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Title 19.
Chapter 53C (New)
Provisional Ballots.
§§7-26 - C.19:53C-1
to C.19:53C-20
§§32,33 -
C.19:31-16.1 and
19:31-16.2
§34 - T&E and note
to 19:31-16

P.L. 1999, CHAPTER 232, *approved October 7, 1999*
Assembly Committee Substitute (*First Reprint*) for
Senate, No.1123

1 AN ACT concerning voting by certain voters, revising various parts of
2 the statutory law and supplementing Title 19 of the Revised
3 Statutes.

4

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

7

8 1. R.S.19:9-2 is amended to read as follows:

9 19:9-2. The **【Secretary of State】** Director of the Division of
10 Elections shall prepare and distribute on or before April 1 in each year
11 prior to the primary election for the general election and the general
12 election **【the following】** such information **【and election supplies:**
13 pamphlets of the election laws and instructions; precinct returns;
14 electors of President and Vice-President; United States Senator;
15 member of the House of Representatives; Governor; State Senator;
16 General Assembly and county officers; public questions submitted to
17 the voters of the entire State; self-addressed envelopes, plain and
18 stamped, to each district; returns for the county board of canvassers
19 for the above officers; primary return sheets**】** as may be needed
20 relative to election procedures for the ensuing year.

21 The county board of elections shall prepare and distribute on or
22 before April 1 of each year, registration and voting instructions printed
23 in at least 14-point type for conspicuous display at each polling place
24 at any election.

25 All other books, ballots, envelopes and other blank forms which
26 the county clerk is required to furnish under any other section of this
27 Title, stationery and supplies for the primary election for the general
28 election, the primary election for delegates and alternates to national
29 conventions and the general election, shall be furnished, prepared and
30 distributed by the clerks of the various counties; except that all books,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted May 24, 1999.

1 blank forms, stationery and supplies, articles and equipment which may
2 be deemed necessary to be furnished, used or issued by the county
3 board or superintendent shall be furnished, used or issued, prepared
4 and distributed by such county board or superintendent, as the case
5 may be.

6 The county board [in counties having a superintendent of
7 elections] shall furnish and deliver to the county clerk, the municipal
8 clerks and the district boards in municipalities having more than one
9 election district [,]: a map or description of the district lines of their
10 respective election districts, together with the street and house
11 numbers where possible in such election districts[. In counties not
12 having a superintendent of elections the municipal clerks shall furnish
13 and deliver such map or description of district lines to the county
14 clerk, the county board and the district board in municipalities having
15 more than one election district] and a list or map of all of the polling
16 places within the county to assist any voter in identifying the correct
17 location of the polling place at which the voter should vote if that
18 voter erroneously reports to the municipal clerk or the wrong polling
19 place.

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

24 (cf: P.L.1991, c.429, s.8)

25

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

27 19:12-7. a. The county board in each county shall cause to be
28 published in a newspaper or newspapers which, singly or in
29 combination, are of general circulation throughout the county, a notice
30 containing the information specified in subsection b. hereof, except for
31 such of the contents as may be omitted pursuant to subsection c. or d.
32 hereof. Such notice shall be published once during the 30 days next
33 preceding the day fixed for the closing of the registration books for the
34 primary election, once during the calendar week next preceding the
35 week in which the primary election is held, once during the 30 days
36 next preceding the day fixed for the closing of the registration books
37 for the general election, and once during the calendar week next
38 preceding the week in which the general election is held.

39 b. Such notice shall set forth:

40 (1) For the primary election:

41 (a) That a primary election for making nominations for the general
42 election, for the selection of members of the county committees of
43 each political party, and in each presidential year for the selection of
44 delegates and alternates to national conventions of political parties,
45 will be held on the day and between the hours and at the places
46 provided for by or pursuant to this Title.

1 (b) The place or places at which and hours during which a person
2 may register【;】 the procedure for the transfer of registration, and the
3 date on which the books are closed for registration or transfer of
4 registration.

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

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

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

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

32 (2) For the general election:

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

35 (b) The place or places at which and hours during which a person
36 may register【;】 the procedure for transfer of registration, and the date
37 on which the books are closed for registration or transfer of
38 registration.

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

44 (d) The existence of registration and voting aids, including: (i) the
45 availability of registration and voting instructions at places of
46 registration as provided under R.S.19:31-6; and (ii) the accessibility

1 of voter information to the deaf by means of a telecommunications
2 device.

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

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

22 (3) For a school election:

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

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

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

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

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

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

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

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

5 (2) All offices to be filled, or nominations made therefor, or public
6 questions to be voted upon, by the voters of the entire State or of the
7 entire county shall be set forth in a newspaper or newspapers which,
8 singly or in combination, have general circulation throughout the
9 county;

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

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

18 e. **【**Notwithstanding anything to the contrary in this section, in a
19 school election the county board shall give notice of each election not
20 less than 10 days prior to the date fixed for the election, by posting at
21 least seven copies of the notice, one on each schoolhouse in the
22 district and the others at such public places therein as the board shall
23 direct and causing a copy thereof to be published at least once, in at
24 least one newspaper published in each municipality in the district and,
25 if no newspaper is published in any such municipality or such a
26 newspaper will not be published in time to publish the notice in
27 accordance with this section, then, as to the municipality, in at least
28 one newspaper published in the county or State and circulating in the
29 municipality.**】** (Deleted by amendment, P.L. , c. (now pending
30 before the Legislature as this bill).)

31 f. The cost of publishing the notices required by this section shall
32 be paid by the respective counties, **【**or for school elections, by the
33 respective school district**】** unless otherwise provided for by law.

34 (cf: P.L.1995, c.278, s.16)

35
36 3. R.S.19:31-11 is amended to read as follows:

37 19:31-11. a. In all counties within the State, change of residence
38 notices shall be made by a written request, signed by the registrant,
39 forwarded to the commissioner by mail, and actually received by the
40 commissioner, or by calling in person at the office of the commissioner
41 or the municipal clerk. The commissioner shall provide change of
42 residence notices in card form for the use of any registered voter
43 moving to another address within the same election district or to
44 another election district within the same county. Copies of these
45 notices shall also be available at the office of the municipal clerk in
46 each municipality. Each municipal clerk shall transmit daily to the

1 commissioner all the filled out change of residence notices that may be
2 in the municipal clerk's office at the time. These notices shall be
3 printed upon cards, shall contain a blank form showing where the
4 applicant last resided and the address and exact location to which the
5 applicant has moved and shall have a line for the applicant's signature,
6 printed name and date of birth. Upon receipt of such change of
7 residence notice the commissioner shall cause the signature to be
8 compared with the registration forms of the applicant and, if such
9 signature appears to be of and by one and the same legal voter, the
10 commissioner shall cause the entry of the change of residence to be
11 made on those registration forms and the registrant shall thereupon be
12 qualified to vote in the election district to which the registrant shall
13 have so moved. If the commissioner is not satisfied as to the signature
14 on the request for a change of residence, a confirmation notice as
15 prescribed by subsection d. of R.S.19:31-15 shall be sent by mail with
16 postage prepaid to the registrant at the new address.

17 The application for change of residence shall be filed with the
18 commissioner or municipal clerk, as the case may be, on or before the
19 twenty-ninth day preceding any election. **【All applications for change**
20 **of residence postmarked on or before the twenty-ninth day preceding**
21 **any election shall be deemed timely.】**

22 b. In any county any voter who, prior to an election, shall move
23 within the same county after the time above prescribed for filing an
24 application for change of residence without having made application
25 for change of residence, or who has not returned a confirmation notice
26 sent to the voter by the commissioner of registration of the county, if
27 such a notice has been sent to the voter, or who has not moved since
28 the previous election but whose registration information is missing or
29 otherwise deficient, or has otherwise failed to notify the commissioner
30 of registration of the voter's change of address within the county, shall
31 be permitted to vote in that election in the district to which the voter
32 has moved, upon **【signing an affidavit, which shall set forth (1) the**
33 **date upon which the voter moved, (2) the address from which the**
34 **voter moved, and (3) the address to which the voter moved, and**
35 **submitting that affidavit, completed and signed, to the municipal clerk**
36 **of the municipality in which the voter resides, and such affidavit】**
37 making a written affirmation regarding the change of address at the
38 polling place of the district in which the voter resides on the day of the
39 election. No identifying document shall be required from the voter for
40 this affirmation. A district board member shall provide the voter with
41 a provisional ballot, and an envelope with an affirmation statement that
42 conforms with the requirements for such documents contained in
43 subsection b. of section 7 of P.L. , c. (now pending before the
44 Legislature as this bill). The voter shall complete the provisional
45 ballot and affirmation statement, place the ballot in the envelope, seal
46 and return it to the district board member. The board member shall

1 review the information in the affirmation statement for completeness
2 before forwarding it for inspection, tabulation and notation by the
3 county board of elections, as provided for by sections 7 through 26 of
4 P.L. , c. (C.)(now pending before the Legislature as this bill).
5 The affirmation statement shall constitute a transfer to the **【said】**
6 registrant's new residence for any subsequent election. **【The municipal**
7 **clerk shall, immediately following the election, transmit each such**
8 **affidavit so submitted to the commissioner of registration for the**
9 **county in which the district is located, and the commissioner shall**
10 **correct the voter's address in the registry list of the county. The**
11 **county clerk shall furnish to the municipal clerks form affidavits for**
12 **this purpose and the municipal clerks shall turn over all signed**
13 **affidavits to the commissioner; provided, however】** However, if the
14 voter has moved from one residence to another within the same
15 election district at any time, the voter shall be permitted to vote in
16 such election district at any election in the same manner as other
17 voters at the polling place upon written affirmation by the registrant
18 to the **【municipal clerk】** district board member of the registrant's
19 change of address.

