

# 19:57-2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 138

**NJSA:** 19:57-2 (Permits voting by absentee ballot for any reason)

**BILL NO:** A35 (Substituted for S1133/1435/2397)

**SPONSOR(S):** Mayer and others

**DATE INTRODUCED:** March 7, 2005

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

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 30, 2005

**SENATE:** June 27, 2005

**DATE OF APPROVAL:** July 7, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute (1R) for A35 enacted)

**A35**

[SPONSOR'S STATEMENT](#): (Begins on page 12 of original bill) [Yes](#)

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

**SENATE:** No

[FLOOR AMENDMENT STATEMENT](#): [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** Yes [5-16-2005](#)  
[7-6-2005](#)

**S1133/1435/2397**

[SPONSOR'S STATEMENT \(S1133\)](#): (Begins on page 8 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1435\)](#): (Begins on page 8 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S2397\)](#): (Begins on page 12 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT](#): [Yes](#)

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

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 7/24/07

P.L. 2005, CHAPTER 138, *approved July 7, 2005*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 35

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

2

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

5

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

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

14 "Armed Forces of the United States" means any branch or  
15 department of the United States Army, Navy, Air Force, Coast Guard or  
16 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 observance  
24 of a religious holiday pursuant to the tenets of his religion, or because of  
25 resident attendance at a school, college or university, or because of the  
26 nature and hours of his employment, will be unable to cast his ballot at the  
27 polling place in his election district on the day of the election] wants to  
28 vote by absentee ballot.

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

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

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

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate floor amendments adopted June 23, 2005.**

1 "Military service" means active service by any person, as a member  
2 of any branch or department of the United States Army, Navy, Air Force,  
3 Coast Guard or Marine Corps, or as a member of the maritime or  
4 merchant marine service, or as a reservist [absent from his place of  
5 residence and] undergoing training under Army, Navy, Air Force, Coast  
6 Guard or Marine Corps direction[, at a place other than that of such  
7 person's residence].

8 "Military service voter" means a qualified elector under the  
9 Constitution and the laws of this State who comes within one of the  
10 following categories:

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

12 (b) Patients in a veterans' hospital [located in any place other than  
13 the place of their residences] who have been in the military service in any  
14 war in which the United States has been engaged and have been  
15 discharged or released from such service.

16 (c) Civilians attached to or serving with the Armed Forces of the  
17 United States [without this State] and their spouses and dependents when  
18 residing with or accompanying them.

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

21 "Member of the maritime or merchant marine service" means any  
22 person employed as an officer or crew member of a vessel documented  
23 under the laws of the United States, or a vessel owned by the United  
24 States, or a vessel of foreign-flag registry under charter to or control of  
25 the United States or enrolled with the United States for employment or  
26 training for employment, or maintained by the United States for  
27 emergency relief service as an officer or crew member of any such vessel  
28 or any such person as otherwise defined in section 107 of Pub.L.99-410,  
29 the "Uniformed and Overseas Citizens Absentee Voting Act," (42 U.S.C.  
30 1973ff-6).

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

32  
33 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as  
34 follows:

35 3. The following persons shall be entitled to vote by absentee ballot  
36 in any election to be held in this State, in the manner hereinafter provided:

37 A military service voter who [may be absent on the day on which  
38 such election is held from the election district in which he resides,  
39 whether such person is within or without this State in the case of a  
40 military service voter as defined in paragraph (a) or (b) of section 2, or  
41 without this State and within or without the United States in the case of  
42 any military service voter as defined in section 2, provided he] has  
43 resided in this State at least 30 days and in the county in which he claims  
44 the right to vote at least 30 days counting the time he has been absent  
45 from the election district in which he resides because of the service, work,

1 status or relationship entitling him to a military service ballot;

2 A military service voter who is stationed and resident in any  
3 garrison, barrack or military or naval place or station within this State, or  
4 who resides therein as spouse or dependent of a person in the military,  
5 naval or marine service so stationed, and who claims his vote in the  
6 municipality wherein such residence is located, shall be entitled to vote  
7 by military absentee ballot in any election for which he is duly registered  
8 to cast his vote in the election district of his residence in said  
9 municipality, but not otherwise; and

10 A civilian absentee voter [who expects to be or may be absent  
11 outside the State or the United States on the day on which an election is  
12 held or who may be within the State on the day of any election but  
13 because of permanent and total disability, or because of illness or  
14 temporary physical disability, or because of the observance of a religious  
15 holiday pursuant to the tenets of his religion, or because of resident  
16 attendance at a school, college or university, or because of the nature and  
17 hours of his employment, will be unable to cast his ballot at the polling  
18 place in his election district on the day of the election, provided he is a  
19 registered voter, and is not otherwise disqualified by law from voting in  
20 such election] as defined in section 2 of P.L.1953, c.211 (C.19:57-2).

21 This act shall be liberally construed to effectuate these purposes.  
22 (cf: P.L.1977, c.47, s.2)

23

24 3. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as  
25 follows:

26 4. At any time not less than seven days prior to an election in  
27 which he desires to vote by mail, a civilian absentee voter may apply to the  
28 person designated in section 6 of P.L.1953, c.211 (C.19:57-6), for a  
29 civilian absentee ballot. Such application or request shall be made in  
30 writing, shall be signed by the applicant and shall state his or her place of  
31 voting residence and the address to which said ballot shall be sent[, and  
32 the reason for which the ballot is requested].

33 Any military service voter desiring to vote in any election or any  
34 relative or friend of a military service voter who believes that such voter  
35 will desire to vote in any election, may apply to the person designated in  
36 section 6 of P.L.1953, c.211 (C.19:57-6) for a military service ballot to be  
37 sent to such voter. A military service voter may use a federal postcard  
38 application form to apply for a military service ballot. On any application  
39 made by a military service voter the voter may request a military service  
40 ballot for all subsequent elections through and including the next two  
41 regularly scheduled general elections for federal office which take place  
42 after the request is made; if such a request is made, a military service  
43 ballot shall be sent in a timely manner to the voter for all such elections.

44 Any civilian absentee voter who fails to apply within the seven-day  
45 time prescribed above may apply in person to the county clerk for an  
46 absentee ballot on any day up to 3 p.m. of the day before the election.

1           In the event of sickness or confinement, the qualified voter may  
2 apply in writing for and obtain an absentee ballot by authorized  
3 messenger, who shall be so designated over the signature of the voter and  
4 whose printed name and address shall appear on the application in the  
5 space provided. The authorized messenger shall be a family member or  
6 a registered voter of the county in which the application is made and shall  
7 place his signature on the application in the space so provided in the  
8 presence of the county clerk or his designee. No person who is a  
9 candidate in the election for which the voter requests an absentee ballot  
10 shall be permitted to serve as an authorized messenger. The authorized  
11 messenger shall show a photo identification card to the county clerk, or  
12 the designee thereof, at the time the messenger submits the application  
13 form. The county clerk or his designee shall authenticate the signature of  
14 the authorized messenger, in the event such a messenger is other than a  
15 family member, by comparing it with the signature of the said person  
16 appearing on a State of New Jersey driver's license, or other identification  
17 issued or recognized as official by the federal government, the State, or  
18 any of its political subdivisions, which identification carries the full address  
19 and signature of said person. After the signature of the application and,  
20 when appropriate, authentication, the county clerk or his designee is  
21 authorized to deliver to the authorized messenger a ballot to be delivered  
22 to the qualified voter. The Attorney General shall cause to be prepared  
23 a standard authorized messenger application form, which may be included  
24 with the standard civilian absentee ballot application forms. The  
25 authorized messenger section of the application shall contain the following  
26 language above the signature of the authorized messenger: "I do hereby  
27 certify that I will deliver the absentee ballot directly to the voter and no  
28 other person, under penalty of law."

29           A voter who is permanently and totally disabled <sup>1</sup>, and any other  
30 voter who wishes to vote only by absentee ballot in a general election<sup>1</sup> ,  
31 and who states [the reason for such disability in] that on a request for an  
32 absentee ballot, shall be furnished an application for an absentee ballot by  
33 the county clerk for <sup>1</sup>[all]<sup>1</sup> future elections in which the voter shall be  
34 eligible to vote, without further request on the part of the voter <sup>1</sup>and until  
35 the voter requests that he or she no longer be sent an application<sup>1</sup> . A  
36 voter who is permanently and totally disabled shall have the option to  
37 indicate on an application for an absentee ballot that the voter would like  
38 to receive an absentee ballot for each election that takes place during the  
39 remainder of the calendar year in which the application is completed and  
40 submitted. A voter who exercises this option shall be furnished with an  
41 absentee ballot for each election that takes place during the remainder of  
42 the calendar year without further request by the voter. A person voting  
43 by absentee ballot who registered by mail after January 1, 2003, who did  
44 not provide personal identification information when registering pursuant  
45 to section 16 of P.L.1974, c.30 (C.19:31-6.4) and is voting for the first  
46 time in his or her current county of residence following registration shall

1 include the required identification information with the absentee ballot.  
2 Failure to include such information with the absentee ballot shall result in  
3 the rejection of the ballot.

4 (cf: P.L.2004, c.88, s.26)

5

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

8 7. a. The Attorney General, through the Division of Elections in the  
9 Department of Law and Public Safety shall be responsible for providing  
10 all information regarding military service ballots, as defined in section 2  
11 of P.L.1953, c.211 (C.19:57-2), and overseas federal election voter  
12 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.). The  
13 division shall also make available valid military service voter registration  
14 applications, military service ballot applications and overseas federal  
15 election voter registration and ballot applications to any military service  
16 or overseas federal election voter who wishes to register to vote or to  
17 vote in any jurisdiction in this State. The division shall publish or cause  
18 to be published the following notice in 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 States  
24 [without the State of New Jersey], or the spouse or dependent of and  
25 accompanying or residing with a civilian attached to or serving with the  
26 Armed Forces of the United States, and desire to vote, or if you are a  
27 relative or friend of any such person who, you believe, will desire to vote  
28 in the ..... (school, municipal, primary, general or  
29 other) election to be held on ..... (date of election) kindly  
30 write to the undersigned at once making application for a military service  
31 ballot to be voted in said election to be forwarded to you, stating your  
32 name, age, serial number if you are in military service, home address and  
33 the address at which you are stationed or can be found, or if you desire  
34 the military service ballot for a relative or friend then make application  
35 under oath for a military service ballot to be forwarded to him, stating in  
36 your application that he is over the age of 18 years and stating his name,  
37 serial number if he is in military service, home address and the address at  
38 which he is stationed or can be found.

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

41 On the application for a military service ballot, military service voters  
42 may request that a military service ballot be sent for all subsequent  
43 elections through and including the next two regularly scheduled general  
44 elections for federal office which take place after the request is made.

45 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY  
46 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY

1 NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED  
2 TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS  
3 LOCATED.)

4 Forms of application other than federal postcard application forms can  
5 be obtained from the undersigned. Dated .....  
6 .....

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

8 .....

