eligible to be filled by election hereunder occurs
10 on or before the sixth day preceding the last day for filing petitions for
11 nomination for the primary election for the general election, such
12 petitions may be prepared and filed for nomination in that primary
13 election in the manner provided by article 3 of chapter 23 of Title 19
14 of the Revised Statutes. In the event the vacancy occurs after that
15 sixth day preceding the last day for filing petitions for nomination for
16 the primary election for the general election, or if the vacancy occurs
17 on or before the sixth day preceding the last day for filing petitions for
18 nomination for the primary election for the general election but no
19 such petition has been filed with respect to a given political party, each
20 political party, or that party respectively, may select a candidate for
21 the office in question in the manner prescribed in subsections a. and b.
22 of R.S.19:13-20 for selecting candidates to fill vacancies among
23 candidates nominated at primary elections. A statement of such
24 selection under R.S.19:13-20 shall be filed with the county clerk not
25 later than the 48th day preceding the date of the general election.

26 Besides the selection of candidates by each political party,
27 candidates may also be nominated by petition in a manner similar to
28 direct nomination by petition for the general election; but if the
29 candidate of any party to fill the vacancy will be chosen at a primary
30 election for the general election, such petition shall be filed with the
31 county clerk at least 55 days prior to the primary election; and if no
32 candidate of any party will be chosen at a primary election for the
33 general election, such petition shall be filed with the county clerk not
34 later than 12 o'clock noon of the day on which the first selection
35 meeting by any party is held under this section to select a nominee to
36 fill the vacancy.

37 The county clerk shall print on the ballots for the territory affected,
38 in the personal choice column, the title of office and leave a proper
39 space under such title of office; and print the title of office and the
40 names of such persons as have been duly nominated, in their proper
41 columns.

42 b. Notwithstanding subsection a. of this section, if at any time after
43 an election for a member of the board of chosen freeholders and before
44 the time fixed for the commencement of the term of the office, the
45 person elected to that office dies or otherwise becomes unable to
46 assume office, the county committee of the political party of which the

1 person elected was the nominee shall appoint another person to fill the
2 position until the next general election. If the person elected was not
3 the nominee of a political party, on or within 30 days after the time
4 fixed for the commencement of the term of office, the governing body
5 shall appoint a successor to fill the office until the next general
6 election without regard to party.

7 (cf: P.L.2000, c.126, s.10)

8

9 63. Section 6 of P.L.1990, c.33 (C.40:41A-145.2) is amended to
10 read as follows:

11 6. In the case of a vacancy occurring with respect to a member of
12 the board of chosen freeholders who was elected as the candidate of
13 a political party which at the last preceding general election held
14 received the largest number of votes or the next largest number of
15 votes in the county for members of the board of chosen freeholders,
16 for the interim period pending the election and qualification of a
17 permanent successor to fill the vacancy, or for the interim period
18 constituting the remainder of the term in the case of a vacancy
19 occurring which cannot be filled pursuant to section 5 of this act at a
20 general election, the vacancy shall be filled within 35 days by a
21 member of the political party of which the person who vacated the
22 office was the candidate at the time of his election thereto. The
23 interim successor shall be selected by the appropriate political party's
24 county committee in the same manner prescribed in subsections a. and
25 b. of R.S.19:13-20 for selecting candidates to fill vacancies among
26 candidates nominated at primary elections for the general elections,
27 and a statement of the selection of that successor shall be certified to
28 and filed with the county clerk in the same manner prescribed by
29 subsection d. of that section for certifying statements concerning the
30 selection of such candidates.

31 (cf: P.L.1990, c.33, s.6)

32

33 64. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to read
34 as follows:

35 8. Within 2 weeks immediately following the filing of the certified
36 report by the ward commissioners, the municipal clerk shall cause to
37 be published at least once in at least one newspaper generally
38 circulating in the municipality a notice of the ward boundaries as fixed
39 and determined in the report.