20 c. A voter who moves from an election district in one county to
21 an election district in another county prior to the close of registration
22 preceding an election shall register in the new county of residence, in
23 accordance with the provisions of R.S.19:31-6, in order to be
24 permitted to vote.

25 (cf: P.L.1994, c.182, s.11)

26

27 4. Section 3 of P.L.1940, c.197 (C.19:48-3.2) is amended to read
28 as follows:

29 3. No ballots shall be prepared or used at any election in any
30 election district **【designated by the superintendent of elections】** under
31 the provisions of this act other than such ballots as are required for use
32 in voting machines **【and】**, emergency ballots for use if a voting
33 machine fails to operate, as provided in **【this amendatory and**
34 **supplementary act,】** P.L.1992, c.3 (C.19:53B-1 et al.), and provisional
35 ballots for use by certain voters who no longer reside at the place from
36 which they are registered, as provided in P.L. c. , (C.)(now
37 pending before the Legislature as this bill).

38 (cf: P.L.1992, c.3, s.4)

39

40 5. Section 11 of P.L.1944, c.7 (C.19:48-3.13) is amended to read
41 as follows:

42 11. No ballots other than ballots required for use in voting
43 machines **【and】**, emergency ballots for use if a voting machine fails to
44 operate and provisional ballots for use by certain voters who no longer
45 reside at the place from which they are registered, as provided in

1 P.L. , c. , (C.)(now pending before the Legislature as this
2 bill), shall be prepared or used at any election in any election district
3 **【in any such county for which voting machines are available, and**
4 **which has been designated by the superintendent of elections of the**
5 **county if any there be or by the commissioner of registration of the**
6 **county if a county of the second class, having any superintendent of**
7 **elections, under the provisions of this act, as an election district in**
8 **which voting machines shall be used】.**
9 (cf: P.L.1992, c.3, s.5)

10

11 6. R.S.19:52-1 is amended to read as follows:

12 19:52-1. The district boards of each election district shall meet at
13 the polling place three-quarters of an hour before the time set for
14 opening of the polls at each election and shall proceed to arrange the
15 furniture, stationery and voting machine or machines for the conduct
16 of the election. The district boards shall then and there have the
17 voting machine, ballots and stationery required to be delivered to them
18 for such election by the officials charged by law with that duty. **【If**
19 **not previously done, they shall insert in their proper place on the**
20 **voting machine the ballots containing the names of offices to be filled**
21 **at such election and the names of candidates nominated therefor.】**

22 The keys to the voting machine shall be delivered to the district
23 election officers in any manner that the county board of elections or
24 the superintendent of elections or the municipal clerk, as the case may
25 be, having custody of voting machines, may determine, at least
26 three-quarters of an hour before the time set for opening the polls, in
27 a sealed envelope, on which shall be written or printed the number and
28 location of the voting machine, the number of the seal with which it is
29 sealed, the number of the green seal with which the emergency ballot
30 box is sealed, and the number registered on the protective counter or
31 device, as reported by the custodian.

32 The envelope containing the keys shall not be opened until at least
33 two members of the board who are not members of the same political
34 party shall be present at the polling place and shall have examined the
35 envelope to see that it has not been opened. Before opening the
36 envelope all election officers present shall examine the number on the
37 seal on the machine and the number registered on the protective
38 counter, and shall ascertain if they are the same as the numbers written
39 on the envelope; and if they are not the same, the machine must not be
40 opened until such county board of elections or such superintendent of
41 elections or such municipal clerk, as the case may be, after due notice
42 of such discrepancy, shall have caused such machine to be re-examined
43 and properly arranged by any person or persons employed or
44 appointed pursuant to R.S.19:48-6. If the numbers on the voting
45 machine seal and the protective counter are found to agree with the
46 numbers on the envelope, the district election officers shall proceed to

1 open the doors concealing the counters, and each district election
2 officer shall carefully examine every counter and ascertain whether or
3 not it registers zero (000), and the same shall be subject to the
4 inspection of official watchers.

5 In addition, each district election officer shall carefully examine the
6 emergency ballot box to ascertain whether or not it is properly sealed
7 with a numbered green seal and examine the number to ascertain if it
8 is the same as the number written on the voting machine key envelope.
9 If the numbers are not the same, the county board of elections, the
10 superintendent of elections, or the municipal clerk, as the case may be,
11 shall be notified of the discrepancy.

12 The machine shall remain locked against voting until the polls are
13 formally opened and shall not be operated except by voters in voting.
14 If any counter is found not to register zero (000) the district board
15 shall immediately notify such county board of elections or such
16 superintendent of elections or such municipal clerk, as the case may
17 be, who shall, if practicable, cause such counter to be adjusted at zero
18 (000) by any person or persons employed or appointed pursuant to
19 R.S.19:48-6. If it shall be impracticable for such person or persons to
20 arrive in time to so adjust such counter before the time set for opening
21 the polls, the district election officers shall immediately make a written
22 statement of the designating letter and number of such counter,
23 together with the number registered thereon, and shall sign and post
24 same upon the wall of the polling room, where it shall remain
25 throughout election day, and in filling out the statement of canvass,
26 they shall subtract such number from the number registered thereon at
27 the close of the polls.

28 Each district election officer shall carefully examine the provisional
29 ballot bag to ascertain that it is properly sealed with a numbered
30 security seal and whether it has been subjected to tampering. If the
31 elections officer discovers evidence of tampering, the county board of
32 elections, the superintendent of elections, or the municipal clerk, as the
33 case may be, shall be so notified immediately.

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

35

36 7. (New section) a. (1) The county clerk or the municipal clerk,
37 in the case of a municipal election, shall arrange for the preparation of
38 a provisional ballot packet for each election district. It shall include
39 the appropriate number of provisional ballots, the appropriate number
40 of envelopes with an affirmation statement and one provisional ballot
41 inventory form affixed to the provisional ballot bag. The clerk shall
42 arrange for the preparation of and placement in each provisional ballot
43 bag of a provisional ballot packet and an envelope containing a
44 numbered seal. The envelope shall contain, on its face, the
45 instructions for the use of the seal, the number and the election district
46 location of the provisional ballot bag, and the identification numbers

1 of the seal placed in the envelope. Each provisional ballot bag shall be
2 sealed with a numbered security seal before being forwarded to the
3 appropriate election district.

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

7 b. The county clerk or the municipal clerk, in the case of a
8 municipal election, shall arrange for the preparation of the envelope
9 and affirmation statement that is to accompany each provisional ballot.
10 The envelope shall be of sufficient size to accommodate the
11 provisional ballot, and the affirmation statement shall be affixed
12 thereto in a manner that enables it to be detached once completed and
13 verified by the county commissioner of registration. The statement
14 shall require the voter to provide the voter's name, and to indicate
15 whether the voter is registered to vote in a county but has moved
16 within that county since registering to vote; or is registered to vote in
17 the election district in which that polling place is located but the
18 voter's registration information is missing or otherwise deficient. The
19 statement shall further require the voter to provide the voter's most
20 recent prior voter registration address and address on the day of the
21 election and date of birth. The statement shall include the statement:
22 "I swear or affirm, that the foregoing statements made by me are true
23 and correct and that I understand that any fraudulent voting may
24 subject me to a fine of up to \$1,000, imprisonment up to five years or
25 both, pursuant to R.S.19:34-11." It shall be followed immediately by
26 spaces for the voter's signature and printed name, and in the case of a
27 name change, the voter's printed old and new name and a signature for
28 each name, the date the statement was completed, political party
29 affiliation, if used in a primary election, and the name of the person
30 providing assistance to the voter, if applicable. Each statement shall
31 also note the number of the election district, or ward, and name of the
32 municipality at which the statement will be used.

33 c. For the primary for the general election, the provisional ballots
34 shall be printed in ink on paper of a color that matches the color of the
35 voting authority, which shall indicate the party primary of the voter.
36 The provisional ballots shall be uniform in size, quality and type and
37 of a thickness that the printing thereon cannot be distinguished from
38 the back of the paper, and without any mark, device or figure on the
39 front or back other than as provided in P.L. , c. (C.)(now
40 pending before the Legislature as this bill). Each such ballot shall
41 include near the top thereof and in large type the designation
42 PROVISIONAL BALLOT. In all other respects, the provisional
43 ballots shall conform generally to the other ballots to be used in the
44 election district for the primary election.

45 The clerk of the county or municipality shall arrange for the
46 preparation of each provisional ballot package with an appropriate

1 number of provisional ballots for each political party and a
2 corresponding number of envelopes with affirmation statements.
3 Additional provisional ballots and envelopes shall be available for
4 delivery to that election district on the day of the election, if necessary.

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

14 The clerk of the county or municipality shall arrange for the
15 preparation of each provisional ballot package with an appropriate
16 number of provisional ballots and a corresponding number of
17 envelopes with affirmation statements. Additional provisional ballots
18 and envelopes shall be available for delivery to that election district on
19 the day of the election, if necessary.

20 e. For a school election the provisional ballots shall be printed in
21 ink. The provisional ballots shall be uniform in size, quality and type
22 and of a thickness that the printing thereon cannot be distinguished
23 from the back of the paper, and without any mark, device or figure on
24 the front or back other than as provided in this act. Each such ballot
25 shall include near the top thereof and in large type the designation
26 PROVISIONAL BALLOT. In all other respects, the provisional
27 ballots shall conform generally to the other ballots to be used in the
28 election district for the school election.