9 (address of Division of Elections)

10 b. The county clerk of the county, in the case of any Statewide  
11 election, countywide election, or school election in a regional or other  
12 school district comprising more than one municipality; the clerk of the  
13 municipality, in the case of any municipal election or school election in a  
14 school district comprising a single municipality; and the commissioners or  
15 other governing or administrative body of the district, in the case of any  
16 election to be held in any fire district, road district, sewerage district,  
17 street lighting district, water supply district or other special district, other  
18 than a municipality, created for specified public purposes within one or  
19 more municipalities, shall publish or cause to be published the following  
20 notice in substantially the following form:

21 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE  
22 BALLOTS

23 If you are a qualified and registered voter of the State who [expects to  
24 be absent outside the State on .....(date of election) or a qualified  
25 and registered voter who will be within the State on .....  
26 (date of election) but because of permanent and total disability, or because  
27 of illness or temporary physical disability, or because of the observance of  
28 a religious holiday pursuant to the tenets of your religion, or because of  
29 resident attendance at a school, college, or university, or because of the  
30 nature and hours of employment, will be unable to cast your ballot at the  
31 polling place in your district on said date, and you desire] wants to vote  
32 by absentee ballot in the ..... (school, municipal, primary,  
33 general, or other) election to be held on ..... (date of election)  
34 kindly complete the application form below and send to the undersigned,  
35 or write or apply in person to the undersigned at once requesting that a  
36 civilian absentee ballot be forwarded to you. Such request must state your  
37 home address, and the address to which said ballot should be sent, and  
38 must be dated and signed with your signature[, and state the reason why  
39 you will not be able to vote at your usual polling place]. If any person has  
40 assisted you to complete the absentee ballot application, the name, address  
41 and signature of the assistor must be provided on the application. Also,  
42 you must sign and date the application for it to be valid and processed.  
43 No person who is a candidate in the election for which the voter requests  
44 an absentee ballot may provide any assistance in the completion of the  
45 ballot or may serve as an authorized messenger. No civilian absentee  
46 ballot will be furnished or forwarded to any applicant unless request



1 therefor is received not less than seven days prior to the election, and  
2 contains the foregoing information.

3 Voters who are permanently and totally disabled <sup>1</sup>, and any other voters  
4 who wish to vote only by absentee ballot in a general election,<sup>1</sup> and who  
5 state that on their request shall, after their initial request and without  
6 further action on their part, be forwarded an absentee ballot application  
7 by the county clerk for <sup>1</sup>[all]<sup>1</sup> future elections in which they are eligible  
8 to vote <sup>1</sup>and until the voter requests that he or she no longer be sent an  
9 application<sup>1</sup> . Permanently and totally disabled voters also have the option  
10 of indicating on their absentee ballot applications that they would prefer  
11 to receive absentee ballots for each election that takes place during the  
12 remainder of this calendar year. Permanently and totally disabled voters  
13 who exercise this option will be furnished with absentee ballots for each  
14 election that takes place during the remainder of this calendar year,  
15 without further action on their part.

16 Application forms may be obtained by applying to the undersigned  
17 either in writing or by telephone, or the application form provided below  
18 may be completed and forwarded to the undersigned.

19  
20 Dated .....

21 (signature and title of county clerk)

22 .....

23 (address of county clerk)

24 .....

25 (Telephone No. of county clerk)

26 APPLICATION FORM FOR CIVILIAN

27 ABSENTEE BALLOT

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

30 c. The absentee ballot materials shall contain a notice that any person  
31 voting by absentee ballot who registers by mail after January 1, 2003, who  
32 did not provide personal identification information when registering and  
33 is voting for the first time in his or her current county of residence  
34 following registration shall include the required identification information  
35 with the absentee ballot, and that failure to include such information shall  
36 result in the rejection of the ballot.

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

40 Notices relating to any Statewide or countywide election shall be  
41 published in at least two newspapers published in the county. All officials  
42 charged with the duty of publishing such notices shall publish the same in  
43 at least one newspaper published in each municipality or district in which  
44 the election is to be held or if no newspaper be published in said  
45 municipality or district, then in a newspaper published in the county and  
46 circulating in such municipality, municipalities or district. All such notices

1 shall be display advertisements.

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

3

4 5. Section 11 of P.L.1953, c.211 (C.19:57-11) is amended to read as  
5 follows:

6 11. Each county clerk shall forward a military service ballot or a  
7 civilian absentee ballot, as the case may be, for use under this act by  
8 first-class mail or hand delivery to each military service voter who applies  
9 therefor or on whose behalf application is made therefor, and whose  
10 application is approved in any case where approval is required under  
11 section 10 of this act, and to each civilian absentee voter whose request  
12 therefor has been approved. Hand delivery of an absentee ballot shall be  
13 made by the county clerk or his designee only to the voter or his  
14 authorized messenger, who must appear in person. Ballots that have not  
15 been hand delivered shall be addressed to the voter at the forwarding  
16 address given in the application. All ballots to be forwarded to persons  
17 at an address located within the limits of the states of Alaska and Hawaii  
18 or anywhere else without the limits of the other 48 states and the District  
19 of Columbia shall be forwarded by air mail.

20 Such ballot shall be so forwarded as soon as practicable after the 40th  
21 day preceding the day upon which any election is to be held.

22 Whenever the clerk forwards by mail a military or civilian absentee  
23 ballot, as the case may be, to an absentee ballot voter between the 14th  
24 day and the fourth day prior to the day of an election, the ballot shall be  
25 transmitted, following approval of the application, within two business  
26 days of the receipt of the application.

27 (cf: P.L.1985, c.92, s.32)

28

29 6. Section 12 of P.L.1953, c.211 (C.19:57-12) is amended to read as  
30 follows:

31 12. a. Each county clerk, after processing the request for civilian  
32 absentee ballots and the applications for military absentee ballots requiring  
33 approval under section 10 of [this act] P.L.1953, c.211 (C.19:57-10) and  
34 furnishing the applicant with a civilian or military absentee ballot in the  
35 manner prescribed by this act, shall forward such requests, including those  
36 disapproved, to the county board of elections. Each county clerk shall also  
37 keep [a] one list of such requests received by [him showing the  
38 disposition of each request, which list shall be] the clerk and another list  
39 of the applicants whose applications were approved and sent absentee  
40 ballots. Each list shall include the name and street address of each person  
41 requesting or receiving either a civilian or military absentee ballot. The  
42 clerk shall update the lists each business day and they shall be made  
43 available to the public and transmitted to all election officials charged with  
44 the duty of administering this act.

45 b. Each county board of elections shall keep a list of the name and  
46 street address of each person who returns a voted civilian or military

1 absentee ballot and the name and street address of each person who  
2 delivers such a ballot personally to the board. The board shall update the  
3 list each business day and it shall be accessible to the public and  
4 transmitted to all elections officials charged with the duty of administering  
5 this act.

6 The county clerk and the county board of elections shall keep the lists  
7 required by this section starting no later than the 14th day prior to the day  
8 of the election and continue to do so until the day of the election.

9 (cf: P.L.1977, c.47, s.9)

10

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

13 16. Each county clerk shall send, with each absentee ballot, printed  
14 directions for the preparation and transmitting of absentee ballots as  
15 required by this act, which shall be printed in such manner and form as  
16 the Secretary of State shall require, together with two envelopes of such  
17 sizes that one will contain the other.

18 The outer envelope shall be addressed to the county board of elections  
19 of the county in which is located the home address of the person to whom  
20 the absentee ballot is sent, as certified by the county clerk. On the outside  
21 and front of each outer envelope, there shall be printed or stamped the  
22 following:

23 To protect your vote:

24 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
25 VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS THE  
26 ENVELOPE IS SEALED AND THE FOLLOWING IS COMPLETED:

27 Ballot mailed or transported by

28 (signature of bearer)

29 (print name of bearer)

30 (address of bearer)

31 The reserve side of the outer envelope shall contain the following:

32 REMINDER

33 For your vote to count, you must:

34 1) Vote your ballot and place it in the inner envelope with the attached  
35 certificate.

36 2) Seal the envelope.

37 3) Place the envelope into the larger envelope addressed to the board  
38 of elections and seal that envelope.

39 4) Affix the proper postage to the envelope.

40 5) If another person will be mailing your ballot or bringing it to the  
41 board of elections, MAKE CERTAIN THAT PERSON COMPLETES  
42 THE "BEARER PORTION" ON THE ENVELOPE ADDRESSED TO  
43 THE BOARD OF ELECTIONS BEFORE THE BALLOT IS TAKEN  
44 FROM YOU. NO PERSON WHO IS A CANDIDATE IN THE  
45 ELECTION FOR WHICH YOU REQUESTED AN ABSENTEE  
46 BALLOT CAN BE THE BEARER FOR YOUR BALLOT.

1     The Attorney General is authorized to make such necessary changes to  
2 the instructions for absentee ballot materials as the Attorney General  
3 deems necessary or as is mandated by federal or State law.

4     The inner envelope shall be so designed that it can be sealed after the  
5 absentee ballot has been placed therein and the flap thereof shall be of  
6 such length and size as to leave sufficient margin, after sealing, for the  
7 printing thereon of the certificate hereinafter described. The flap shall be  
8 so arranged that, after the inner envelope has been sealed, the certificate  
9 can be contained, with the said inner envelope, in the outer envelope, and  
10 that the margin containing the certificate can be detached without  
11 unsealing the inner envelope.

12     On the outside of each envelope in which an absentee ballot is sent to  
13 an absentee voter by the county clerk, there shall be printed or stamped  
14 the words "Official Military Service Ballot" or "Official Civilian  
15 Absentee Ballot" as the case may be. In addition, there shall be printed  
16 or stamped the following:

17     To protect your vote:

18     IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
19 VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

20     However, a family member may assist you in doing so. If you are an  
21 incapacitated absentee voter, a person other than a family member may  
22 also assist you in doing so.

23     The reverse side of each inner envelope shall contain the following  
24 statement:

25     ANY PERSON MAY BE FINED AND IMPRISONED AND MAY  
26 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW if  
27 he attempts to vote fraudulently by absentee ballot, prevents the voting of  
28 a legal voter, certifies falsely any information, interferes with a person's  
29 secrecy of voting, tampers with ballots or election documents or helps  
30 another person to do so.

31 (cf: P.L.1981, c.390, s.5)

32  
33     8. Section 23 of P.L.1953, c.211 (C.19:57-23) is amended to read as  
34 follows:

35     23. Any absentee voter shall be entitled to mark any absentee ballot,  
36 so forwarded to him, for voting at any election by indicating his choice of  
37 candidates for the offices named, and as to public questions, if any, stated  
38 thereon, in accordance with the election laws of this State, except that in  
39 such ballots to be voted in any primary election for the general election his  
40 choice shall be limited to the candidates of his political party or to any  
41 person or persons whose names are written thereon by him. When so  
42 marked, such ballot shall be placed in said inner envelope, which shall then  
43 be sealed, and the voter shall then fill in the form of certificate attached to  
44 said inner envelope, at the end of which he shall sign and print his name  
45 in his own handwriting. The inner envelope with the certificate shall then  
46 be placed in said outer envelope, which shall then be sealed. No person

1 who is a candidate in the election for which the voter requests an absentee  
2 ballot shall be permitted to provide any assistance in the completion of the  
3 ballot.

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

8 An absentee voter shall be entitled to assistance from a family member  
9 in performing any of the actions above. An incapacitated absentee voter  
10 shall also be entitled to assistance from a person other than a family  
11 member in performing any of such actions. The family member or other  
12 person providing such assistance shall certify that he did assist the voter  
13 and will maintain the secrecy of the vote by both printing and signing his  
14 name in the space provided on the certificate. In no event may a  
15 candidate for election provide such assistance, nor may any person, at the  
16 time of providing such assistance, campaign or electioneer on behalf of  
17 any candidate.

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

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

28 No person who is a candidate in the election for which the voter  
29 requests an absentee ballot shall be permitted to serve as an authorized  
30 messenger or bearer. The messenger or bearer, by signing the certification  
31 provided for in section 4 of P.L.1953, c.211(C.19:57-4), certifies that he  
32 or she received an absentee ballot directly from the voter and no other  
33 person and is authorized to deliver the ballot to the appropriate board of  
34 election on behalf of the voter.