40 Upon completion of the publication, the former wards, if any, shall
41 be superseded, and thereafter all officers elected or appointed in the
42 municipality for or representing the wards thereof shall be elected
43 from, or appointed for, the wards fixed and determined by the ward
44 commissioners; except that, in municipalities wherein municipal
45 officers are elected at the general election held on the first Tuesday
46 after the first Monday in November, if the publication shall be

1 completed in a year in which municipal officers are elected during the
2 period between the date [75] 165 days before the primary election for
3 the general election and the date of the general election, the wards so
4 fixed and determined shall take effect on the day following the holding
5 of that general election; and, in municipalities wherein municipal
6 officers are elected at a regular municipal election held on the second
7 Tuesday in May, if the publication shall be completed in a year in
8 which municipal officers are elected during the period between the
9 date 75 days before the regular municipal election and the date of the
10 election, the wards so fixed and determined shall take effect on the day
11 following the holding of that regular municipal election.

12 (cf: P.L.1981, c.496, s.8)

13

14 65. Section 1-25 of P.L.1950, c.210 (C.40:69A-25) is amended to
15 read as follows:

16 1-25. Any municipality may, subject to the provisions of section
17 1-23 of this act, abandon its optional plan and revert to the form of
18 government under which it was governed immediately prior thereto,
19 upon the filing of a petition and referendum as follows:

20 (a) Upon petition of the registered voters of the municipality
21 signed by the same number thereof as required in section 1-19, for an
22 election to submit the question of abandonment and reversion as herein
23 provided, the municipal clerk shall provide for submission of the
24 question in like manner as provided in section 1-20.

25 (b) The form of the question shall be as follows:

26

27 shall.....(Name of municipality)..... abandon its present
28 form of government and revert to its prior form of government, known
29 as(Popular Name of Plan)..... as provided by
30(Statutory Reference of Prior Plan).....

31 (c) If a majority of those voting on the question vote in the
32 affirmative the municipality shall revert to its prior form of government
33 as of 12 m. of the fifty-ninth day following the election of officers
34 under the form of government to which the municipality will revert.
35 The first officers under such form of government shall be elected at the
36 next regular municipal or general election, as appropriate to the form
37 of government to which the municipality will revert, occurring not less
38 than 60 days following the referendum. It shall be the duty of the
39 municipal clerk to perform all the duties respecting such election as
40 would be required of a municipal clerk for elections under the form of
41 government to which the municipality will revert. Whenever a
42 municipality has reverted to any form of government other than the
43 commission form of government law (R.S.40:79-1 et seq.), or the
44 municipal manager form of government (R.S.40:70-1 et seq.), at a
45 later date than the one fixed for the filing of nominating petitions at
46 the primary election for the general election, the candidates to be first

1 elected shall be nominated by direct petition in the manner provided by
2 law for nomination, by direct petition for a general election.

3 Any law to the contrary notwithstanding, persons holding office at
4 the time of a referendum approving reversion shall continue to hold
5 office until the municipality reverts to the previous form of
6 government. Vacancies existing at the holding of the referendum or
7 which occur between the holding of the referendum and the reversion
8 of the municipality to its previous form of government, shall be filled
9 by appointment pursuant to procedures for the filing of vacancies
10 appropriate to the "Optional Municipal Charter Law."

11 If a majority of those voting on the question vote in the negative,
12 the question of abandonment and reversion shall not again be
13 submitted for five years.

14 (d) The reversion to a prior form of government shall take effect
15 as provided in sections 17-57 through 17-59 of this act for transition
16 to an optional plan hereunder.

17 (e) No petition shall be filed nor referendum held pursuant to this
18 section which would provide for the reversion of a municipality to a
19 form of government which it is not currently authorized to adopt by
20 law.

21 (cf: P.L.1991, c.430, s.3)

22

23 66. Section 17-56 of P.L.1950, c.210 (C.40:69A-205) is amended
24 to read as follows:

25 17-56. The schedule of installation of an optional plan adopted
26 pursuant to this act shall, as provided herein, take the following
27 course:

28 (a) An election to submit the question of adoption of an optional
29 plan may be held at any time in accordance with the provisions of
30 article 1 of this act;

31 (b) In the event of a favorable vote of the voters at the above
32 election, the first election of officers under the adopted plan shall take
33 place on (1) the second Tuesday in May occurring not less than 75
34 days next following the adoption of one of the optional plans in
35 municipalities adopting a charter providing for the holding of regular
36 municipal elections at which all members of the council are to be
37 elected at large; (2) the second Tuesday in May occurring not less
38 than 120 days following the adoption of one of the optional plans in
39 municipalities adopting a charter providing for the holding of regular
40 municipal elections and for the division of the municipality into wards;
41 (3) at the next general election occurring not less than 75 days next
42 following the adoption of one of the optional plans in municipalities
43 adopting a charter providing for the holding of general elections at
44 which all members of the council are to be elected at large; or (4) at
45 the next general election occurring not less than 120 days next
46 following the adoption of one of the optional plans in municipalities

1 adopting a charter providing for the holding of general elections and
2 for the division of the municipality into wards.