29 The clerk of the county shall arrange for the preparation of each
30 provisional ballot package with an appropriate number of provisional
31 ballots and a corresponding number of envelopes with affirmation
32 statements. Additional provisional ballots and envelopes shall be
33 available for delivery to that election district on the day of the election,
34 if necessary.

35
36 8. (New section) a. The district board shall not permit other
37 provisional ballots to be used at an election except those provisional
38 ballots provided for by P.L. , c. (C.)(now pending before the
39 Legislature as this bill). It shall confine the distribution and use of the
40 provisional ballots to the polling place and election district in the
41 manner herein directed, and shall not distribute provisional ballots
42 outside the polling place or election district.

43 b. The board shall not store provisional ballots or envelopes with
44 affirmation statements in a polling booth or in any other area
45 designated for voters to mark the provisional ballot and complete the
46 affirmation statement.

1 c. The board shall cause each booth or voting area in a polling
2 place to be kept provided with sufficient pens or lead pencils to enable
3 the voters to mark their provisional ballots and complete the
4 affirmation statement.

5 d. The county board of elections shall arrange for the preparation
6 of complete written instructions regarding the procedures for the use
7 of the provisional ballot bags for each district board member. The
8 board members shall be orally instructed on the procedures for the use
9 of provisional ballots and affirmation statements at the training classes
10 held for the board members.

11 9. (New section) Whenever a voter enters a polling place to vote
12 on the day of an election and the circumstance of that voter matches
13 the circumstance of a voter described in subsection b. of R.S.19:31-11,
14 the district board shall query the voter and follow the appropriate
15 procedure herein described.

16 a. If, at any time, the voter has moved from one residence to
17 another in the same election district, the board shall permit the voter
18 to vote at that polling place in the same manner as other voters at the
19 polling place upon written affirmation by the voter to the district
20 board.

21 b. If the voter has moved within a municipality but currently
22 resides in an election district different from that listed for the voter by
23 the commissioner of registration, the district board shall direct the
24 voter to the appropriate election district and polling place for the voter
25 and inform that person that: (1) the person must go to that polling
26 place to vote; and (2) the person will be permitted to vote thereat by
27 provisional ballot after completing an affirmation statement.

28 c. If the voter has moved within the county but currently resides
29 in a municipality different from that listed for the voter by the
30 commissioner of registration, the district board shall determine the
31 appropriate election district and polling place for the voter and inform
32 that person that: (1) the person must go to that polling place to vote;
33 and (2) the person will be permitted to vote thereat by provisional
34 ballot after completing an affirmation statement.

35 d. If, on or before the 29th day prior to the day of the election, the
36 voter has moved into the county from another county or state and has
37 not registered to vote in that county, the board shall inform the voter
38 that he is not eligible to vote in that county at that election.

39 e. If, after the 29th day prior to the day of an election, the voter
40 has moved into the county from another county in this State, the board
41 shall inform the voter that: (1) the voter is not eligible to vote in the
42 county where he resides currently at that election; and (2) the voter
43 may be eligible to vote in the election district where the voter resided
44 prior to moving to the voter's current residence.

45 f. If the voter's registration information has been marked by the
46 county commissioner of registration to indicate a problem therewith,
47 or if the voter's sample ballot has been returned as undeliverable to the

1 county or municipal clerk, as the case may be, but the voter states that
2 the voter has not moved prior to the day of an election, but instead
3 continues to reside at the same address the voter resided at when
4 voting previously, the voter shall be permitted to vote in such election
5 district in the same manner as other voters at the polling place upon
6 written affirmation to the district board of that election district.

7 g. If the voter's registration information is missing, the voter shall
8 be permitted to vote by provisional ballot after completing
9 the affirmation statement attached to the envelope provided with the
10 provisional ballot.

11
12 10. (New section) The district board shall designate an area
13 within the polling place, which may be a voting booth, for the voter to
14 mark the provisional ballot and affirmation statement. No provisional
15 ballot and envelope with an affirmation statement shall be handed to
16 a voter until the area designated for voters to mark the provisional
17 ballot and affirmation statement is ready. If a voting booth is not
18 used, the voter shall be provided with a security screen at the same
19 time that the provisional ballot and envelope with affirmation
20 statement is provided.

21 A district board member shall instruct the voter how to complete
22 the affirmation statement and place the voted provisional ballot into
23 the envelope.

24 If for any reason provisional ballots and envelopes with affirmation
25 statements are not ready or available for distribution at any polling
26 place, the district board member in charge shall notify the appropriate
27 authority that additional ballots and affirmation statements are
28 required.

29
30 11. (New section) Every voter to whom a provisional ballot and
31 envelope with an affirmation statement is given shall retire into the
32 designated voting area. Not more than one voter shall be permitted to
33 enter or be in the same booth or voting area at one time, unless the
34 voter is entitled to assistance, as provided for by law.

35 Any person or voter who violates the provisions of this section is
36 guilty of a crime of the fourth degree.

37
38 12. (New section) Prior to voting the provisional ballot or
39 immediately thereafter, the voter shall complete the affirmation
40 statement attached to the provisional ballot envelope. The statement
41 shall conform with the requirements for such a statement contained in
42 paragraph b. of section 7 of P.L. , c. (now pending before the
43 Legislature as this bill).

44 At no time when in possession of the provisional ballot with
45 attached affirmation statement shall the voter detach the statement
46 from the ballot envelope.

1 13. (New section) To vote for a candidate whose name is printed
2 in any column, or to vote in favor of or against any public question
3 printed on the provisional ballot, the voter shall:

4 a. Mark a cross x, plus + or check ✓ in the square provided for
5 the name of each candidate in any column for whom the voter chooses
6 to vote, or for a public question, make the same marking in the square
7 provided for either the word "Yes" or "No" of each public question,
8 if the ballot requires such designation to be considered valid;

9 b. Punch out completely the hole adjacent to the name of each
10 candidate in any column for whom the voter chooses to vote, or for a
11 public question, punch out completely the hole adjacent to either the
12 word "Yes" or "No" of each public question, if the ballot requires such
13 an action to be considered valid;

14 c. Complete the connecting line adjacent to the name of each
15 candidate in any column for whom the voter chooses to vote, or for a
16 public question, complete the connecting line adjacent to either the
17 word "Yes" or "No" of each public question, if the ballot requires such
18 designation to be considered valid; or

19 d. Fill in the designated space adjacent to the name of the
20 candidate for whom the voter chooses to vote, or for a public
21 question, fill in the designated space adjacent to either the word "Yes"
22 or "No" of each public question, if the ballot requires such a
23 designation to be considered valid.

24
25 14. (New section) Nothing in P.L. , c. (C.)(now pending
26 before the Legislature as this bill) shall prevent any voter from writing
27 or pasting within the proper title of office in the column designated
28 personal choice, the name or names of any person or persons for
29 whom the voter desires to vote whose name or names are not printed
30 upon the provisional ballot for the same office. The writing shall be
31 in ink or lead pencil, as may be required.

32
33 15. (New section) If any voter to whom a provisional ballot and
34 envelope with an affirmation statement has been handed spoils or
35 renders any of the same unfit for use, the voter shall return the ballot
36 and the envelope with affirmation statement to a district board
37 member. The voter shall be furnished with another provisional ballot
38 and envelope with affirmation statement. No more than two
39 provisional ballots and envelopes with affirmation statements shall be
40 furnished to a voter, except at the discretion of the board members.

41 The district board shall preserve each spoiled provisional ballot and
42 envelope with an affirmation statement and shall write "SPOILED"
43 across the envelope and initial the same. Immediately thereafter, the
44 "SPOILED" envelope shall be sealed and placed in the provisional
45 ballot bag.

1 16. (New section) a. After voting the provisional ballot and
2 completing the affirmation statement, and before leaving the polling
3 booth or the designated voting area, as the case may be, the voter shall
4 place the voted provisional ballot in the envelope. The voter shall seal
5 the envelope and shall retain custody of the envelope until a member
6 of the board is ready to accept the envelope.