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

36

37 9. Section 28 of P.L.1953, c.211 (C.19:57-28) is amended to read as  
38 follows:

39 28. No person who has applied for a civilian absentee ballot and to  
40 whom a civilian absentee ballot has been either delivered in person or  
41 forwarded by mail by a county clerk, shall be permitted to vote in person  
42 at the polling place in his election district on the day of the election, but  
43 such person may execute such ballot in the manner provided by this act  
44 [even though he is in the State on the day of the election].

45 (cf: P.L.1953, c. 211, s.28)

1       10. This act shall take effect immediately.

2

3

4

5

6       Permits voting by absentee ballot for any reason; requires increased

7       identification when requesting and returning absentee ballots; authorizes

8       automatic transmission of absentee ballot application for general elections.

**ASSEMBLY, No. 35**

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**STATE OF NEW JERSEY**

**211th LEGISLATURE**

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INTRODUCED MARCH 7, 2005

**Sponsored by:**

**Assemblyman DAVID R. MAYER**

**District 4 (Camden and Gloucester)**

**Assemblyman JOSEPH J. ROBERTS, JR.**

**District 5 (Camden and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblywoman LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

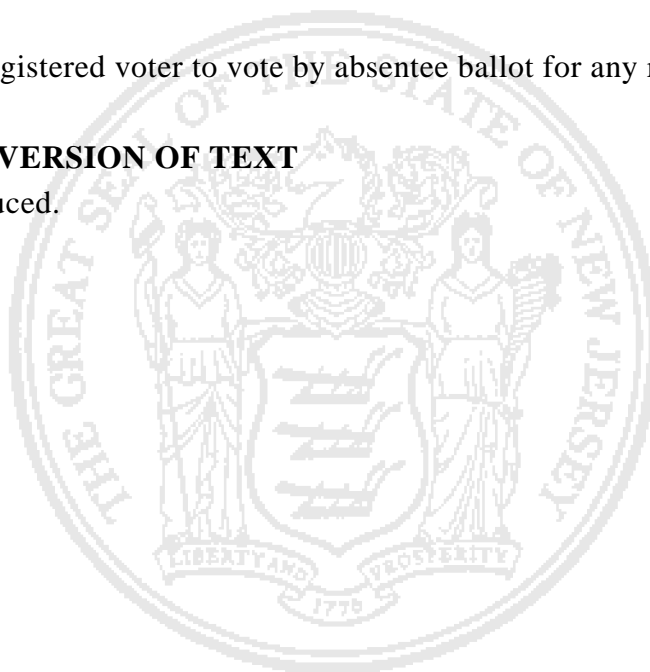
**Assemblymen Baroni and Fisher**

**SYNOPSIS**

Permits registered voter to vote by absentee ballot for any reason.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/10/2005)**

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

2

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

5

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

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

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

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

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

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

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

31 "Election," "general election," "primary election for the general  
32 election," "municipal election," "school election," and "special  
33 election" shall mean, respectively, such elections as defined in the Title  
34 to which this is a supplement (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

**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 Force, Coast Guard or Marine Corps, or as a member of the maritime  
2 or merchant marine service, or as a reservist [absent from his place of  
3 residence and] undergoing training under Army, Navy, Air Force,  
4 Coast Guard or Marine Corps direction[, at a place other than that of  
5 such person's residence].

6 "Military service voter" means a qualified elector under the  
7 Constitution and the laws of this State who comes within one of the  
8 following categories:

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

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

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

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

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

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

30

31 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as  
32 follows:

33 3. The following persons shall be entitled to vote by absentee ballot  
34 in any election to be held in this State, in the manner hereinafter  
35 provided:

36 A military service voter who [may be absent on the day on which  
37 such election is held from the election district in which he resides,  
38 whether such person is within or without this State in the case of a  
39 military service voter as defined in paragraph (a) or (b) of section 2,  
40 or without this State and within or without the United States in the  
41 case of any military service voter as defined in section 2, provided he]  
42 has resided in this State at least 30 days and in the county in which he  
43 claims the right to vote at least 30 days counting the time he has been  
44 absent from the election district in which he resides because of the

1 service, work, status or relationship entitling him to a military service  
2 ballot;

3 A military service voter who is stationed and resident in any  
4 garrison, barrack or military or naval place or station within this State,  
5 or who resides therein as spouse or dependent of a person in the  
6 military, naval or marine service so stationed, and who claims his vote  
7 in the municipality wherein such residence is located, shall be entitled  
8 to vote by military absentee ballot in any election for which he is duly  
9 registered to cast his vote in the election district of his residence in  
10 said municipality, but not otherwise; and

11 A civilian absentee voter [who expects to be or may be absent  
12 outside the State or the United States on the day on which an election  
13 is held or who may be within the State on the day of any election but  
14 because of permanent and total disability, or because of illness or  
15 temporary physical disability, or because of the observance of a  
16 religious holiday pursuant to the tenets of his religion, or because of  
17 resident attendance at a school, college or university, or because of  
18 the nature and hours of his employment, will be unable to cast his  
19 ballot at the polling place in his election district on the day of the  
20 election, provided he is a registered voter, and is not otherwise  
21 disqualified by law from voting in such election] as defined in section  
22 2 of P.L.1953, c.211 (C.19:57-2).

23 This act shall be liberally construed to effectuate these purposes.  
24 (cf: P.L.1977, c.47, s.2)

25

26 3. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as  
27 follows:

28 4. At any time not less than seven days prior to an election in  
29 which he desires to vote by mail, a civilian absentee voter may apply  
30 to the person designated in section 6 of P.L.1953, c.211 (C.19:57-6),  
31 for a civilian absentee ballot. Such application or request shall be  
32 made in writing, shall be signed by the applicant and shall state his or  
33 her place of voting residence and the address to which said ballot shall  
34 be sent[, and the reason for which the ballot is requested].

35 Any military service voter desiring to vote in any election or any  
36 relative or friend of a military service voter who believes that such  
37 voter will desire to vote in any election, may apply to the person  
38 designated in section 6 of P.L.1953, c.211 (C.19:57-6) for a military  
39 service ballot to be sent to such voter. A military service voter may  
40 use a federal postcard application form to apply for a military service  
41 ballot. On any application made by a military service voter the voter  
42 may request a military service ballot for all subsequent elections  
43 through and including the next two regularly scheduled general  
44 elections for federal office which take place after the request is made;  
45 if such a request is made, a military service ballot shall be sent in a  
46 timely manner to the voter for all such elections.

1 Any civilian absentee voter who fails to apply within the seven-day  
2 time prescribed above may apply in person to the county clerk for an  
3 absentee ballot on any day up to 3 p.m. of the day before the election.

4 In the event of sickness or confinement, the qualified voter may  
5 apply in writing for and obtain an absentee ballot by authorized  
6 messenger, who shall be so designated over the signature of the voter  
7 and whose printed name and address shall appear on the application in  
8 the space provided. The authorized messenger shall be a family  
9 member or a registered voter of the county in which the application is  
10 made and shall place his signature on the application in the space so  
11 provided in the presence of the county clerk or his designee. No  
12 person who is a candidate in the election for which the voter requests  
13 an absentee ballot shall be permitted to serve as an authorized  
14 messenger. The authorized messenger shall show a photo  
15 identification card to the county clerk, or the designee thereof, at the  
16 time the messenger submits the application form. The county clerk or  
17 his designee shall authenticate the signature of the authorized  
18 messenger, in the event such a messenger is other than a family  
19 member, by comparing it with the signature of the said person  
20 appearing on a State of New Jersey driver's license, or other  
21 identification issued or recognized as official by the federal  
22 government, the State, or any of its political subdivisions, which  
23 identification carries the full address and signature of said person.  
24 After the signature of the application and, when appropriate,  
25 authentication, the county clerk or his designee is authorized to deliver  
26 to the authorized messenger a ballot to be delivered to the qualified  
27 voter. The Attorney General shall cause to be prepared a standard  
28 authorized messenger application form, which may be included with  
29 the standard civilian absentee ballot application forms. The authorized  
30 messenger section of the application shall contain the following  
31 language above the signature of the authorized messenger: "I do  
32 hereby certify that I will deliver the absentee ballot directly to the  
33 voter and no other person, under penalty of law."

34 A voter who is permanently and totally disabled, and who states  
35 [the reason for such disability in] that on a request for an absentee  
36 ballot, shall be furnished an application for an absentee ballot by the  
37 county clerk for all future elections in which the voter shall be eligible  
38 to vote, without further request on the part of the voter. A voter who  
39 is permanently and totally disabled shall have the option to indicate on  
40 an application for an absentee ballot that the voter would like to  
41 receive an absentee ballot for each election that takes place during the  
42 remainder of the calendar year in which the application is completed  
43 and submitted. A voter who exercises this option shall be furnished  
44 with an absentee ballot for each election that takes place during the  
45 remainder of the calendar year without further request by the voter.  
46 A person voting by absentee ballot who registered by mail after

1 January 1, 2003, who did not provide personal identification  
2 information when registering pursuant to section 16 of P.L.1974, c.30  
3 (C.19:31-6.4) and is voting for the first time in his or her current  
4 county of residence following registration shall include the required  
5 identification information with the absentee ballot. Failure to include  
6 such information with the absentee ballot shall result in the rejection  
7 of the ballot.

8 (cf: P.L.2004, c.88, s.26)

9

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

12 7. a. The Attorney General, through the Division of Elections in  
13 the Department of Law and Public Safety shall be responsible for  
14 providing all information regarding military service ballots, as defined  
15 in section 2 of P.L.1953, c.211 (C.19:57-2), and overseas federal  
16 election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et  
17 seq.). The division shall also make available valid military service  
18 voter registration applications, military service ballot applications and  
19 overseas federal election voter registration and ballot applications to  
20 any military service or overseas federal election voter who wishes to  
21 register to vote or to vote in any jurisdiction in this State. The  
22 division shall publish or cause to be published the following notice in  
23 substantially the following form:

24 NOTICE TO MILITARY SERVICE VOTERS AND  
25 TO THEIR RELATIVES AND FRIENDS

26 If you are in the military service, or the spouse or dependent of a  
27 person in military service or are a patient in a veterans' hospital or a  
28 civilian attached to or serving with the Armed Forces of the United  
29 States [without the State of New Jersey], or the spouse or dependent  
30 of and accompanying or residing with a civilian attached to or serving  
31 with the Armed Forces of the United States, and desire to vote, or if  
32 you are a relative or friend of any such person who, you believe, will  
33 desire to vote in the ..... (school, municipal,  
34 primary, general or other) election to be held on .....  
35 (date of election) kindly write to the undersigned at once making  
36 application for a military service ballot to be voted in said election to  
37 be forwarded to you, stating your name, age, serial number if you are  
38 in military service, home address and the address at which you are  
39 stationed or can be found, or if you desire the military service ballot  
40 for a relative or friend then make application under oath for a military  
41 service ballot to be forwarded to him, stating in your application that  
42 he is over the age of 18 years and stating his name, serial number if he  
43 is in military service, home address and the address at which he is  
44 stationed or can be found.

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

1 On the application for a military service ballot, military service  
2 voters may request that a military service ballot be sent for all  
3 subsequent elections through and including the next two regularly  
4 scheduled general elections for federal office which take place after the  
5 request is made.

6 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY  
7 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY  
8 NOT USE MILITARY ABSENTEE BALLOT UNLESS  
9 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH  
10 STATION IS LOCATED.)

11 Forms of application other than federal postcard application forms  
12 can be obtained from the undersigned. Dated .....  
13 .....

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

15 .....