3 Whenever a municipality has adopted a charter referred to in
4 subsection (3) above, within 10 days, or subsection (4) within 40 days,
5 prior to the last day fixed for the filing of nominating petitions for the
6 primary election for the general election, the candidates to be first
7 elected shall be nominated in the manner provided by chapter 27 of
8 Title 19 of the Revised Statutes with respect to the filling of certain
9 vacancies in nominations for county or municipal offices to be filled
10 at the general election.

11 (c) An optional plan shall take effect, in accordance with the
12 further provisions of this article at (1) 12 o'clock noon on July 1 next
13 following the first election of officers in municipalities adopting a
14 charter providing for the holding of regular municipal elections, or (2)
15 12 o'clock noon on January 1 next following the first election of
16 officers in municipalities adopting a charter providing for the holding
17 of general elections.

18 (cf: P.L.1981, c.465, s.37)

19

20 67. R.S.40:85-11 is amended to read as follows:

21 40:85-11. At the primary election for the general election held in
22 such municipality after the general election at which such question
23 shall be adopted, the electors of such municipality shall nominate
24 officials for the new form of government to take effect in the
25 following January, and at the general election one year after the
26 general election at which such question shall have been adopted, the
27 electors of such municipality shall elect the officials under the form of
28 government which shall take effect the following January.

29 (cf: R.S.40:85-11)

30

31 68. This act shall take effect on the January 1 next following
32 enactment.

33

34

35

STATEMENT

36

37 The purpose of this bill is to establish a separate presidential
38 primary election.

39 Specifically, the bill provides that a primary election to vote for
40 electors for the office of President and Vice President of the United
41 States, established by this bill as the presidential primary, will be held
42 in each presidential election year on the last Tuesday in February.
43 New Jersey's June primary election date means that New Jerseyans are
44 among the very last voters in the nation to cast a ballot in a
45 presidential primary election, months after the outcome is clear by
46 virtue of the results of presidential primary elections held in February

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1 and March in other states.

2 The bill also substitutes references to the Secretary of State with
3 references to the Attorney General in regard to the oversight of certain
4 State elections functions. This change is made pursuant to the
5 reorganization plan which transferred the Division of Elections from
6 being a responsibility of the Secretary of State to the Attorney
7 General.

[Corrected Copy]

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 550, 1297 and 2402

STATE OF NEW JERSEY

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Nos. 550, 1297 and 2402.

This substitute establishes a presidential primary election separate from the current primary election in June. The substitute provides that a primary election to vote for electors for the office of President and Vice President of the United States, established by this substitute as the presidential primary, will be held in each presidential election year on the last Tuesday in February.

The substitute also replaces references to the Secretary of State with references to the Attorney General in regard to the oversight of certain State elections functions. This change is made pursuant to the reorganization plan which transferred the Division of Elections and its responsibilities from the Secretary of State to the Attorney General.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 550, 1297 and 2402

STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Bill Nos. 550, 1297 and 2402 (SCS).

This substitute establishes a presidential primary election separate from the current primary election in June. The substitute provides that a primary election to vote for electors for the office of President and Vice President of the United States, established by this substitute as the presidential primary, will be held in each presidential election year on the last Tuesday in February.

The substitute also replaces references to the Secretary of State with references to the Attorney General in regard to the oversight of certain State elections functions. This change is made pursuant to the reorganization plan which transferred the Division of Elections and its responsibilities from the Secretary of State to the Attorney General.

As reported, this substitute is identical to Assembly Bill No. 30 (ACS).

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that if a separate presidential primary election is held in 2008 pursuant to this bill, the cost would be approximately \$10.3 million. This estimate is based on two main components: the expenses of the counties and municipalities in administering the election and the salaries of poll workers conducting the election, which according to statute, are divided between the counties and the State. In 2008, the cost to the State would be approximately \$3.1 million for part of the poll workers' salaries, and the cost to the counties would be approximately \$7.2 million for the remaining salaries and administrative expenses. Given a projected average inflation increase of 2.5 percent between 2008 and 2012, the total cost for a separate presidential primary would increase to approximately \$11,086,415 in 2012 and continue to increase thereafter.