7 b. The voter shall hand the sealed envelope to the member of the
8 district board. The member shall keep the sealed envelope in full view
9 of the voter, the other district board members and all other persons
10 present until it is placed in the provisional ballot bag. The voter may
11 also take hold of the envelope, with that member of the board, until
12 the envelope is placed in the provisional ballot bag. The security of
13 the provisional ballot bag and its contents while any election occurs
14 shall be the responsibility of the members of the district board.
15

16 17. (New section) Immediately following the closing of the polls
17 on the day of an election, the members of the district board shall
18 inventory the provisional ballots. All invalid provisional ballots placed
19 in envelopes and marked "SPOILED" shall be counted and the number
20 of those envelopes shall be recorded on the provisional ballot
21 inventory form provided with the provisional ballot bag. All
22 provisional ballots that have been voted, not used or found to be
23 missing shall next be recorded on the provisional ballot inventory
24 form. Upon the completion of the inventory of all provisional ballots,
25 and if the members of the district board agree on that inventory, the
26 provisional ballot inventory form shall be signed by those members.
27 Any member not in agreement shall give the reason therefor on the
28 form and so certify with the member's signature. All envelopes
29 marked "SPOILED", and all voted and not voted provisional ballots,
30 shall be placed in the provisional ballot bag and sealed with the
31 numbered seal taken from the envelope provided with that bag.
32

33 18. (New section) Immediately following the sealing of the
34 provisional ballot bag at a polling place on the day of any election, a
35 member of the district board shall transport the ballot bag and all other
36 election materials to a location designated by the commissioner of
37 registration.
38

39 19. (New section) When the office of the commissioner of
40 registration receives a provisional ballot bag that has been found to be
41 in good order, the commissioner thereof shall first break the seal and
42 open the bag. In any county where the superintendent of elections is
43 the commissioner of registration, the county board of elections may
44 sort the provisional ballots if so agreed to in advance by both the
45 superintendent and the board. Envelopes marked "SPOILED" shall be
46 set aside and remain unopened. The name, signature and other

1 information contained on the form as supplied by a voter shall be
2 compared with the name, signature and other information that the
3 commissioner of registration has on file, in electronic or other form,
4 for that voter. No affirmation statement shall be separated from a
5 provisional ballot envelope until all affirmation statements have been
6 reviewed by the commissioner of registration. After a comparison of
7 the voter's address is completed by the commissioner of registration
8 and prior to separating the affirmation statement from the envelope
9 and counting the ballot, the letter "p" shall be placed adjacent to the
10 voter's name on the signature copy register or computer listing, as the
11 case may be, together with the name of the municipality in which the
12 voter voted the provisional ballot. If two provisional ballots from the
13 same voter are received, both such ballots shall not be counted, the
14 affirmation statements shall not be separated from the envelopes, and
15 the ballots shall be put aside for further investigation.

16 Whenever the address supplied by the voter on the affirmation
17 statement does not match the address for such a person contained in
18 the files of the commissioner of registration, but it is clear that the
19 circumstance of a voter matches the circumstance of a voter described
20 in subsection b. of R.S.19:31-11, the updated information on the
21 affirmation statement shall be recorded and shall constitute a transfer
22 by the voter to a new address for any subsequent election.

23 After the examination of the affirmation statement by the
24 commissioner of registration, the county board of elections shall
25 determine if a provisional ballot voter is legally entitled to have voted
26 and if a provisional ballot conforms to the requirements established by
27 law.

28 The members of the county board shall then proceed to count and
29 canvass the votes cast on each provisional ballot. Immediately after
30 the canvass is complete, the county board of elections shall certify the
31 results of the canvass to the county clerk or municipal clerk or other
32 appropriate officials, as the case may be, showing the results of the
33 canvass by municipality.

34 The outside front of each envelope that contains a voided
35 provisional ballot shall have the word "VOID" written next to the
36 circled number.

37 Unless provided otherwise by this section, all provisional ballot
38 materials shall be processed by the county board of elections in
39 accordance with the procedures established for absentee ballots
40 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).

41

42 20. (New section) In canvassing the provisional ballots, the county
43 board shall count the votes as follows:

44 a. If proper marks are made in the squares provided for the names
45 of any candidates in any column and the total number voted for, for
46 each office, does not exceed the number of candidates to be elected to

1 each office, a vote shall be counted for each candidate so marked.

2 b. If proper marks are made in the squares provided for any names
3 of any candidates in any column, a vote shall be counted for each
4 candidate so marked; but if the county board canvassing the
5 provisional ballots or the judge of the Superior Court or other judge
6 or officer conducting a recount thereof, shall be satisfied that the
7 placing of the marks to the left or right of the names was intended to
8 identify or distinguish the provisional ballot, then that ballot shall not
9 be counted and shall be declared null and void.

10 c. If no marks are made in the squares provided for the names of
11 any candidates in any column, but are made to the right of the names,
12 a vote shall not be counted for the candidates so marked, but shall be
13 counted for the other candidates as are properly marked; but if the
14 county board canvassing the provisional ballot or the judge of the
15 Superior Court or other judge or officer conducting a recount thereof
16 shall be satisfied that the placing of the marks to the right of the names
17 was intended to identify or distinguish the provisional ballot, then that
18 ballot shall be declared null and void.

19 d. Where the name of any person is written in the column
20 designated personal choice, and the proper mark or designation
21 appears in the space provided for the name, it shall be counted as a
22 vote for that person.

23 e. In the case of any public question printed on the provisional
24 ballot where a proper mark or designation is made in the space
25 provided for the word "Yes," it shall be counted as a vote in favor of
26 that public question. If a proper mark or designation is made in the
27 space provided for the word "No," it shall be counted as a vote against
28 same. If no mark or designation is made in the space provided for
29 either the word "Yes" or "No," it shall not be counted as a vote either
30 in favor of or against the public question. If a mark or designation is
31 made in each of the spaces provided for both the words "Yes" and
32 "No," it shall not be counted either as a vote in favor of or against the
33 public question nor shall it invalidate the provisional ballot.

34 f. If a voter marks or designates more names than there are
35 persons to be elected to an office, or writes the name of any person in
36 the column designated personal choice, whose name is printed upon
37 the provisional ballot as a candidate under the same title of office, or
38 the choice of the voter cannot be determined, that provisional ballot
39 shall not be counted for that office, but shall be counted for those
40 other offices as are properly marked.

41 g. If the mark made for any candidate or public question is
42 substantially a cross x, plus + or check ✓ and is substantially within
43 the square, it shall be counted for the candidate or for or against the
44 public question, as the case may be. No vote shall be counted for any
45 candidate in any column or for or against any public question unless
46 the mark or designation made is substantially a cross x, plus + or

1 check ✓ or other required designation and is substantially within the
2 space.

3
4 21. (New section) In counting the provisional ballots, the board
5 shall deem void all provisional ballots which are wholly blank, or on
6 which more names have been marked or designated for every office
7 than there are persons to be elected to the office, and on which both
8 "Yes" and "No" have been marked or designated upon every public
9 question.

10 No provisional ballot which shall have, either on its face or back,
11 any mark, sign, erasure, designation or device whatsoever, other than
12 that which is permitted by P.L. , c. (C.)(now pending before
13 the Legislature as this bill), by which the provisional ballot shall be
14 distinguished from another provisional ballot shall be declared void
15 unless the county board canvassing those provisional ballots or the
16 judge of the Superior Court or other judge or officer conducting the
17 recount thereof shall be satisfied that the placing of the mark, sign,
18 erasure, designation or device upon the provisional ballot was not
19 intended to identify or distinguish that ballot.

20 No provisional ballot shall be declared invalid by reason of the fact
21 that the mark made with ink or the mark made with lead pencil appears
22 other than black.

23 No provisional ballot cast for any candidate shall be invalid by
24 reason of the fact that the name of that candidate may be misprinted,
25 or the ¹**【Christian】** given¹ name or the initials of the candidate may be
26 omitted.

27 No provisional ballot cast for any candidate shall be invalid by
28 reason of the use of any label permitted by P.L. , c. (C.)(now
29 pending before the Legislature as this bill) on which the title of office
30 may be printed or the name of the candidate may be misprinted or part
31 of the ¹**【Christian】** given¹ name or surname or the initials of the
32 candidate may be omitted, or because the voter in writing the name of
33 the candidate may misspell the name or omit part of the ¹**【Christian】**
34 given¹ name or surname or the initials of the candidate.

35 No provisional ballot shall be declared "REJECTED" or invalid by
36 reason of having a cross x, plus + or check ✓ appearing in a square
37 provided for a blank space or a space wherein no name is printed.

38
39 22. (New section) In every case in which a provisional ballot shall
40 be declared invalid, the ballot, which shall be enclosed in a envelope,
41 shall not be canvassed or counted, but shall be marked "REJECTED"
42 on the outside thereof.

43 Provisional ballots which shall be declared invalid with respect to
44 a part of the candidates to be voted for or public questions to be voted
45 upon shall be canvassed, estimated and numbered with respect to the
46 part which is not invalid and preserved by the county board for a

1 period of not less than six months.

2

3 23. (New section) If, for any reason, a provisional ballot voter
4 votes a ballot other than the ballot for the district in which the voter
5 is qualified to vote, the votes for those offices and questions for which
6 the voter would be otherwise qualified to vote shall be counted. All
7 other votes shall be void.

8

9 24. (New section) The decision of a majority of the county board
10 on any question concerning a provisional ballot matter shall be deemed
11 the decision of the board and final. If any member of the board
12 dissents from any decision and wishes to make the dissension known
13 to avoid any of the consequences which may result from that decision,
14 the member may record the dissent in the signature copy register, if it
15 is available, or in a note signed and dated. If the dissent is in the form
16 of a note, it shall be appended to or recorded on the signature copy
17 register afterwards by the superintendent of elections or the
18 commissioner of registration, as shall be appropriate.

19

20 25. (New section) a. The clerk of the board shall, upon the tally
21 sheets provided for that purpose, make a list of the names of all
22 persons for whom one or more votes shall have been given,
23 designating the office which that person shall be voted for, and of any
24 public questions voted upon; and as each provisional ballot shall be
25 read, the clerk shall write the figure "1" opposite the name of each
26 person whose name is contained thereon, as designated for any office,
27 or in the proper column designating the vote upon the public question.
28 Provisional ballots may be counted by electronic ballot scanning
29 equipment under the direction of the county board of elections.

30 b. When all the votes which were cast have been read, examined
31 and numbered, as directed, the board shall tally the votes given for
32 each person for any office to be filled at the election or any public
33 question and note the same upon the tally sheets. The tally sheets shall
34 be signed by all the members of the county board and the results
35 thereof shall be certified.