16 (address of Division of Elections)

17 b. The county clerk of the county, in the case of any Statewide  
18 election, countywide election, or school election in a regional or other  
19 school district comprising more than one municipality; the clerk of the  
20 municipality, in the case of any municipal election or school election  
21 in a school district comprising a single municipality; and the  
22 commissioners or other governing or administrative body of the  
23 district, in the case of any election to be held in any fire district, road  
24 district, sewerage district, street lighting district, water supply district  
25 or other special district, other than a municipality, created for specified  
26 public purposes within one or more municipalities, shall publish or  
27 cause to be published the following notice in substantially the  
28 following form:

29 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE  
30 BALLOTS

31 If you are a qualified and registered voter of the State who [expects  
32 to be absent outside the State on .....(date of election) or a  
33 qualified and registered voter who will be within the State on  
34 ..... (date of election) but because of permanent and  
35 total disability, or because of illness or temporary physical disability,  
36 or because of the observance of a religious holiday pursuant to the  
37 tenets of your religion, or because of resident attendance at a school,  
38 college, or university, or because of the nature and hours of  
39 employment, will be unable to cast your ballot at the polling place in  
40 your district on said date, and you desire] wants to vote by absentee  
41 ballot in the ..... (school, municipal, primary, general, or  
42 other) election to be held on ..... (date of election) kindly  
43 complete the application form below and send to the undersigned, or  
44 write or apply in person to the undersigned at once requesting that a  
45 civilian absentee ballot be forwarded to you. Such request must state  
46 your home address, and the address to which said ballot should be

1 sent, and must be dated and signed with your signature[, and state the  
 2 reason why you will not be able to vote at your usual polling place].  
 3 If any person has assisted you to complete the absentee ballot  
 4 application, the name, address and signature of the assistor must be  
 5 provided on the application. Also, you must sign and date the  
 6 application for it to be valid and processed. No person who is a  
 7 candidate in the election for which the voter requests an absentee  
 8 ballot may provide any assistance in the completion of the ballot or  
 9 may serve as an authorized messenger. No civilian absentee ballot will  
 10 be furnished or forwarded to any applicant unless request therefor is  
 11 received not less than seven days prior to the election, and contains the  
 12 foregoing information.

13 Voters who are permanently and totally disabled and who state that  
 14 on their request shall, after their initial request and without further  
 15 action on their part, be forwarded an absentee ballot application by the  
 16 county clerk for all future elections in which they are eligible to vote.  
 17 Permanently and totally disabled voters also have the option of  
 18 indicating on their absentee ballot applications that they would prefer  
 19 to receive absentee ballots for each election that takes place during the  
 20 remainder of this calendar year. Permanently and totally disabled  
 21 voters who exercise this option will be furnished with absentee ballots  
 22 for each election that takes place during the remainder of this calendar  
 23 year, without further action on their part.

24 Application forms may be obtained by applying to the undersigned  
 25 either in writing or by telephone, or the application form provided  
 26 below may be completed and forwarded to the undersigned.

27  
 28 Dated .....  
 29 (signature and title of county clerk)  
 30 .....  
 31 (address of county clerk)  
 32 .....  
 33 (Telephone No. of county clerk)

34 APPLICATION FORM FOR CIVILIAN  
 35 ABSENTEE BALLOT

36 (Form to be prepared by the Attorney General pursuant to section  
 37 17 of P.L.1977, c.47 (C.19:57-4.1)).

38 c. The absentee ballot materials shall contain a notice that any  
 39 person voting by absentee ballot who registers by mail after January  
 40 1, 2003, who did not provide personal identification information when  
 41 registering and is voting for the first time in his or her current county  
 42 of residence following registration shall include the required  
 43 identification information with the absentee ballot, and that failure to  
 44 include such information shall result in the rejection of the ballot.

45 d. Such notices as described in subsections a. and b. of this  
 46 section shall be separately published prior to the 50th day immediately

1 preceding the holding of any election.

2 Notices relating to any Statewide or countywide election shall be  
3 published in at least two newspapers published in the county. All  
4 officials charged with the duty of publishing such notices shall publish  
5 the same in at least one newspaper published in each municipality or  
6 district in which the election is to be held or if no newspaper be  
7 published in said municipality or district, then in a newspaper  
8 published in the county and circulating in such municipality,  
9 municipalities or district. All such notices shall be display  
10 advertisements.

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

12

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

15 16. Each county clerk shall send, with each absentee ballot, printed  
16 directions for the preparation and transmitting of absentee ballots as  
17 required by this act, which shall be printed in such manner and form  
18 as the Secretary of State shall require, together with two envelopes  
19 of such sizes that one will contain the other.

20 The outer envelope shall be addressed to the county board of  
21 elections of the county in which is located the home address of the  
22 person to whom the absentee ballot is sent, as certified by the county  
23 clerk. On the outside and front of each outer envelope, there shall be  
24 printed or stamped the following:

25 To protect your vote:

26 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
27 VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS THE  
28 ENVELOPE IS SEALED AND THE FOLLOWING IS  
29 COMPLETED:

30 Ballot mailed or transported by

31 (signature of bearer)

32 (print name of bearer)

33 (address of bearer)

34 The reserve side of the outer envelope shall contain the following:

35 REMINDER

36 For your vote to count, you must:

37 1) Vote your ballot and place it in the inner envelope with the  
38 attached certificate.

39 2) Seal the envelope.

40 3) Place the envelope into the larger envelope addressed to the  
41 board of elections and seal that envelope.

42 4) Affix the proper postage to the envelope.

43 5) If another person will be mailing your ballot or bringing it to the  
44 board of elections, MAKE CERTAIN THAT PERSON COMPLETES  
45 THE "BEARER PORTION" ON THE ENVELOPE ADDRESSED  
46 TO THE BOARD OF ELECTIONS BEFORE THE BALLOT IS

1 TAKEN FROM YOU. NO PERSON WHO IS A CANDIDATE IN  
2 THE ELECTION FOR WHICH YOU REQUESTED AN ABSENTEE  
3 BALLOT CAN BE THE BEARER FOR YOUR BALLOT.

4 The Attorney General is authorized to make such necessary changes  
5 to the instructions for absentee ballot materials as the Attorney  
6 General deems necessary or as is mandated by federal or State law.

7 The inner envelope shall be so designed that it can be sealed after  
8 the absentee ballot has been placed therein and the flap thereof shall  
9 be of such length and size as to leave sufficient margin, after sealing,  
10 for the printing thereon of the certificate hereinafter described. The  
11 flap shall be so arranged that, after the inner envelope has been sealed,  
12 the certificate can be contained, with the said inner envelope, in the  
13 outer envelope, and that the margin containing the certificate can be  
14 detached without unsealing the inner envelope.

15 On the outside of each envelope in which an absentee ballot is sent  
16 to an absentee voter by the county clerk, there shall be printed or  
17 stamped the words "Official Military Service Ballot" or "Official  
18 Civilian Absentee Ballot" as the case may be. In addition, there shall  
19 be printed or stamped the following:

20 To protect your vote:

21 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
22 VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

23 However, a family member may assist you in doing so. If you are  
24 an incapacitated absentee voter, a person other than a family member  
25 may also assist you in doing so.

26 The reverse side of each inner envelope shall contain the following  
27 statement:

28 ANY PERSON MAY BE FINED AND IMPRISONED AND MAY  
29 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW  
30 if he attempts to vote fraudulently by absentee ballot, prevents the  
31 voting of a legal voter, certifies falsely any information, interferes with  
32 a person's secrecy of voting, tampers with ballots or election  
33 documents or helps another person to do so.

34 (cf: P.L.1981, c.390, s.5)

35

36 6. 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 primary election  
43 for the general election his choice shall be limited to the candidates of  
44 his political party or to any person or persons whose names are written  
45 thereon by him. When so marked, such ballot shall be placed in said  
46 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. No person who is a candidate in  
5 the election for which the voter requests an absentee ballot shall be  
6 permitted to provide any assistance in the completion of the ballot.

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

11 An absentee voter shall be entitled to assistance from a family  
12 member in performing any of the actions above. An incapacitated  
13 absentee voter shall also be entitled to assistance from a person other  
14 than a family member in performing any of such actions. The family  
15 member or other person providing such assistance shall certify that he  
16 did assist the voter and will maintain the secrecy of the vote by both  
17 printing and signing his name in the space provided on the certificate.  
18 In no event may a candidate for election provide such assistance, nor  
19 may any person, at the time of providing such assistance, campaign or  
20 electioneer on behalf of any candidate.

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

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

32 No person who is a candidate in the election for which the voter  
33 requests an absentee ballot shall be permitted to serve as an authorized  
34 messenger or bearer. The messenger or bearer, by signing the  
35 certification provided for in section 4 of P.L.1953, c.211(C.19:57-4),  
36 certifies that he or she received an absentee ballot directly from the  
37 voter and no other person and is authorized to deliver the ballot to the  
38 appropriate board of election on behalf of the voter.

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

40  
41 7. Section 28 of P.L.1953, c.211 (C.19:57-28) is amended to read  
42 as follows:

43 28. No person who has applied for a civilian absentee ballot and to  
44 whom a civilian absentee ballot has been either delivered in person or  
45 forwarded by mail by a county clerk, shall be permitted to vote in  
46 person at the polling place in his election district on the day of the

1 election, but such person may execute such ballot in the manner  
2 provided by this act [even though he is in the State on the day of the  
3 election].

4 (cf: P.L.1953, c. 211, s. 28)

5

6 8. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 The purpose of this bill is to permit any registered voter who wishes  
12 to vote by absentee ballot to do so without being required to provide  
13 a reason for such ballot.

14 This legislation is similar to current laws in other states that permit  
15 voters to request and receive absentee ballots without having to  
16 provide a reason for not being able to vote in person on the day of an  
17 election.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 35**

**STATE OF NEW JERSEY**

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably Assembly, No. 35.

This bill permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for not being able to vote in person on the day of an election.

Under current law, an absentee ballot is available to a qualified and registered voter who expects to be absent from the State on the day of any election or who will be within the State on the day of any election but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday, or because of resident attendance at a school, college or university, or because of the nature and hours of employment, will be unable to cast a ballot at the polling place in the appropriate election district on the day of the election.

The bill also provides that no person who is a candidate in the election for which the voter requests an absentee ballot will be permitted to assist in the completion of the ballot or serve as an authorized messenger.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 35**

# **STATE OF NEW JERSEY**

DATED: JUNE 9, 2005

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 35.

This Assembly Committee Substitute for Assembly Bill No. 35 permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for not being able to vote in person on the day of an election.

Under current law, an absentee ballot is available to a qualified and registered voter who expects to be absent from the State on the day of any election or who will be within the State on the day of any election but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday, or because of resident attendance at a school, college or university, or because of the nature and hours of employment, will be unable to cast a ballot at the polling place in the appropriate election district on the day of the election.

The substitute also provides that: 1) no person who is a candidate in the election for which the voter requests an absentee ballot will be permitted to assist in the completion of the ballot or serve as an authorized messenger; 2) whenever the county clerk forwards by mail a military or civilian absentee ballot, as the case may be, to an absentee ballot voter between the 14th day and the fourth day prior to the day of an election, the ballot must be transmitted, following approval of the application, within two business days of the receipt of the application; 3) the clerk must prepare one list of requests for absentee ballots and another list of the applicants whose applications were approved and who were sent absentee ballots and the lists must be updated each business day, made available to the public and transmitted to elections officials; 4) each county board of elections must compile a list of the name and street address of each person who has completed and returned a voted civilian or military absentee ballot and the name and street address of each person who has delivered such a ballot personally to the board. The board must update the list each business day, make it available to the public and transmit it to elections officials.

**FISCAL IMPACT:**

In the fiscal estimate, it was noted that there may be increased costs for additional voters utilizing absentee ballots but the number is indeterminable. Plus, there may be additional activity in faxing, mailing and processing absentee ballots at the county level.