The OLS notes that this bill may be challenged pursuant to Article VIII, Section II, paragraph 5 of the State Constitution as an unfunded State mandate for imposing additional costs upon local governments

unless it is enacted in accordance with the procedure set forth in the State Constitution.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2402
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MAY 10, 2005

SUMMARY

Synopsis: Provides for separate presidential primary election on last Tuesday in February.

Type of Impact: Expenditure Increase - State General Fund
Expenditure Increase - Local Government Funds

Agencies Affected: Department of Law and Public Safety; Counties and Municipalities

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2008</u>	<u>FY 2012</u>
State Cost	\$3,150,000	\$3,150,000
Local Cost	<u>\$7,190,000</u>	<u>\$7,936,415</u>
Total	\$10,340,000	\$11,086,415

- ! Establishes a separate presidential primary election in each presidential election year on the last Tuesday in February. State and local primary elections would continue to be held in each year on the Tuesday after the first Monday in June.
- ! The Office of Legislative Services estimates the cost to administer a separate presidential primary election in 2008 under this bill would be \$10.3 million. This cost would rise to approximately \$11,086,415 million in 2012, assuming a steady 2.5 percent rate of inflation.
- ! In 2008, the cost to the State would be approximately \$3.1 million for part of the poll workers' salaries, and the cost to the counties would be approximately \$7.2 million for the remaining salaries and administrative expenses.
- ! The costs for this primary election, as for other primary and general elections, will be borne by the counties and municipalities. Therefore, the provisions of this bill may be subject to challenge as an unfunded State mandate unless enacted in accordance with the procedure set forth in the State Constitution.

BILL DESCRIPTION

Senate Bill No. 2402 of 2005 establishes a presidential primary election separate from the current primary election in June. The bill provides that a primary election to vote for electors for the office of President and Vice President of the United States, established by this bill as the presidential primary, will be held in each presidential election year on the last Tuesday in February.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that if a separate presidential primary election is held in 2008 pursuant to this bill, the cost would be approximately \$10.3 million. This estimate is based on two main components: the expenses of the counties and municipalities in administering the election and the salaries of poll workers conducting the election. Based on information provided previously by the Division of Elections in the Department of Law and Public Safety, as adjusted for inflation, the costs for items such as ballot printing and postage, processing, legal advertising, polling place rental and voting machine delivery for a separate election would be approximately \$5.3 million. The cost for poll workers' salaries would be approximately \$5 million, based on the projected number of polling places in 2008 (6,300), the minimum number of poll workers per polling place required by law (4) and the salary per poll worker (\$200). The salary cost, pursuant to current law, would be divided between the counties and the State, with the former paying \$75 of each poll worker's salary (\$1,890,000) and the latter paying \$125 of each poll worker's salary (\$3,150,000). Given a projected average inflation increase of 2.5 percent between 2008 and 2012, the cost for a separate presidential primary would increase to approximately \$11,086,415 in 2012 and continue to increase thereafter.

The Office of Legislative Services further notes that this bill may be challenged pursuant to Article VIII, Section II, paragraph 5 of the State Constitution as an unfunded State mandate for imposing additional costs upon local governments unless it is enacted in accordance with the procedure set forth in the State Constitution.

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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Codey Signs Bills to Expand Voter Access, Improve Electoral Process

Bills will Move up the Date of New Jersey's Presidential Primary; Allow More Time to Register; Allow Anyone to Vote by Absentee Ballot; Require a Paper Ballot with all Votes Cast Electronically

(TRENTON) –Acting Governor Richard J. Codey today signed into law a package of bills that will improve the electoral process in New Jersey by expanding voter access and moving the state's presidential primary to the last Tuesday in February.

“Over the past eight months we have made reforms to restore accountability to state government, driven by the belief that government cannot function without the public's trust,” Codey said. “But improving the integrity of government also requires that we strengthen the electoral process itself.”

“Today we are achieving the goals I set out in the State of the State address: to improve every New Jerseyan's access, to make sure people have confidence in the voting system, and to make sure New Jersey's votes actually mean something in the presidential primaries,” Codey said.