36

37 26. (New section) Upon the receipt of a certified tally sheet from
38 the county board, the county clerk shall add the votes contained
39 thereon to the total vote for all candidates and in favor of or against
40 all public questions cast at the polling place from which the tally sheet
41 originated. The clerk shall report to the municipal clerks the results
42 of the tally sheets by municipality, ward and election district.

43

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

45 19:7-1. a. The chairman of the county committee of any political
46 party that has duly nominated any candidate for public office to be

1 voted for at an election by all the voters within the county or any
2 political division thereof greater than a single municipality, or where
3 the election is within and for a single municipality only, or any
4 subdivision thereof, then the chairman of the municipal committee of
5 the political party making such nomination within and for such single
6 municipality, or subdivision thereof, may appoint two challengers for
7 each election district in **[his]** the chairman's county or municipality, as
8 the case may be.

9 b. The chairman of the county committee of each political party
10 may also: (1) appoint two challengers to serve and exercise the powers
11 of challengers, in each election district in the county at any primary
12 election; and (2) appoint additional challengers for any election equal
13 in number to the number of municipalities in the county and such
14 challengers may exercise their powers, as provided for in R.S.19:7-5,
15 at the polling place of any election district in the county during the
16 time an election occurs therein.

17 (cf: R.S.19:7-1)

18

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

20 19:7-3. The appointment of or application for challengers shall be
21 filed with the county board not later than the second Tuesday
22 preceding any election. No person shall be appointed a challenger
23 under this Title who is not a registered voter in the county in which
24 the district is located in which such person is appointed to serve, and
25 no appointed challenger shall serve in any district other than that to
26 which appointed except for challengers appointed by the chairman of
27 a county committee, pursuant to paragraph 2 of subsection b. of
28 R.S.19:7-1.¹

29 (cf: P.L.1956, c.66, s.2)

30

31 ¹**[28.]** 29.¹ R.S.19:7-4 is amended to read as follows:

32 19:7-4. The county board shall thereupon issue, under the hands
33 of its members, to the persons named in such appointment papers, or
34 application, permits for them to act as challengers for their respective
35 parties or candidates or for or against a public question at the election
36 district or election districts specified, as the case may be. Such permits
37 shall be filed by the persons named therein with the district board or
38 district boards named therein, as evidence of their authority to be
39 present in the polling place, and they may be issued and revoked and
40 others issued in their stead at any time up to and including the day of
41 election. When a permit shall be revoked, the permit in the place
42 thereof shall be issued upon the nomination of the same person or
43 officer upon whose nomination the original permit was issued.

44 ¹A challenger appointed pursuant to paragraph 2 of subsection b.
45 of R.S.19:7-1 shall be issued a county-wide permit that is to be
46 presented to any district board within the county as evidence of the

1 challenger's authority to be present at the polling place during an
2 election. Upon leaving the polling place, such a challenger must
3 reclaim the permit from the district board to gain entry to any other
4 polling place in the county during the election.¹

5 (cf: P.L.1956, c.66, s.3)

6
7 ¹~~29.~~ 30.¹ Section 1 of P.L.1960, c.82 (C.19:7-6.1) is amended
8 to read as follows:

9 1. Unless express permission be given by the district board, not
10 more than ~~1~~ one challenger appointed for a party, candidate, or on
11 a public question, shall be present at any one time in any polling place
12 while serving and exercising the powers of a challenger and during the
13 hours when the polls are open for voting. If the district board shall in
14 any case give permission for more than ~~1~~ one challenger so
15 appointed to be present at any one time in any polling place, it shall on
16 the same grounds and on request permit a like number to be present on
17 behalf of any opposing party, or on behalf of any other candidate for
18 the same office, or on the other side of any public question.

19 The provisions of this section shall not apply to any challengers
20 appointed by the chairman of a county committee, pursuant to
21 paragraph 2 of subsection b. of R.S.19:7-1 ¹~~as amended~~, except that
22 no more than one such challenger shall be present at any time in a
23 polling place while serving and exercising his or her power as a
24 challenger during the hours when the polling place is open for voting¹.
25 (cf: P.L.1960, c.82, s.1)

26
27 ¹~~30.~~ 31.¹ R.S.19:31-16 is amended to read as follows:

28 19:31-16. a. The health officer or other officer in charge of
29 records of death in each municipality shall file with the commissioner
30 of registration for the county in which the municipality is located once
31 each month, during the first five days thereof, the age, date of death,
32 and the names and addresses of all persons 18 years of age or older
33 who have died within such municipality during the previous month.
34 ~~Upon~~ Within 30 days after the receipt of such list the commissioner
35 shall make and complete such investigation as is necessary to establish
36 to his satisfaction that such deceased person is registered as a voter in
37 the county. If such fact is so established, the commissioner shall cause
38 the registration and record of voting forms of the deceased registrant
39 to be transferred to the death file as soon as possible. If the deceased
40 person was not so registered in the county, but the ~~list~~ list filed with the
41 commissioner indicates that the ~~person~~ person maintained a residence in
42 ~~one or more other counties~~ another county of this State, the
43 ~~commissioner~~ officer in charge of records of death in the
44 municipality in which the decedent died shall forward a copy of the
45 notice of death to the officer in charge of records of death in the

1 municipality in which the decedent resided. That officer having
2 received the notice shall notify the commissioner [in that other] of the
3 county [or those other counties of having received official notice] in
4 which that municipality is located of the death of the person[, and
5 any]. Any commissioner [of such other county] who receives such
6 notification shall undertake the procedures prescribed herein with
7 respect to the registration in that county of the decedent.

8 b. The State registrar of vital statistics shall file with the
9 commissioner of registration of each county no later than May 1 of
10 each year an alphabetized list of the name, address, and date of birth,
11 if available, of each resident of the county 18 years of age or older
12 who died during the previous year. Within 30 days after the receipt of
13 the list the commissioner shall undertake and complete such
14 investigation as is necessary to establish that each person on the list is
15 not registered as a voter in the county. The commissioner shall cause
16 the registration and record of voting forms of any deceased registrant
17 found on the list to be transferred to the death file as soon as possible.

18 (cf: P.L.1994, c.182, s.14)

19
20 ¹[31.] 32.¹ (New section) a. Any State, county or municipal
21 officer in charge of the records of death for the State, or a county or
22 municipality thereof, who knowingly and willfully neglects, fails or
23 refuses to prepare for or to file with the commissioner of registration
24 of each county information regarding any resident of the county 18
25 years of age or older who died during the previous year, pursuant to
26 R.S.19:31-16 as amended, or who died during the 40-year period prior
27 to the enactment of P.L. , c. (now pending before the Legislature
28 as this bill), or who knowingly and willfully prepares or files such
29 information about any resident of the county 18 years of age or older
30 who died that is false, erroneous or incomplete, is guilty of a crime of
31 the third degree.

32 b. Any election official who knowingly and willfully neglects, fails
33 or refuses to accept any information from a State, county or municipal
34 officer in charge of the records of death for the State, or a county or
35 municipality thereof, regarding any resident of the county 18 years of
36 age or older who died during the previous year, as provided for by
37 R.S.19:31-16 as amended, or who died during the 40-year period prior
38 to the enactment of P.L. , c. (now pending before the Legislature
39 as this bill), or who knowingly and willfully neglects, fails, or refuses
40 to conduct the investigation and transfer of the registration and
41 records of any deceased registrant to the death file pursuant to
42 R.S.19:31-16 as amended, is guilty of a crime of the third degree.

43 As used in this subsection, "election official" shall include, but not
44 be limited to, any superintendent or deputy superintendent of
45 elections, commissioner of registration, or member or employee of a
46 county board of elections.

1 ¹**[32.]** 33.¹ (New section) a. Notwithstanding any law, rule or
2 regulation to the contrary, the State registrar of vital statistics shall
3 provided to the chairman of the county committee of a political party,
4 or the designee thereof, upon the request of the chairman or the
5 chairman's designee, a copy of the alphabetized list of the name,
6 address and date of birth, if available, of each resident of the county
7 18 years of age or older who died during the previous year, as
8 provided for by R.S.19:31-16 as amended, and a copy of the
9 alphabetized list of the name, address, and date of birth, if available,
10 of each resident of the county 18 years of age or older who died
11 during the 40-year period prior to the enactment of P.L. , c. (now
12 pending before the Legislature as this bill), as provided for by that act.

13 b. The chairman of the county committee of a political party shall
14 have the authority to inquire whether the commissioner of registration
15 of the county in which the chairman resides is conducting or has
16 conducted the investigations and transfers of the registration and
17 records of deceased registrants, in compliance with R.S.19:31-16 as
18 amended. In the event that the chairman finds the commissioner of
19 registration is not complying, in the chairman's opinion, with
20 R.S.19:31-16 as amended, the chairman shall report this finding to the
21 Attorney General for further investigation or action, if deemed
22 necessary.

23

24 ¹**[33.]** 34.¹ (New section) Within nine months following the
25 enactment of P.L. , c. (now pending before the Legislature as
26 this bill), the State registrar of vital statistics shall file with the
27 commissioner of registration of each county for the purpose of
28 R.S.19:31-16 as amended an alphabetized list of the name and address
29 of each resident of the county 18 years of age or older who died
30 during the previous 40 years.

31

32 ¹**[34.]** 35.¹ This act shall take effect immediately.

33

34

35

36

37 Establishes voting procedure at polls for certain persons qualified to
38 vote but no longer resident where registered; increases number of
39 challengers; requires certain information be provided to commissioners
40 of registration; establishes penalty for failure to provide.