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 35**

with Senate Floor Amendments  
(Proposed By Senator SMITH)

ADOPTED: JUNE 23, 2005

This Senate amendment provides that any voter who wishes to vote only by absentee ballot in a general election will be sent an application for such a ballot automatically for such elections in which the voter will be eligible to vote after his or her first request, without further request and until the voter requests that he or she no longer be sent such an application.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 35**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: MAY 16, 2005

**SUMMARY**

**Synopsis:** Permits registered voter to vote by absentee ballot for any reason.  
**Type of Impact:** Increased County Expenditure.  
**Agencies Affected:** Department of Law and Public Safety; Counties

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>State Cost</b>	Minimal Expenditure		
<b>Local Cost</b>	Indeterminate Increased Expenditure		

- ! Permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for such ballot.
- ! Establishes that a candidate shall not serve as an authorized messenger of an absentee ballot during the candidates election.
- ! Requires an authorized messenger to provide a photo when submitting the application form to the proper authorities.

**BILL DESCRIPTION**

Assembly Bill No. 35 of 2005, permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for such a ballot. This legislation is similar to current laws in other states that permit voters to request and receive absentee ballots without having to provide a reason for not being able to vote in person on the day of an election.

Under current law, an absentee ballot is available to a qualified and registered voter who expects to be absent from the State on the day of any election or who will be within the State on the day of any election, but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday, or because of resident attendance at a school, college or university, or because of the nature and hours of employment, will be unable to cast a ballot at the polling place in the appropriate election district on the day of the election.

The bill also provides that no person who is a candidate in the election for which the voter requests an absentee ballot will be permitted to assist in the completion of the ballot or serve as an authorized messenger.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services recognizes that this bill would expand the number of New Jersey residents who would be able to file for an absentee ballot. The Office of Legislative Services notes that it is impossible to determine how many residents would take advantage of this option on election day.

As a result, the Office of Legislative Services notes that it cannot determine the cost to the counties of faxing, mailing or processing the absentee requests and ballots. The counties may need extra staff and/or equipment depending on the possible increase in absentee ballots.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.



**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 35**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: JULY 6, 2005

**SUMMARY**

**Synopsis:** Permits registered voter to vote by absentee ballot for any reason; requires increased identification of persons requesting and returning absentee ballots.

**Type of Impact:** Increased County Expenditure.

**Agencies Affected:** Department of Law and Public Safety; Counties

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2006</u></b>	<b><u>FY 2007</u></b>	<b><u>FY 2008</u></b>
<b>State Cost</b>	Minimal Expenditure		
<b>Local Cost</b>	Indeterminate Increased Expenditure		

- ! Permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for such ballot.
- ! Establishes that a candidate shall not serve as an authorized messenger of an absentee ballot during the candidates election.
- ! Requires an authorized messenger to provide a photo when submitting the application form to the proper authorities.

**BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill No. 35 of 2005, permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for such a ballot. This legislation is similar to current laws in other states that permit voters to request and receive absentee ballots without having to provide a reason for not being able to vote in person on the day of an election.

Under current law, an absentee ballot is available to a qualified and registered voter who expects to be absent from the State on the day of any election or who will be within the State on the day of any election, but because of illness or physical disability, including blindness or

pregnancy, or because of the observance of a religious holiday, or because of resident attendance at a school, college or university, or because of the nature and hours of employment, will be unable to cast a ballot at the polling place in the appropriate election district on the day of the election.

The bill also provides that no person who is a candidate in the election for which the voter requests an absentee ballot will be permitted to assist in the completion of the ballot or serve as an authorized messenger.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services recognizes that this bill would expand the number of New Jersey residents who would be able to file for an absentee ballot. The Office of Legislative Services notes that it is impossible to determine how many residents would take advantage of this option on election day.

As a result, the Office of Legislative Services notes that it cannot determine the cost to the counties of faxing, mailing or processing the absentee requests and ballots. The counties may need extra staff and/or equipment depending on the possible increase in absentee ballots.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 1133**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED FEBRUARY 23, 2004

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Permits every qualified and registered voter to receive absentee ballot for each election.

**CURRENT VERSION OF TEXT**

As introduced.



S1133 B. SMITH

2

1 AN ACT expanding the availability of absentee ballots and amending  
2 P.L.1953, c.211.

3

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

6

7 1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as  
8 follows:

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

12 "Absentee ballot" means any military service ballot or civilian  
13 absentee ballot as herein defined.

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

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

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

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

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

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

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

43 "Military service" means active service by any person, as a member

**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 of any branch or department of the United States Army, Navy, Air  
2 Force, Coast Guard or Marine Corps, or as a member of the maritime  
3 or merchant marine service, or as a reservist [absent from his place of  
4 residence and] undergoing training under Army, Navy, Air Force,  
5 Coast Guard or Marine Corps direction[, at a place other than that of  
6 such person's residence].

7 "Military service voter" means a qualified elector under the  
8 Constitution and the laws of this State who comes within one of the  
9 following categories:

10 (a) Persons in the military service and their spouses and  
11 dependents.

12 (b) Patients in a veterans' hospital [located in any place other than  
13 the place of their residences] who have been in the military service in  
14 any war in which the United States has been engaged and have been  
15 discharged or released from such service.

16 (c) Civilians attached to or serving with the Armed Forces of the  
17 United States [without this State] and their spouses and dependents  
18 when residing with or accompanying them.

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

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

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

32

33 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as  
34 follows:

35 3. The following persons shall be entitled to vote by absentee ballot  
36 in any election to be held in this State, in the manner hereinafter  
37 provided:

38 A military service voter who [may be absent on the day on which  
39 such election is held from the election district in which he resides,  
40 whether such person is within or without this State in the case of a  
41 military service voter as defined in paragraph (a) or (b) of section 2,  
42 or without this State and within or without the United States in the  
43 case of any military service voter as defined in section 2, provided he]  
44 has resided in this State at least 30 days and in the county in which he  
45 claims the right to vote at least 30 days counting the time he has been

S1133 B. SMITH

4

1 absent from the election district in which he resides because of the  
2 service, work, status or relationship entitling him to a military service  
3 ballot;

4 A military service voter who is stationed and resident in any  
5 garrison, barrack or military or naval place or station within this State,  
6 or who resides therein as spouse or dependent of a person in the  
7 military, naval or marine service so stationed, and who claims his vote  
8 in the municipality wherein such residence is located, shall be entitled  
9 to vote by military absentee ballot in any election for which he is duly  
10 registered to cast his vote in the election district of his residence in  
11 said municipality, but not otherwise; and

12 A civilian absentee voter [who expects to be or may be absent  
13 outside the State or the United States on the day on which an election  
14 is held or who may be within the State on the day of any election but  
15 because of permanent and total disability, or because of illness or  
16 temporary physical disability, or because of the observance of a  
17 religious holiday pursuant to the tenets of his religion, or because of  
18 resident attendance at a school, college or university, or because of  
19 the nature and hours of his employment, will be unable to cast his  
20 ballot at the polling place in his election district on the day of the  
21 election, provided he is a registered voter, and is not otherwise  
22 disqualified by law from voting in such election] as defined in section  
23 2 of P.L.1953, c.211 (C.19:57-2).

24 This act shall be liberally construed to effectuate these purposes.  
25 (cf: P.L.1977, c.47, s.2)

26

27 3. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as  
28 follows:

29 4. At any time not less than seven days prior to an election in  
30 which he desires to vote by mail, a civilian absentee voter may apply  
31 to the person designated in section 6 of [this act] P.L.1953, c.211  
32 (C.19:57-6), for a civilian absentee ballot. Such application or request  
33 shall be made in writing, shall be signed by the applicant and shall state  
34 his or her place of voting residence and the address to which said  
35 ballot shall be sent[, and the reason for which the ballot is requested].

36 Any military service voter desiring to vote in any election or any  
37 relative or friend of a military service voter who believes that such  
38 voter will desire to vote in any election, may apply to the person  
39 designated in section 6 of [this act] P.L.1953, c.211 (C.19:57-6) for  
40 a military service ballot to be sent to such voter. A military service  
41 voter may use a federal postcard application form to apply for a  
42 military service ballot. [On any application made by a military service  
43 voter the voter may request a military service ballot for all subsequent  
44 elections held during the calendar year in which the request is made;  
45 if such a request is made, a military service ballot shall be sent in a  
46 timely manner to the voter for all such elections.]

1 Any civilian absentee voter who fails to apply within the seven-day  
2 time prescribed above may apply in person to the county clerk for an  
3 absentee ballot on any day up to 3 p.m. of the day before the election.

4 In the event of sickness or confinement, the qualified voter may  
5 apply in writing for and obtain an absentee ballot by authorized  
6 messenger, who shall be so designated over the signature of the voter  
7 and whose printed name and address shall appear on the application in  
8 the space provided. The authorized messenger shall be a family  
9 member or a registered voter of the county in which the application is  
10 made and shall place his signature on the application in the space so  
11 provided in the presence of the county clerk or his designee. The  
12 county clerk or his designee shall authenticate the signature of the  
13 authorized messenger, in the event such a messenger is other than a  
14 family member, by comparing it with the signature of the said person  
15 appearing on a State of New Jersey driver's license, or other  
16 identification issued or recognized as official by the federal  
17 government, the State, or any of its political subdivisions, which  
18 identification carries the full address and signature of said person.  
19 After the signature of the application and, when appropriate,  
20 authentication, the county clerk or his designee is authorized to deliver  
21 to the authorized messenger a ballot to be delivered to the qualified  
22 voter. The Attorney General shall cause to be prepared a standard  
23 authorized messenger application form, which may be included with  
24 the standard civilian absentee ballot application forms.

25 [A] Every qualified and registered voter [who is permanently and  
26 totally disabled, and who states the reason for such disability in a  
27 request for an absentee ballot, shall be furnished an application for an  
28 absentee ballot by the county clerk for all future elections in which the  
29 voter shall be eligible to vote, without further request on the part of  
30 the voter. A voter who is permanently and totally disabled] ,  
31 including a military service voter, shall have the option to indicate on  
32 an application for an absentee ballot that:

33 a. the voter would like to receive an absentee ballot for each  
34 election that takes place during the remainder of the calendar year in  
35 which the application is completed and submitted; or

36 b. the voter would like to receive an absentee ballot for each  
37 election that takes place subsequently, until the voter otherwise  
38 notifies the clerk or is no longer a registered voter in the county.

39 A voter who exercises [this] the option in subsection a. shall be  
40 furnished with an absentee ballot for each election that takes place  
41 during the remainder of the calendar year without further request by  
42 the voter. A voter who exercises the option in subsection b. shall be  
43 furnished with an absentee ballot for each election that takes place  
44 subsequently without further request by the voter.

45 (cf: P.L.2000, c.86, s.1)

1 4. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as  
2 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  
21 of 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, general or other) election to be held on .....  
26 (date of election) kindly write to the undersigned at once making  
27 application for a military service ballot to be voted in [said] the  
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. Such voters may  
41 also request that they receive an absentee ballot for each election that  
42 takes place subsequently, until the military service voter otherwise  
43 notifies the appropriate county clerk or is no longer a registered voter.

44 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY  
45 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY  
46 NOT USE MILITARY ABSENTEE BALLOT UNLESS



1 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH  
2 STATION IS LOCATED.)

3 Forms of application other than federal postcard application forms  
4 can be obtained from the undersigned. Dated .....  
5 .....

6 (signature and title of county clerk)

7 .....