Codey signed the four bills during a public ceremony at the Governor's Outer Office, in the State House. He was joined by bill sponsors including Senator Nia H. Gill (D-Essex, Passaic) and Assembly Majority Leader Joseph J. Roberts (D-Camden, Gloucester).

The four bills are:

A30/S550, which moves the presidential primary to the last Tuesday in February. The bill's sponsors include Senate President Codey as well as Senators Joseph F. Vitale (D-Middlesex), John H. Adler (D-Camden) and Wayne R. Bryant (D-Camden, Gloucester), and Assembly members Linda R. Greenstein (D-Mercer, Middlesex), Richard A. Merkt (R-Morris), Robert M. Gordon (D-Bergen), John F. McKeon (D-Essex) and Mims Hackett (D-Essex).

A 42 / S2387, which permits voter registration up to 21 days, instead of the previous 29 days, before an election. The bill's sponsors include Senator Wayne R. Bryant (D-Camden, Gloucester) as well as Assembly members Bonnie Watson Coleman (D-Mercer), Gerald B. Green (D-Middlesex, Somerset, Union), Jack Connors (D-Burlington, Camden) and Herb Conaway (D-Burlington, Camden).

A35 / S1133, which permits any registered voter to vote by absentee ballot if they so choose, without having to provide a reason for not being able to vote in person on the day of an election. The bill's sponsors include Senators Robert G. Smith (D-Middlesex, Somerset) and Stephen M. Sweeney (D-Cumberland, Gloucester, Salem), and Assembly members David R. Mayer (D-Camden, Gloucester), Joseph J. Roberts (D-Camden, Gloucester), John J. Burzichelli (D-Cumberland, Gloucester, Salem) and Loretta Weinberg (D-Bergen).

A33 / S29, which requires that voting machines produce a voter-verified paper record for each vote cast. The bill's sponsors include Senators Nia H. Gill (D-Essex, Passaic), Shirley K. Turner (D-Mercer), Wayne R. Bryant (D-Camden, Gloucester), and Assembly members Reed Gusciora (D-Mercer), Peter C. Eagler (D-Essex, Passaic), Robert M. Gordon (D-Bergen) and Herb Conaway (D-Burlington, Camden).

Roberts said, "New Jersey's election laws are as out of date as the eight-track tape. These laws are the most ambitious changes to our election system since it was overhauled under Governor Woodrow Wilson nearly a century ago. These laws will promote access, accuracy and accountability in elections. They will strengthen the voting process and lend further credibility to future election results."

Turner said, "The American people have fought hard during our history to secure the right to vote for all adult citizens. When our constituents take the time to exercise this right, they deserve the assurance that their vote will be counted each and every time, without fail. It has become clear with the voting problems we have seen in other states, that we need to ensure that every vote is recorded on a piece of paper that can be verified by the voter before leaving the polling booth and can be manually counted by election officials if needed."

Vitale said, "The variety of issues that are debated during a Presidential campaign more closely mirror the interests that affect New Jersey's every day. New Jersey is in so many ways a microcosm reflecting the needs of the nation as a whole. In the next race to the presidency, candidates will need the support of the Garden State to cement their standing as either party's pick for the presidential nomination, if they are to truly represent the needs and wishes of the people."

Gill said, "As we move forward with more sophisticated methods of voting, we need to assure voters that their ballots are tamper-proof, and their votes will indeed be counted. A voter-verified paper trail, used in the event of a machine recount, will preserve the integrity of the voting process, and ensure that democracy does not become an unintended victim of the advance of technology."

Greenstein said, "The sad truth is that New Jersey has not been viewed by presidential candidates as fertile ground for growing support, but rather as a money tree to be shaken. New Jersey voters deserve the clout befitting a bellwether state. They deserve to have their voices heard when it comes to national politics."

Mayer said, “Voters should never have to lie about why they wish to vote by absentee ballot. Working parents whose hectic schedules may keep them from visiting the voting booth on Election Day and senior citizens who prefer filling out their ballots at the kitchen table should be given every ability to receive an absentee ballot with no questions asked.”

Congressman Rush Holt also praised the reforms, saying, “Anything of value should be auditable, especially something as precious as a vote. I applaud your commitment to ensuring that the vote of each New Jerseyan is counted in a verifiable way. I look forward to continuing to work with you to ensure that the results of every election in the State of New Jersey are verifiable and auditable.”