SENATE, No. 1123

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 28, 1998

Sponsored by:

Senator WALTER J. KAVANAUGH

District 16 (Morris and Somerset)

SYNOPSIS

Establishes voting procedure at polling place for certain persons qualified to vote but no longer resident at place from which they are registered.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning voting by certain voters who no longer reside at
2 the place from which they are registered, revising various parts of
3 the statutory law and supplementing Title 19 of the Revised
4 Statutes.

5

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

8

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

10 19:9-2. The Secretary of State shall prepare and distribute on or
11 before April 1 in each year prior to the primary election for the general
12 election and the general election **[the following]** such information
13 **[and election supplies: pamphlets of the election laws and instructions;**
14 **precinct returns; electors of President and Vice-President; United**
15 **States Senator; member of the House of Representatives; Governor;**
16 **State Senator; General Assembly and county officers; public questions**
17 **submitted to the voters of the entire State; self-addressed envelopes,**
18 **plain and stamped, to each district; returns for the county board of**
19 **canvassers for the above officers; primary return sheets]** as may be
20 needed relative to election procedures for the ensuing year.

21 The county board of elections shall prepare and distribute on or
22 before April 1 of each year, registration and voting instructions printed
23 in at least 14-point type for conspicuous display at each polling place
24 at any election.

25 All other books, ballots, envelopes and other blank forms which the
26 county clerk is required to furnish under any other section of this Title,
27 stationery and supplies for the primary election for the general
28 election, the primary election for delegates and alternates to national
29 conventions and the general election, shall be furnished, prepared and
30 distributed by the clerks of the various counties; except that all books,
31 blank forms, stationery and supplies, articles and equipment which may
32 be deemed necessary to be furnished, used or issued by the county
33 board or superintendent shall be furnished, used or issued, prepared
34 and distributed by such county board or superintendent, as the case
35 may be.

36 The county board **[in counties having a superintendent of elections]**
37 shall furnish and deliver to the county clerk, the municipal clerks and
38 the district boards in municipalities having more than one election
39 district **[,]** a map or description of the district lines of their respective
40 election districts, together with the street and house numbers where
41 possible in such election districts; and a list or map of all of the polling
42 places within the county to assist any voter in identifying the correct

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

Matter underlined thus is new matter.

1 location of the polling place at which the voter should vote if that
2 voter erroneously reports to the municipal clerk or the wrong polling
3 place. [In counties not having a superintendent of elections the
4 municipal clerks shall furnish and deliver such map or description of
5 district lines to the county clerk, the county board and the district
6 board in municipalities having more than one election district.]

7 Nothing in subtitle 2 of the Title, Municipalities and Counties
8 (section 40:16-1 et seq.), shall in anywise be construed to affect,
9 restrict, or abridge the powers conferred on the county clerks, county
10 boards or superintendents by this Title.
11 (cf: P.L.1991, c.429, s.8)

12

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

14 19:12-7. a. The county board in each county shall cause to be
15 published in a newspaper or newspapers which, singly or in
16 combination, are of general circulation throughout the county, a notice
17 containing the information specified in subsection b. hereof, except for
18 such of the contents as may be omitted pursuant to subsection c. or d.
19 hereof. Such notice shall be published once during the 30 days next
20 preceding the day fixed for the closing of the registration books for the
21 primary election, once during the calendar week next preceding the
22 week in which the primary election is held, once during the 30 days
23 next preceding the day fixed for the closing of the registration books
24 for the general election, and once during the calendar week next
25 preceding the week in which the general election is held.

26 b. Such notice shall set forth:

27 (1) For the primary election:

28 (a) That a primary election for making nominations for the general
29 election, for the selection of members of the county committees of
30 each political party, and in each presidential year for the selection of
31 delegates and alternates to national conventions of political parties,
32 will be held on the day and between the hours and at the places
33 provided for by or pursuant to this Title.

34 (b) The place or places at which and hours during which a person
35 may register; the procedure for the transfer of registration, and the
36 date on which the books are closed for registration or transfer of
37 registration.

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

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

46 (e) The availability of assistance to a person unable to vote due to

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1 blindness, disability or inability to read or write.

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

19 (2) For the general election:

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

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

25 (c) The several State, county and municipal offices to be filled and,
26 except as provided in section 19:14-33 of this Title as to publication
27 of notice of any Statewide proposition directed by the Legislature to
28 be submitted to the people, the State, county and municipal public
29 questions to be voted upon at such general election.

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

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

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

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

8 (3) For a school election:

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

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

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

13 (d) That a voter who, prior to the election, shall have moved within
14 the same county without (i) filing, on or before the 29th day preceding
15 the election, a notice of change of residence with the commissioner of
16 registration of the county or the municipal clerk of the municipality in
17 which the voter resides on the day of the election, (ii) returning the
18 confirmation notice sent to the voter by the commissioner of
19 registration of the county, if such a notice has been sent to the voter,
20 or (iii) otherwise notifying the commissioner of registration of the
21 voter's change of address within the county shall be permitted to
22 correct the voter's registration and to vote in the school election by
23 provisional ballot at the polling place of the district in which the voter
24 resides on the day of the election,

25 (e) That if the voter has any questions as to where to vote on the
26 day of the election, the voter may contact the county commissioner of
27 registration or municipal clerk to determine the proper polling place
28 location for the voter. and

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

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

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

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

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

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

4 e. [Notwithstanding anything to the contrary in this section, in a
5 school election the county board shall give notice of each election not
6 less than 10 days prior to the date fixed for the election, by posting at
7 least seven copies of the notice, one on each schoolhouse in the
8 district and the others at such public places therein as the board shall
9 direct and causing a copy thereof to be published at least once, in at
10 least one newspaper published in each municipality in the district and,
11 if no newspaper is published in any such municipality or such a
12 newspaper will not be published in time to publish the notice in
13 accordance with this section, then, as to the municipality, in at least
14 one newspaper published in the county or State and circulating in the
15 municipality.] (Deleted by amendment, P.L. __, c. __.)

16 f. The cost of publishing the notices required by this section shall
17 be paid by the respective counties, [or for school elections, by the
18 respective school district] unless otherwise provided for by law.
19 (cf: P.L.1995, c.278, s.16)

20

21 3. R.S.19:31-11 is amended to read as follows:

22 19:31-11. a. In all counties within the State, change of residence
23 notices shall be made by a written request, signed by the registrant,
24 forwarded to the commissioner by mail, and actually received by the
25 commissioner, or by calling in person at the office of the commissioner
26 or the municipal clerk. The commissioner shall provide change of
27 residence notices in card form for the use of any registered voter
28 moving to another address within the same election district or to
29 another election district within the same county. Copies of these
30 notices shall also be available at the office of the municipal clerk in
31 each municipality. Each municipal clerk shall transmit daily to the
32 commissioner all the filled out change of residence notices that may be
33 in the municipal clerk's office at the time. These notices shall be
34 printed upon cards, shall contain a blank form showing where the
35 applicant last resided and the address and exact location to which the
36 applicant has moved and shall have a line for the applicant's signature.
37 Upon receipt of such change of residence notice the commissioner
38 shall cause the signature to be compared with the registration forms of
39 the applicant and, if such signature appears to be of and by one and the
40 same legal voter, the commissioner shall cause the entry of the change
41 of residence to be made on those registration forms and the registrant
42 shall thereupon be qualified to vote in the election district to which the
43 registrant shall have so moved. If the commissioner is not satisfied as
44 to the signature on the request for a change of residence, a
45 confirmation notice as prescribed by subsection d. of R.S.19:31-15
46 shall be sent by mail with postage prepaid to the registrant at the new

1 address.

2 The application for change of residence shall be filed with the
3 commissioner or municipal clerk, as the case may be, on or before the
4 twenty-ninth day preceding any election. **【All applications for change**
5 **of residence postmarked on or before the twenty-ninth day preceding**
6 **any election shall be deemed timely.】**

7 b. In any county any voter who, prior to an election, shall move
8 within the same county after the time above prescribed for filing an
9 application for change of residence without having made application
10 for change of residence, or who has not returned a confirmation notice
11 sent to the voter by the commissioner of registration of the county, if
12 such a notice has been sent to the voter, or who has not moved since
13 the previous election but whose registration information is missing or
14 otherwise deficient, or has otherwise failed to notify the commissioner
15 of registration of the voter's change of address within the county, shall
16 be permitted to vote in that election in the district to which the voter
17 has moved, upon **【signing an affidavit, which shall set forth (1) the**
18 **date upon which the voter moved, (2) the address from which the**
19 **voter moved, and (3) the address to which the voter moved, and**
20 **submitting that affidavit, completed and signed, to the municipal clerk**
21 **of the municipality in which the voter resides, and such affidavit】**
22 making a written affirmation regarding the change of address at the
23 polling place of the district in which the voter resides on the day of the
24 election. No identifying document shall be required from the voter for
25 this affirmation. A voter may, however, be subject to a challenge, as
26 provided for by R.S.19:15-18 et seq. A district board member for that
27 polling place shall then provide the voter with a provisional ballot and
28 an envelope which shall have attached thereto a detachable affirmation
29 statement that requires the voter to provide the voter's name, address
30 on the day of the election, most recent prior voter registration address,
31 date of birth and signature. The voter shall complete the provisional
32 ballot and affirmation statement, place the ballot in the envelope and
33 return it to the district board member in charge of the polling place for
34 forwarding for inspection, tabulation and notation by the county board
35 of elections, as provided for by sections 7 through 27 of P.L. , c.
36 (C.) (now pending before the Legislature as this bill). The
37 affirmation statement shall constitute a transfer to the **【said】**
38 registrant's new residence for any subsequent election. **【The municipal**
39 **clerk shall, immediately following the election, transmit each such**
40 **affidavit so submitted to the commissioner of registration for the**
41 **county in which the district is located, and the commissioner shall**
42 **correct the voter's address in the registry list of the county. The**
43 **county clerk shall furnish to the municipal clerks form affidavits for**
44 **this purpose and the municipal clerks shall turn over all signed**
45 **affidavits to the commissioner; provided, however】** **However**, if the
46 voter has moved from one residence to another within the same

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1 election district at any time, the voter shall be permitted to vote in
2 such election district at any election in the same manner as other
3 voters at the polling place upon written affirmation by the registrant
4 to the **[municipal clerk]** district board member in charge of the polling
5 place of the registrant's change of address.