8 (address of county clerk)

9 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE  
10 BALLOTS

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

32 [Voters who are permanently and totally disabled shall, after their  
33 initial request and without further action on their part, be forwarded  
34 an absentee ballot application by the county clerk for all future  
35 elections in which they are eligible to vote. Permanently and totally  
36 disabled voters also have] Qualified and registered voters, including  
37 military service voters, have the option of indicating on their absentee  
38 ballot applications that they would prefer: (1) to receive absentee  
39 ballots for each election that takes place during the remainder of this  
40 calendar year; or (2) to receive an absentee ballot for each election  
41 that takes place subsequently, until the voter otherwise notifies the  
42 clerk or is no longer a registered voter in the county. [Permanently  
43 and totally disabled voters] Voters who exercise [this option will] one  
44 of these options will be furnished with absentee ballots for each  
45 election that takes place during the remainder of this calendar year, or  
46 that takes place subsequently, as appropriate, without further action

1 on their part. Application forms may be obtained by applying to the  
2 undersigned either in writing or by telephone, or the application form  
3 provided below may be completed and forwarded to the undersigned.

4 Dated .....

5 (signature and title of county clerk)

6 .....

7 (address of county clerk)

8 .....

9 (Telephone No. of county clerk)

10 APPLICATION FORM FOR CIVILIAN

11 ABSENTEE BALLOT

12 (Form to be prepared by the Attorney General pursuant to section  
13 17 of P.L.1977, c.47 (C.19:57-4.1)).

14 Such notices shall be separately published prior to the 50th day  
15 immediately preceding the holding of any election.

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

25 (cf: P.L.2000, c.86, s.2)

26

27 5. This act shall take effect immediately.

28

29

STATEMENT

30

31 The purpose of this bill is to expand the ability of qualified voters  
32 and military personnel to use absentee ballots to vote in every election  
33 held in this State without providing a reason for such a ballot.

34 Also, the bill provides an option by permitting every voter who is  
35 duly qualified and registered to vote, including military service voters,  
36 to indicate on the application for an absentee ballot that they wish to  
37 receive an absentee ballot either for each election that takes place  
38 subsequently until the voter otherwise notifies the clerk or is no longer  
39 a registered voter in the county, or for each election that takes place  
40 for the remainder of the calendar year.

41 Under current law, permanently and totally disabled voters have the  
42 option of indicating on an application for an absentee ballot that they  
43 wish to receive an absentee ballot for each election that is held during  
44 the remainder of the calendar year in which the application is  
45 completed and submitted. Disabled voters who choose this option  
46 receive such absentee ballots without needing to fill out additional

1 applications.

**SENATE, No. 1435**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED MARCH 29, 2004

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Permits voting by absentee ballot for any reason.

**CURRENT VERSION OF TEXT**

As introduced.



S1435 SWEENEY

2

1 AN ACT concerning absentee ballots used in elections, amending  
2 P.L.1953, c.211.

3

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

6

7 1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as  
8 follows:

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

12 "Absentee ballot" means any military service ballot or civilian  
13 absentee ballot as herein defined.

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

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

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

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

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

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

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

43 "Military service" means active service by any person, as a member

**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 of any branch or department of the United States Army, Navy, Air  
2 Force, Coast Guard or Marine Corps, or as a member of the maritime  
3 or merchant marine service, or as a reservist [absent from his place of  
4 residence and] undergoing training under Army, Navy, Air Force,  
5 Coast Guard or Marine Corps direction[, at a place other than that of  
6 such person's residence].

7 "Military service voter" means a qualified elector under the  
8 Constitution and the laws of this State who comes within one of the  
9 following categories:

10 (a) Persons in the military service and their spouses and  
11 dependents.

12 (b) Patients in a veterans' hospital [located in any place other than  
13 the place of their residences] who have been in the military service in  
14 any war in which the United States has been engaged and have been  
15 discharged or released from such service.

16 (c) Civilians attached to or serving with the Armed Forces of the  
17 United States [without this State] and their spouses and dependents  
18 when residing with or accompanying them.

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

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

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

32

33 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as  
34 follows:

35 3. The following persons shall be entitled to vote by absentee ballot  
36 in any election to be held in this State, in the manner hereinafter  
37 provided:

38 A military service voter who [may be absent on the day on which  
39 such election is held from the election district in which he resides,  
40 whether such person is within or without this State in the case of a  
41 military service voter as defined in paragraph (a) or (b) of section 2,  
42 or without this State and within or without the United States in the  
43 case of any military service voter as defined in section 2, provided he]  
44 has resided in this State at least 30 days and in the county in which he  
45 claims the right to vote at least 30 days counting the time he has been

1 absent from the election district in which he resides because of the  
2 service, work, status or relationship entitling him to a military service  
3 ballot;

4 A military service voter who is stationed and resident in any  
5 garrison, barrack or military or naval place or station within this State,  
6 or who resides therein as spouse or dependent of a person in the  
7 military, naval or marine service so stationed, and who claims his vote  
8 in the municipality wherein such residence is located, shall be entitled  
9 to vote by military absentee ballot in any election for which he is duly  
10 registered to cast his vote in the election district of his residence in  
11 said municipality, but not otherwise; and

12 A civilian absentee voter [who expects to be or may be absent  
13 outside the State or the United States on the day on which an election  
14 is held or who may be within the State on the day of any election but  
15 because of permanent and total disability, or because of illness or  
16 temporary physical disability, or because of the observance of a  
17 religious holiday pursuant to the tenets of his religion, or because of  
18 resident attendance at a school, college or university, or because of the  
19 nature and hours of his employment, will be unable to cast his ballot  
20 at the polling place in his election district on the day of the election,  
21 provided he is a registered voter, and is not otherwise disqualified by  
22 law from voting in such election] as defined in section 2 of P.L.1953,  
23 c.211 (C.19:57-2).

24 This act shall be liberally construed to effectuate these purposes.  
25 (cf: P.L.1977, c.47, s.2)

26

27 3. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as  
28 follows:

29 4. At any time not less than seven days prior to an election in  
30 which he desires to vote by mail, a civilian absentee voter may apply  
31 to the person designated in section 6 of [this act,] P.L.1953, c.211  
32 (C.19:57-6) for a civilian absentee ballot. Such application or request  
33 shall be made in writing, shall be signed by the applicant and shall state  
34 his or her place of voting residence and the address to which said  
35 ballot shall be sent[, and the reason for which the ballot is requested].

36 Any military service voter desiring to vote in any election or any  
37 relative or friend of a military service voter who believes that such  
38 voter will desire to vote in any election, may apply to the person  
39 designated in section 6 of [this act] P.L.1953, c.211 (C.19:57-6) for  
40 a military service ballot to be sent to such voter. A military service  
41 voter may use a federal postcard application form to apply for a  
42 military service ballot. On any application made by a military service  
43 voter the voter may request a military service ballot for all subsequent  
44 elections held during the calendar year in which the request is made;  
45 if such a request is made, a military service ballot shall be sent in a  
46 timely manner to the voter for all such elections.

1 Any civilian absentee voter who fails to apply within the seven-day  
2 time prescribed above may apply in person to the county clerk for an  
3 absentee ballot on any day up to 3 p.m. of the day before the election.

4 In the event of sickness or confinement, the qualified voter may  
5 apply in writing for and obtain an absentee ballot by authorized  
6 messenger, who shall be so designated over the signature of the voter  
7 and whose printed name and address shall appear on the application in  
8 the space provided. The authorized messenger shall be a family  
9 member or a registered voter of the county in which the application is  
10 made and shall place his signature on the application in the space so  
11 provided in the presence of the county clerk or his designee. The  
12 county clerk or his designee shall authenticate the signature of the  
13 authorized messenger, in the event such a messenger is other than a  
14 family member, by comparing it with the signature of the said person  
15 appearing on a State of New Jersey driver's license, or other  
16 identification issued or recognized as official by the federal  
17 government, the State, or any of its political subdivisions, which  
18 identification carries the full address and signature of said person.  
19 After the signature of the application and, when appropriate,  
20 authentication, the county clerk or his designee is authorized to deliver  
21 to the authorized messenger a ballot to be delivered to the qualified  
22 voter. The Attorney General shall cause to be prepared a standard  
23 authorized messenger application form, which may be included with  
24 the standard civilian absentee ballot application forms.

25 A voter who is permanently and totally disabled, and who states  
26 [the reason for such disability in] that on a request for an absentee  
27 ballot, shall be furnished an application for an absentee ballot by the  
28 county clerk for all future elections in which the voter shall be eligible  
29 to vote, without further request on the part of the voter. A voter who  
30 is permanently and totally disabled shall have the option to indicate on  
31 an application for an absentee ballot that the voter would like to  
32 receive an absentee ballot for each election that takes place during the  
33 remainder of the calendar year in which the application is completed  
34 and submitted. A voter who exercises this option shall be furnished  
35 with an absentee ballot for each election that takes place during the  
36 remainder of the calendar year without further request by the voter.  
37 (cf: P.L.2000, c.86, s.1)

38  
39 4. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as  
40 follows:

41 7. The county clerk of the county, in the case of any Statewide  
42 election, countywide election, or school election in a regional or other  
43 school district comprising more than one municipality; the clerk of the  
44 municipality, in the case of any municipal election or school election  
45 in a school district comprising a single municipality; and the  
46 commissioners or other governing or administrative body of the



1 district, in the case of any election to be held in any fire district, road  
2 district, sewerage district, street lighting district, water supply district  
3 or other special district, other than a municipality, created for specified  
4 public purposes within one or more municipalities, shall publish or  
5 cause to be published the following notices in substantially the  
6 following forms:

7 NOTICE TO MILITARY SERVICE VOTERS AND  
8 TO THEIR RELATIVES AND FRIENDS

9 If you are in the military service, or the spouse or dependent of a  
10 person in military service or are a patient in a veterans' hospital or a  
11 civilian attached to or serving with the Armed Forces of the United  
12 States [without the State of New Jersey], or the spouse or dependent  
13 of and accompanying or residing with a civilian attached to or serving  
14 with the Armed Forces of the United States, and desire to vote, or if  
15 you are a relative or friend of any such person who, you believe, will  
16 desire to vote in the ..... (school, municipal,  
17 primary, general or other) election to be held on .....  
18 (date of election) kindly write to the undersigned at once making  
19 application for a military service ballot to be voted in said election to  
20 be forwarded to you, stating your name, age, serial number if you are  
21 in military service, home address and the address at which you are  
22 stationed or can be found, or if you desire the military service ballot  
23 for a relative or friend then make application under oath for a military  
24 service ballot to be forwarded to him, stating in your application that  
25 he is over the age of 18 years and stating his name, serial number if he  
26 is in military service, home address and the address at which he is  
27 stationed or can be found.

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

30 On the application for a military service ballot, military service  
31 voters may request that a military service ballot be sent for all  
32 subsequent elections held during this calendar year.

33 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY  
34 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY  
35 NOT USE MILITARY ABSENTEE BALLOT UNLESS  
36 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH  
37 STATION IS LOCATED.)

38 Forms of application other than federal postcard application forms  
39 can be obtained from the undersigned. Dated .....  
40 .....

41 (signature and title of county clerk)

42 .....

43 (address of county clerk)

44

45 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE  
46 BALLOTS

S1435 SWEENEY

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

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

36 .....

37 (signature and title of county clerk)  
38 .....  
39 (address of county clerk)  
40 .....  
41 (Telephone No. of county clerk)

42  
43 APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT

44 (Form to be prepared by the Attorney General pursuant to section  
45 17 of P.L.1977, c.47 (C.19:57-4.1)).

46 Such notices shall be separately published prior to the 50th day

1 immediately preceding the holding of any election.

2 Notices relating to any Statewide or countywide election shall be  
3 published by the county clerk in at least two newspapers published in  
4 the county. All other officials charged with the duty of publishing  
5 such notices shall publish the same in at least one newspaper published  
6 in each municipality or district in which the election is to be held or if  
7 no newspaper be published in said municipality or district, then in a  
8 newspaper published in the county and circulating in such municipality,  
9 municipalities or district. All such notices shall be display  
10 advertisements.

11 (cf: P.L.2000, c.86, s.2)

12

13 5. This act shall take effect on January 1 next following the date of  
14 enactment.

15

16

17

#### STATEMENT

18

19 This bill expands eligibility to use civilian and military service  
20 absentee ballots by permitting any registered voter who wishes to vote  
21 by absentee ballot to be able to do so without being required to state  
22 a specific reason why he or she will be unable to vote at his or her  
23 assigned polling place on the day of an election.

**SENATE, No. 2397**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED MARCH 14, 2005

**Sponsored by:**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Permits registered voter to vote by absentee ballot for any reason.

**CURRENT VERSION OF TEXT**

As introduced.



S2397 BRYANT

2

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

2

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

5

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

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

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

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

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

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

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

31 "Election," "general election," "primary election for the general  
32 election," "municipal election," "school election," and "special  
33 election" shall mean, respectively, such elections as defined in the Title  
34 to which this is a supplement (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

**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.**

S2397 BRYANT

1 Force, Coast Guard or Marine Corps, or as a member of the maritime  
2 or merchant marine service, or as a reservist [absent from his place of  
3 residence and] undergoing training under Army, Navy, Air Force,  
4 Coast Guard or Marine Corps direction[, at a place other than that of  
5 such person's residence].

6 "Military service voter" means a qualified elector under the  
7 Constitution and the laws of this State who comes within one of the  
8 following categories:

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

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

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

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

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

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

30

31 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as  
32 follows:

33 3. The following persons shall be entitled to vote by absentee ballot  
34 in any election to be held in this State, in the manner hereinafter  
35 provided:

36 A military service voter who [may be absent on the day on which  
37 such election is held from the election district in which he resides,  
38 whether such person is within or without this State in the case of a  
39 military service voter as defined in paragraph (a) or (b) of section 2,  
40 or without this State and within or without the United States in the  
41 case of any military service voter as defined in section 2, provided he]  
42 has resided in this State at least 30 days and in the county in which he  
43 claims the right to vote at least 30 days counting the time he has been  
44 absent from the election district in which he resides because of the

S2397 BRYANT

1 service, work, status or relationship entitling him to a military service  
2 ballot;

3 A military service voter who is stationed and resident in any  
4 garrison, barrack or military or naval place or station within this State,  
5 or who resides therein as spouse or dependent of a person in the  
6 military, naval or marine service so stationed, and who claims his vote  
7 in the municipality wherein such residence is located, shall be entitled  
8 to vote by military absentee ballot in any election for which he is duly  
9 registered to cast his vote in the election district of his residence in  
10 said municipality, but not otherwise; and

11 A civilian absentee voter [who expects to be or may be absent  
12 outside the State or the United States on the day on which an election  
13 is held or who may be within the State on the day of any election but  
14 because of permanent and total disability, or because of illness or  
15 temporary physical disability, or because of the observance of a  
16 religious holiday pursuant to the tenets of his religion, or because of  
17 resident attendance at a school, college or university, or because of  
18 the nature and hours of his employment, will be unable to cast his  
19 ballot at the polling place in his election district on the day of the  
20 election, provided he is a registered voter, and is not otherwise  
21 disqualified by law from voting in such election] as defined in section  
22 2 of P.L.1953, c.211 (C.19:57-2).

23 This act shall be liberally construed to effectuate these purposes.  
24 (cf: P.L.1977, c.47, s.2)

25

26 3. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as  
27 follows:

28 4. At any time not less than seven days prior to an election in  
29 which he desires to vote by mail, a civilian absentee voter may apply  
30 to the person designated in section 6 of P.L.1953, c.211 (C.19:57-6),  
31 for a civilian absentee ballot. Such application or request shall be  
32 made in writing, shall be signed by the applicant and shall state his or  
33 her place of voting residence and the address to which said ballot shall  
34 be sent[, and the reason for which the ballot is requested].

35 Any military service voter desiring to vote in any election or any  
36 relative or friend of a military service voter who believes that such  
37 voter will desire to vote in any election, may apply to the person  
38 designated in section 6 of P.L.1953, c.211 (C.19:57-6) for a military  
39 service ballot to be sent to such voter. A military service voter may  
40 use a federal postcard application form to apply for a military service  
41 ballot. On any application made by a military service voter the voter  
42 may request a military service ballot for all subsequent elections  
43 through and including the next two regularly scheduled general  
44 elections for federal office which take place after the request is made;  
45 if such a request is made, a military service ballot shall be sent in a  
46 timely manner to the voter for all such elections.

1 Any civilian absentee voter who fails to apply within the seven-day  
2 time prescribed above may apply in person to the county clerk for an  
3 absentee ballot on any day up to 3 p.m. of the day before the election.

4 In the event of sickness or confinement, the qualified voter may  
5 apply in writing for and obtain an absentee ballot by authorized  
6 messenger, who shall be so designated over the signature of the voter  
7 and whose printed name and address shall appear on the application in  
8 the space provided. The authorized messenger shall be a family  
9 member or a registered voter of the county in which the application is  
10 made and shall place his signature on the application in the space so  
11 provided in the presence of the county clerk or his designee. No  
12 person who is a candidate in the election for which the voter requests  
13 an absentee ballot shall be permitted to serve as an authorized  
14 messenger. The authorized messenger shall show a photo  
15 identification card to the county clerk, or the designee thereof, at the  
16 time the messenger submits the application form. The county clerk or  
17 his designee shall authenticate the signature of the authorized  
18 messenger, in the event such a messenger is other than a family  
19 member, by comparing it with the signature of the said person  
20 appearing on a State of New Jersey driver's license, or other  
21 identification issued or recognized as official by the federal  
22 government, the State, or any of its political subdivisions, which  
23 identification carries the full address and signature of said person.  
24 After the signature of the application and, when appropriate,  
25 authentication, the county clerk or his designee is authorized to deliver  
26 to the authorized messenger a ballot to be delivered to the qualified  
27 voter. The Attorney General shall cause to be prepared a standard  
28 authorized messenger application form, which may be included with  
29 the standard civilian absentee ballot application forms. The authorized  
30 messenger section of the application shall contain the following  
31 language above the signature of the authorized messenger: "I do  
32 hereby certify that I will deliver the absentee ballot directly to the  
33 voter and no other person, under penalty of law."

34 A voter who is permanently and totally disabled, and who states  
35 [the reason for such disability in] that on a request for an absentee  
36 ballot, shall be furnished an application for an absentee ballot by the  
37 county clerk for all future elections in which the voter shall be eligible  
38 to vote, without further request on the part of the voter. A voter who  
39 is permanently and totally disabled shall have the option to indicate on  
40 an application for an absentee ballot that the voter would like to  
41 receive an absentee ballot for each election that takes place during the  
42 remainder of the calendar year in which the application is completed  
43 and submitted. A voter who exercises this option shall be furnished  
44 with an absentee ballot for each election that takes place during the  
45 remainder of the calendar year without further request by the voter.  
46 A person voting by absentee ballot who registered by mail after



1 January 1, 2003, who did not provide personal identification  
2 information when registering pursuant to section 16 of P.L.1974, c.30  
3 (C.19:31-6.4) and is voting for the first time in his or her current  
4 county of residence following registration shall include the required  
5 identification information with the absentee ballot. Failure to include  
6 such information with the absentee ballot shall result in the rejection  
7 of the ballot.

8 (cf: P.L.2004, c.88, s.26)

9

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

12 7. a. The Attorney General, through the Division of Elections in  
13 the Department of Law and Public Safety shall be responsible for  
14 providing all information regarding military service ballots, as defined  
15 in section 2 of P.L.1953, c.211 (C.19:57-2), and overseas federal  
16 election voter ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et  
17 seq.). The division shall also make available valid military service  
18 voter registration applications, military service ballot applications and  
19 overseas federal election voter registration and ballot applications to  
20 any military service or overseas federal election voter who wishes to  
21 register to vote or to vote in any jurisdiction in this State. The  
22 division shall publish or cause to be published the following notice in  
23 substantially the following form:

24 NOTICE TO MILITARY SERVICE VOTERS AND  
25 TO THEIR RELATIVES AND FRIENDS

26 If you are in the military service, or the spouse or dependent of a  
27 person in military service or are a patient in a veterans' hospital or a  
28 civilian attached to or serving with the Armed Forces of the United  
29 States [without the State of New Jersey], or the spouse or dependent  
30 of and accompanying or residing with a civilian attached to or serving  
31 with the Armed Forces of the United States, and desire to vote, or if  
32 you are a relative or friend of any such person who, you believe, will  
33 desire to vote in the ..... (school, municipal,  
34 primary, general or other) election to be held on .....  
35 (date of election) kindly write to the undersigned at once making  
36 application for a military service ballot to be voted in said election to  
37 be forwarded to you, stating your name, age, serial number if you are  
38 in military service, home address and the address at which you are  
39 stationed or can be found, or if you desire the military service ballot  
40 for a relative or friend then make application under oath for a military  
41 service ballot to be forwarded to him, stating in your application that  
42 he is over the age of 18 years and stating his name, serial number if he  
43 is in military service, home address and the address at which he is  
44 stationed or can be found.

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

S2397 BRYANT

1 On the application for a military service ballot, military service  
2 voters may request that a military service ballot be sent for all  
3 subsequent elections through and including the next two regularly  
4 scheduled general elections for federal office which take place after the  
5 request is made.

6 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY  
7 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY  
8 NOT USE MILITARY ABSENTEE BALLOT UNLESS  
9 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH  
10 STATION IS LOCATED.)

11 Forms of application other than federal postcard application forms  
12 can be obtained from the undersigned. Dated .....  
13 .....

14 (signature and title of Director of Division of Elections)  
15 .....

16 (address of Division of Elections)

17 b. The county clerk of the county, in the case of any Statewide  
18 election, countywide election, or school election in a regional or other  
19 school district comprising more than one municipality; the clerk of the  
20 municipality, in the case of any municipal election or school election  
21 in a school district comprising a single municipality; and the  
22 commissioners or other governing or administrative body of the  
23 district, in the case of any election to be held in any fire district, road  
24 district, sewerage district, street lighting district, water supply district  
25 or other special district, other than a municipality, created for specified  
26 public purposes within one or more municipalities, shall publish or  
27 cause to be published the following notice in substantially the  
28 following form:

29 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE  
30 BALLOTS

31 If you are a qualified and registered voter of the State who [expects  
32 to be absent outside the State on .....(date of election) or a  
33 qualified and registered voter who will be within the State on  
34 ..... (date of election) but because of permanent and  
35 total disability, or because of illness or temporary physical disability,  
36 or because of the observance of a religious holiday pursuant to the  
37 tenets of your religion, or because of resident attendance at a school,  
38 college, or university, or because of the nature and hours of  
39 employment, will be unable to cast your ballot at the polling place in  
40 your district on said date, and you desire] wants to vote by absentee  
41 ballot in the ..... (school, municipal, primary, general, or  
42 other) election to be held on ..... (date of election) kindly  
43 complete the application form below and send to the undersigned, or  
44 write or apply in person to the undersigned at once requesting that a  
45 civilian absentee ballot be forwarded to you. Such request must state  
46 your home address, and the address to which said ballot should be

1 sent, and must be dated and signed with your signature[, and state the  
 2 reason why you will not be able to vote at your usual polling place].  
 3 If any person has assisted you to complete the absentee ballot  
 4 application, the name, address and signature of the assistor must be  
 5 provided on the application. Also, you must sign and date the  
 6 application for it to be valid and processed. No person who is a  
 7 candidate in the election for which the voter requests an absentee  
 8 ballot may provide any assistance in the completion of the ballot or  
 9 may serve as an authorized messenger. No civilian absentee ballot will  
 10 be furnished or forwarded to any applicant unless request therefor is  
 11 received not less than seven days prior to the election, and contains the  
 12 foregoing information.