6 c. A voter who moves from an election district in one county to an
7 election district in another county prior to the close of registration
8 preceding an election shall register in the new county of residence, in
9 accordance with the provisions of R.S.19:31-6, in order to be
10 permitted to vote.

11 (cf: P.L.1994, c.182, s.11)

12

13 4. Section 3 of P.L.1940, c.197 (C.19:48-3.2) is amended to read
14 as follows:

15 3. No ballots shall be prepared or used at any election in any
16 election district **[designated by the superintendent of elections]** under
17 the provisions of this act other than such ballots as are required for use
18 in voting machines **[and]**, emergency ballots for use if a voting
19 machine fails to operate, as provided in **[this amendatory and**
20 **supplementary act,]** P.L.1992, c.3 (C.19:53B-1 et al.), and provisional
21 ballots for use by certain voters who no longer reside at the place from
22 which they are registered, as provided in P.L. c. , (C.)(now
23 pending before the Legislature as this bill).

24 (cf: P.L.1992, c.3, s.4)

25

26 5. Section 11 of P.L.1944, c.7 (C.19:48-3.13) is amended to read
27 as follows:

28 11. No ballots other than ballots required for use in voting
29 machines **[and]**, emergency ballots for use if a voting machine fails to
30 operate and provisional ballots for use by certain voters who no longer
31 reside at the place from which they are registered, as provided in P.L.,
32 c. , (C.)(now pending before the Legislature as this bill), shall
33 be prepared or used at any election in any election district **[in any such**
34 **county for which voting machines are available, and which has been**
35 **designated by the superintendent of elections of the county if any there**
36 **be or by the commissioner of registration of the county if a county of**
37 **the second class, having any superintendent of elections, under the**
38 **provisions of this act, as an election district in which voting machines**
39 **shall be used]**.

40 (cf: P.L.1992, c.3, s.5)

41

42 6. R.S.19:52-1 is amended to read as follows:

43 19:52-1. The district boards of each election district shall meet at
44 the polling place three-quarters of an hour before the time set for
45 opening of the polls at each election and shall proceed to arrange the
46 furniture, stationery and voting machine or machines for the conduct

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1 of the election. The district boards shall then and there have the
2 voting machine, ballots and stationery required to be delivered to them
3 for such election by the officials charged by law with that duty. If not
4 previously done, they shall insert in their proper place on the voting
5 machine the ballots containing the names of offices to be filled at such
6 election and the names of candidates nominated therefor.

7 The keys to the voting machine shall be delivered to the district
8 election officers in any manner that the county board of elections or
9 the superintendent of elections or the municipal clerk, as the case may
10 be, having custody of voting machines, may determine, at least
11 three-quarters of an hour before the time set for opening the polls, in
12 a sealed envelope, on which shall be written or printed the number and
13 location of the voting machine, the number of the seal with which it is
14 sealed, the number of the green seal with which the emergency ballot
15 box is sealed, and the number registered on the protective counter or
16 device, as reported by the custodian.

17 The envelope containing the keys shall not be opened until at least
18 two members of the board who are not members of the same political
19 party shall be present at the polling place and shall have examined the
20 envelope to see that it has not been opened. Before opening the
21 envelope all election officers present shall examine the number on the
22 seal on the machine and the number registered on the protective
23 counter, and shall ascertain if they are the same as the numbers written
24 on the envelope; and if they are not the same, the machine must not be
25 opened until such county board of elections or such superintendent of
26 elections or such municipal clerk, as the case may be, after due notice
27 of such discrepancy, shall have caused such machine to be re-examined
28 and properly arranged by any person or persons employed or
29 appointed pursuant to R.S.19:48-6. If the numbers on the voting
30 machine seal and the protective counter are found to agree with the
31 numbers on the envelope, the district election officers shall proceed to
32 open the doors concealing the counters, and each district election
33 officer shall carefully examine every counter and ascertain whether or
34 not it registers zero (000), and the same shall be subject to the
35 inspection of official watchers.

36 In addition, each district election officer shall carefully examine the
37 emergency ballot box to ascertain whether or not it is properly sealed
38 with a numbered green seal and examine the number to ascertain if it
39 is the same as the number written on the voting machine key envelope.
40 If the numbers are not the same, the county board of elections, the
41 superintendent of elections, or the municipal clerk, as the case may be,
42 shall be notified of the discrepancy.

43 The machine shall remain locked against voting until the polls are
44 formally opened and shall not be operated except by voters in voting.
45 If any counter is found not to register zero (000) the district board
46 shall immediately notify such county board of elections or such

1 superintendent of elections or such municipal clerk, as the case may
2 be, who shall, if practicable, cause such counter to be adjusted at zero
3 (000) by any person or persons employed or appointed pursuant to
4 R.S.19:48-6. If it shall be impracticable for such person or persons to
5 arrive in time to so adjust such counter before the time set for opening
6 the polls, the district election officers shall immediately make a written
7 statement of the designating letter and number of such counter,
8 together with the number registered thereon, and shall sign and post
9 same upon the wall of the polling room, where it shall remain
10 throughout election day, and in filling out the statement of canvass,
11 they shall subtract such number from the number registered thereon at
12 the close of the polls.

13 Each district election officer shall also carefully examine the
14 provisional ballot bag to ascertain that it is properly sealed with a
15 numbered security seal and whether it has been subjected to tampering.
16 If the elections officer discovers evidence of tampering, the county
17 board of elections, the superintendent of elections, or the municipal
18 clerk, as the case may be, shall be so notified.

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

20

21 7. (New section) a. (1) The county clerk or the municipal clerk, in
22 the case of a municipal election, shall prepare a provisional ballot
23 packet for each election district. It shall include the appropriate
24 number of provisional ballots, the appropriate number of envelopes
25 with detachable affirmation statement and one provisional ballot
26 inventory form affixed to the provisional ballot bag. The clerk shall
27 prepare and place in each provisional ballot bag a provisional ballot
28 packet and an envelope containing a numbered seal. The envelope
29 shall contain, on its face, the instructions for the use of the seal, the
30 number and the election district location of the provisional ballot bag,
31 and the identification numbers of the seal placed in the envelope. Each
32 provisional ballot bag shall be sealed with a numbered security seal
33 before being forwarded to the appropriate election district.

34 (2) The commissioner of registration or the municipal clerk, in the
35 case of a municipal election, shall be responsible for making certain
36 that each provisional ballot bag and the inventory of the contents of
37 each such bag are delivered to the designated polling place no later
38 than the opening of the polls on the day of an election.

39 b. The county clerk or the municipal clerk, in the case of a
40 municipal election, shall prepare the envelope and affirmation
41 statement that is to accompany each provisional ballot. The envelope
42 shall be of sufficient size to accommodate the provisional ballot, and
43 the affirmation statement shall be affixed thereto in a manner that
44 enables it to be detached once completed and verified by the county
45 commissioner of registration. The statement shall require the voter to
46 provide the voter's name, and to indicate whether the voter is

1 registered to vote in a county but has moved within that county since
2 registering to vote; or is registered to vote in the election district in
3 which that polling place is located but the voter's registration
4 information is missing or otherwise deficient. The statement shall
5 further require the voter to provide the voter's most recent prior voter
6 registration address and address on the day of the election and date of
7 birth. The statement shall include spaces for the voter's signature, date
8 the statement was completed and name of the person providing
9 assistance to the voter, if applicable. Each statement shall also note
10 the number of the election district, or ward, and name of the
11 municipality at which the statement will be used.

12 c. For the primary for the general election, the provisional ballots
13 shall be printed in black ink on paper of a color that matches the color
14 of the voting authority, which shall indicate the party primary of the
15 voter. The provisional ballots shall be uniform in size, quality and type
16 and of a thickness that the printing thereon cannot be distinguished
17 from the back of the paper, and without any mark, device or figure on
18 the front or back other than as provided in P.L. , c. (C.)(now
19 pending before the Legislature as this bill). Each such ballot shall
20 include near the top thereof and in large type the designation
21 PROVISIONAL BALLOT. In all other respects, the provisional
22 ballots shall conform generally to the other ballots to be used in the
23 election district for the primary election.

24 The clerk of the county or municipality having custody of the
25 provisional ballots shall prepare each provisional ballot package with
26 an appropriate number of provisional ballots for each political party
27 and a corresponding number of envelopes with detachable affirmation
28 statements. Additional provisional ballots and envelopes shall be
29 available for delivery to that election district on the day of the election,
30 if necessary.