13 Voters who are permanently and totally disabled and who state that  
 14 on their request shall, after their initial request and without further  
 15 action on their part, be forwarded an absentee ballot application by the  
 16 county clerk for all future elections in which they are eligible to vote.  
 17 Permanently and totally disabled voters also have the option of  
 18 indicating on their absentee ballot applications that they would prefer  
 19 to receive absentee ballots for each election that takes place during the  
 20 remainder of this calendar year. Permanently and totally disabled  
 21 voters who exercise this option will be furnished with absentee ballots  
 22 for each election that takes place during the remainder of this calendar  
 23 year, without further action on their part.

24 Application forms may be obtained by applying to the undersigned  
 25 either in writing or by telephone, or the application form provided  
 26 below may be completed and forwarded to the undersigned.

27  
 28 Dated .....  
 29 (signature and title of county clerk)  
 30 .....  
 31 (address of county clerk)  
 32 .....  
 33 (Telephone No. of county clerk)

34 APPLICATION FORM FOR CIVILIAN  
 35 ABSENTEE BALLOT

36 (Form to be prepared by the Attorney General pursuant to section  
 37 17 of P.L.1977, c.47 (C.19:57-4.1)).

38 c. The absentee ballot materials shall contain a notice that any  
 39 person voting by absentee ballot who registers by mail after January  
 40 1, 2003, who did not provide personal identification information when  
 41 registering and is voting for the first time in his or her current county  
 42 of residence following registration shall include the required  
 43 identification information with the absentee ballot, and that failure to  
 44 include such information shall result in the rejection of the ballot.

45 d. Such notices as described in subsections a. and b. of this  
 46 section shall be separately published prior to the 50th day immediately

1 preceding the holding of any election.

2 Notices relating to any Statewide or countywide election shall be  
3 published in at least two newspapers published in the county. All  
4 officials charged with the duty of publishing such notices shall publish  
5 the same in at least one newspaper published in each municipality or  
6 district in which the election is to be held or if no newspaper be  
7 published in said municipality or district, then in a newspaper  
8 published in the county and circulating in such municipality,  
9 municipalities or district. All such notices shall be display  
10 advertisements.

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

12

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

15 16. Each county clerk shall send, with each absentee ballot, printed  
16 directions for the preparation and transmitting of absentee ballots as  
17 required by this act, which shall be printed in such manner and form  
18 as the Secretary of State shall require, together with two envelopes  
19 of such sizes that one will contain the other.

20 The outer envelope shall be addressed to the county board of  
21 elections of the county in which is located the home address of the  
22 person to whom the absentee ballot is sent, as certified by the county  
23 clerk. On the outside and front of each outer envelope, there shall be  
24 printed or stamped the following:

25 To protect your vote:

26 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
27 VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS THE  
28 ENVELOPE IS SEALED AND THE FOLLOWING IS  
29 COMPLETED:

30 Ballot mailed or transported by

31 (signature of bearer)

32 (print name of bearer)

33 (address of bearer)

34 The reserve side of the outer envelope shall contain the following:

35 REMINDER

36 For your vote to count, you must:

37 1) Vote your ballot and place it in the inner envelope with the  
38 attached certificate.

39 2) Seal the envelope.

40 3) Place the envelope into the larger envelope addressed to the  
41 board of elections and seal that envelope.

42 4) Affix the proper postage to the envelope.

43 5) If another person will be mailing your ballot or bringing it to the  
44 board of elections, MAKE CERTAIN THAT PERSON COMPLETES  
45 THE "BEARER PORTION" ON THE ENVELOPE ADDRESSED  
46 TO THE BOARD OF ELECTIONS BEFORE THE BALLOT IS

1 TAKEN FROM YOU. NO PERSON WHO IS A CANDIDATE IN  
2 THE ELECTION FOR WHICH YOU REQUESTED AN ABSENTEE  
3 BALLOT CAN BE THE BEARER FOR YOUR BALLOT.

4 The Attorney General is authorized to make such necessary changes  
5 to the instructions for absentee ballot materials as the Attorney  
6 General deems necessary or as is mandated by federal or State law.

7 The inner envelope shall be so designed that it can be sealed after  
8 the absentee ballot has been placed therein and the flap thereof shall  
9 be of such length and size as to leave sufficient margin, after sealing,  
10 for the printing thereon of the certificate hereinafter described. The  
11 flap shall be so arranged that, after the inner envelope has been sealed,  
12 the certificate can be contained, with the said inner envelope, in the  
13 outer envelope, and that the margin containing the certificate can be  
14 detached without unsealing the inner envelope.

15 On the outside of each envelope in which an absentee ballot is sent  
16 to an absentee voter by the county clerk, there shall be printed or  
17 stamped the words "Official Military Service Ballot" or "Official  
18 Civilian Absentee Ballot" as the case may be. In addition, there shall  
19 be printed or stamped the following:

20 To protect your vote:

21 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE  
22 VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

23 However, a family member may assist you in doing so. If you are  
24 an incapacitated absentee voter, a person other than a family member  
25 may also assist you in doing so.

26 The reverse side of each inner envelope shall contain the following  
27 statement:

28 ANY PERSON MAY BE FINED AND IMPRISONED AND MAY  
29 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW  
30 if he attempts to vote fraudulently by absentee ballot, prevents the  
31 voting of a legal voter, certifies falsely any information, interferes with  
32 a person's secrecy of voting, tampers with ballots or election  
33 documents or helps another person to do so.

34 (cf: P.L.1981, c.390, s.5)

35

36 6. 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 primary election  
43 for the general election his choice shall be limited to the candidates of  
44 his political party or to any person or persons whose names are written  
45 thereon by him. When so marked, such ballot shall be placed in said  
46 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. No person who is a candidate in  
5 the election for which the voter requests an absentee ballot shall be  
6 permitted to provide any assistance in the completion of the ballot.

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

11 An absentee voter shall be entitled to assistance from a family  
12 member in performing any of the actions above. An incapacitated  
13 absentee voter shall also be entitled to assistance from a person other  
14 than a family member in performing any of such actions. The family  
15 member or other person providing such assistance shall certify that he  
16 did assist the voter and will maintain the secrecy of the vote by both  
17 printing and signing his name in the space provided on the certificate.  
18 In no event may a candidate for election provide such assistance, nor  
19 may any person, at the time of providing such assistance, campaign or  
20 electioneer on behalf of any candidate.

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

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

32 No person who is a candidate in the election for which the voter  
33 requests an absentee ballot shall be permitted to serve as an authorized  
34 messenger or bearer. The messenger or bearer, by signing the  
35 certification provided for in section 4 of P.L.1953, c.211(C.19:57-4),  
36 certifies that he or she received an absentee ballot directly from the  
37 voter and no other person and is authorized to deliver the ballot to the  
38 appropriate board of election on behalf of the voter.

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

40  
41 7. Section 28 of P.L.1953, c.211 (C.19:57-28) is amended to read  
42 as follows:

43 28. No person who has applied for a civilian absentee ballot and to  
44 whom a civilian absentee ballot has been either delivered in person or  
45 forwarded by mail by a county clerk, shall be permitted to vote in  
46 person at the polling place in his election district on the day of the

1 election, but such person may execute such ballot in the manner  
2 provided by this act [even though he is in the State on the day of the  
3 election].

4 (cf: P.L.1953, c. 211, s.28)

5

6 8. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 The purpose of this bill is to permit any registered voter who wishes  
12 to vote by absentee ballot to do so without being required to provide  
13 a reason for such ballot.

14 This legislation is similar to current laws in other states that permit  
15 voters to request and receive absentee ballots without having to  
16 provide a reason for not being able to vote in person on the day of an  
17 election.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1133, 1435 and 2397**

# **STATE OF NEW JERSEY**

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Nos. 1133, 1435 and 2397.

This substitute permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for not being able to vote in person on the day of an election.

Under current law, an absentee ballot is available to a qualified and registered voter who expects to be absent from the State on the day of any election or who will be within the State on the day of any election but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday, or because of resident attendance at a school, college or university, or because of the nature and hours of employment, will be unable to cast a ballot at the polling place in the appropriate election district on the day of the election.

The substitute also provides that: 1) no person who is a candidate in the election for which the voter requests an absentee ballot will be permitted to assist in the completion of the ballot or serve as an authorized messenger; 2) whenever the county clerk forwards by mail a military or civilian absentee ballot, as the case may be, to an absentee ballot voter between the 14th day and the fourth day prior to the day of an election, the ballot must be transmitted, following approval of the application, within two business days of the receipt of the application; 3) the clerk must prepare one list of requests for absentee ballots and another list of the applicants whose applications were approved and sent absentee ballots and the lists must be updated each business day, made available to the public and transmitted to elections officials; and 4) each county board of elections must compile a list of the name and street address of each person who has completed and returned a voted civilian or military absentee ballot and the name and street address of each person who has delivered such a ballot personally to the board. The board must update the list each business day, make it available to the public and transmit it to elections officials.

This substitute is identical to Assembly, No. 35 ACS.



STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE Nos. 1133, 1435 and 2397**

with Senate Floor Amendments  
(Proposed By Senator SMITH)

ADOPTED: JUNE 23, 2005

This Senate amendment provides that any voter who wishes to vote only by absentee ballot in a general election will be sent an application for such a ballot automatically for such elections in which the voter will be eligible to vote after his or her first request, without further request and until the voter requests that he or she no longer be sent such an application.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, Nos. 1133, 1435 and 2397**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: JUNE 29, 2005

**SUMMARY**

**Synopsis:** Permits registered voter to vote by absentee ballot for any reason; requires increased identification of persons requesting and returning absentee ballots.

**Type of Impact:** Increased County Expenditure.

**Agencies Affected:** Department of Law and Public Safety; Counties

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>State Cost</b>	Minimal Expenditure		
<b>Local Cost</b>	Indeterminate Increased Expenditure		

- ! Permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for such ballot.
- ! Establishes that a candidate shall not serve as an authorized messenger of an absentee ballot during the candidates election.
- ! Requires an authorized messenger to provide a photo when submitting the application form to the proper authorities.

**BILL DESCRIPTION**

Senate Committee Substitute for Senate Bill Nos. 1133, 1435, and 2397 of 2005, permits any registered voter who wishes to vote by absentee ballot to do so without being required to provide a reason for such a ballot. This legislation is similar to current laws in other states that permit voters to request and receive absentee ballots without having to provide a reason for not being able to vote in person on the day of an election.

Under current law, an absentee ballot is available to a qualified and registered voter who expects to be absent from the State on the day of any election or who will be within the State on the day of any election, but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday, or because of resident attendance



at a school, college or university, or because of the nature and hours of employment, will be unable to cast a ballot at the polling place in the appropriate election district on the day of the election.

The bill also provides that no person who is a candidate in the election for which the voter requests an absentee ballot will be permitted to assist in the completion of the ballot or serve as an authorized messenger.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) recognizes that this bill would expand the number of New Jersey residents who would be able to file for an absentee ballot. The OLS notes that it is impossible to determine how many residents would take advantage of this option on election day.

As a result, OLS notes that it cannot determine the cost to the counties of faxing, mailing or processing the absentee requests and ballots. The counties may need extra staff and/or equipment depending on the possible increase in absentee ballots.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

PO BOX 004  
TRENTON, NJ 08625

Contact: Kelley Heck  
609-777-2600

RELEASE: July 07, 2005

## **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.”