31 d. For the general election the provisional ballots shall be printed
32 in ink. The provisional ballots shall be uniform in size, quality and
33 type and of a thickness that the printing thereon cannot be
34 distinguished from the back of the paper, and without any mark,
35 device or figure on the front or back other than as provided in this act.
36 Each such ballot shall include near the top thereof and in large type the
37 designation PROVISIONAL BALLOT. In all other respects, the
38 provisional ballots shall conform generally to the other ballots to be
39 used in the election district for the general election.

40 The clerk of the county or municipality having custody of the
41 provisional ballots shall prepare each provisional ballot package with
42 an appropriate number of provisional ballots and a corresponding
43 number of envelopes with detachable affirmation statements.
44 Additional provisional ballots and envelopes shall be available for
45 delivery to that election district on the day of the election, if necessary.

46 e. For a school election the provisional ballots shall be printed in

1 ink. The provisional ballots shall be uniform in size, quality and type
2 and of a thickness that the printing thereon cannot be distinguished
3 from the back of the paper, and without any mark, device or figure on
4 the front or back other than as provided in this act. Each such ballot
5 shall include near the top thereof and in large type the designation
6 PROVISIONAL BALLOT. In all other respects, the provisional
7 ballots shall conform generally to the other ballots to be used in the
8 election district for the school election.

9 The clerk of the county shall prepare each provisional ballot
10 package with an appropriate number of provisional ballots and a
11 corresponding number of envelopes with detachable affirmation
12 statements. Additional provisional ballots and envelopes shall be
13 available for delivery to that election district on the day of the election,
14 if necessary.

15

16 8. (New section) a. The district board shall not permit other
17 provisional ballots to be used at an election except those provisional
18 ballots provided for by P.L. , c. (C.)(now pending before the
19 Legislature as this bill). It shall confine the distribution and use of the
20 provisional ballots to the polling place and election district in the
21 manner herein directed, and shall not distribute provisional ballots
22 outside the polling place or election district.

23 b. The board shall not store provisional ballots or envelopes with
24 detachable affirmation statements in a polling booth or in any other
25 area designated for voters to mark the provisional ballot and complete
26 the affirmation statement.

27 c. The board shall cause each booth or voting area in a polling
28 place to be kept provided with sufficient pens or lead pencils to enable
29 the voters to mark their provisional ballots and complete the
30 affirmation statement.

31 d. The county board of elections shall prepare complete written
32 instructions regarding the procedures for the use of the provisional
33 ballot bags for each district board member. The board members shall
34 be orally instructed on the procedures for the use of provisional ballots
35 and affirmation statements at the training classes held for the board
36 members.

37

38 9. (New section) Whenever a voter enters a polling place to vote
39 on the day of an election and the circumstance of that voter matches
40 the circumstance of a voter described in subsection b. of R.S.19:31-11,
41 the district board shall query the voter and follow the appropriate
42 procedure herein described.

43 a. If, at any time, the voter has moved from one residence to
44 another in the same election district, the board shall permit the voter
45 to vote at that polling place in the same manner as other voters at the
46 polling place upon written affirmation by the voter to the district

1 board.

2 b. If the voter has moved within a municipality but currently
3 resides in an election district different from that listed for the voter by
4 the commissioner of registration, the district board shall determine the
5 appropriate election district and polling place for the voter and inform
6 that person that: (1) the person must go to that polling place to vote;
7 and (2) the person will be permitted to vote thereat by provisional
8 ballot after completing an affirmation statement.

9 c. If the voter has moved within the county but currently resides in
10 a municipality different from that listed for the voter by the
11 commissioner of registration, the district board shall determine the
12 appropriate election district and polling place for the voter and inform
13 that person that: (1) the person must go to that polling place to vote;
14 and (2) the person will be permitted to vote thereat by provisional
15 ballot after completing an affirmation statement.

16 d. If, more than 30 days prior to the day of the election, the voter
17 has moved into the county from another county or state and has not
18 registered to vote in that county, the board shall inform the voter that
19 he is not eligible to vote in that county at that election.

20 e. If, less than 30 days prior to the day of an election, the voter has
21 moved into the county from another county in this State, the board
22 shall inform the voter that: (1) the voter is not eligible to vote in the
23 county where he resides currently at that election; and (2) the voter
24 may be eligible to vote in the election district where the voter resided
25 prior to moving to the voter's current residence.

26 f. If the voter's registration information has been marked by the
27 county board to indicate a problem therewith, or if the voter's sample
28 ballot has been returned as undeliverable to the county or municipal
29 clerk, as the case may be, but the voter states that the voter has not
30 moved prior to the day of an election, but instead continues to reside
31 at the same address the voter resided at when voting previously, the
32 voter shall be permitted to vote in such election district in the same
33 manner as other voters at the polling place upon written affirmation to
34 the district board of that election district.

35 g. If the voter's registration information is missing, the voter shall
36 be permitted to vote by provisional ballot after completing the
37 detachable affirmation statement attached to the envelope provided
38 with the provisional ballot.

39

40 10. (New section) The district board shall designate an area within
41 the polling place, which may be a voting booth, for the voter to mark
42 the provisional ballot and affirmation statement. No provisional ballot
43 and envelope with detachable affirmation statement shall be handed to
44 a voter until the area designated for voters to mark the provisional
45 ballot and affirmation statement is ready. If a voting booth is not
46 used, the voter shall be provided with a security screen at the same

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14

1 time that the provisional ballot and envelope with affirmation
2 statement is provided.

3 A district board member shall instruct the voter how to complete
4 the affirmation statement and place the voted provisional ballot into
5 the envelope.

6 If for any reason provisional ballots and envelopes with detachable
7 affirmation statements are not ready or available for distribution at any
8 polling place, the district board member in charge shall notify the
9 appropriate authority that additional ballots and affirmation statements
10 are required.

11

12 11. (New section) Every voter to whom a provisional ballot and
13 envelope with detachable affirmation statement is given shall retire
14 into the designated voting area. Not more than one voter shall be
15 permitted to enter or be in the same booth or voting area at one time,
16 unless the voter is entitled to assistance, as provided for by law.

17 Any person or voter who violates the provisions of this section is
18 guilty of a crime of the fourth degree.

19

20 12. (New section) Prior to voting the provisional ballot or
21 immediately thereafter, the voter shall complete the affirmation
22 statement attached to the provisional ballot envelope. The voter shall
23 provide the voter's name and indicate whether the voter is registered
24 to vote in a county but has moved within that county since registering
25 to vote; or is registered to vote in the election district in which that
26 polling place is located but the voter's registration information is
27 missing or otherwise deficient. The voter shall provide the voter's
28 most recent prior voter registration address and address on the day of
29 the election and date of birth. The voter shall sign the statement and
30 indicate the date the statement was completed and name of the person
31 providing assistance to the voter, if applicable.

32 At no time when in possession of the provisional ballot with
33 attached affirmation statement shall the voter detach the statement
34 from the ballot envelope.

35

36 13. (New section) To vote for a candidate whose name is printed
37 in any column, or to vote in favor of or against any public question
38 printed on the provisional ballot, the voter shall:

39 a. Mark a cross x, plus + or check ✓ in the square provided for the
40 name of each candidate in any column for whom the voter chooses to
41 vote, or for a public question, make the same marking in the square
42 provided for either the word "Yes" or "No" of each public question,
43 if the ballot requires such designation to be considered valid;

44 b. Punch out completely the hole adjacent to the name of each
45 candidate in any column for whom the voter chooses to vote, or for a
46 public question, punch out completely the hole adjacent to either the

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15

1 word "Yes" or "No" of each public question, if the ballot requires such
2 an action to be considered valid; or

3 c. Complete the connecting line adjacent to the name of each
4 candidate in any column for whom the voter chooses to vote, or for a
5 public question, complete the connecting line adjacent to either the
6 word "Yes" or "No" of each public question, if the ballot requires such
7 designation to be considered valid.

8

9 14. (New section) Nothing in P.L. , c. (C.)(now pending
10 before the Legislature as this bill) shall prevent any voter from writing
11 or pasting within the proper title of office in the column designated
12 personal choice, the name or names of any person or persons for
13 whom the voter desires to vote whose name or names are not printed
14 upon the provisional ballot for the same office. The writing shall be
15 in ink or lead pencil, as may be required.

16

17 15. (New section) If any voter to whom a provisional ballot and
18 envelope with detachable affirmation statement has been handed spoils
19 or renders any of the same unfit for use, the voter shall return the
20 ballot and the envelope with affirmation statement to a district board
21 member. The voter shall be furnished with another provisional ballot
22 and envelope with affirmation statement. No more than two
23 provisional ballots and envelopes with affirmation statements shall be
24 furnished to a voter, except at the discretion of the board members.

25 The district board shall preserve each spoiled provisional ballot and
26 envelope with detachable affirmation statement and shall write
27 "SPOILED" across the envelope and initial the same. Immediately
28 thereafter, the "SPOILED" envelope shall be sealed and placed in the
29 provisional ballot bag.

30

31 16. (New section) a. After voting the provisional ballot and
32 completing the detachable affirmation statement, and before leaving
33 the polling booth or the designated voting area, as the case may be, the
34 voter shall place the voted provisional ballot in the envelope. The
35 voter shall seal the envelope and shall retain custody of the envelope
36 until the member of the board having charge of the polling place at
37 that time is ready to accept the envelope.

38 b. The voter shall hand the sealed envelope to the appropriate
39 member of the district board. The member shall keep the sealed
40 envelope in full view of the voter, the other district board members
41 and all other persons present until it is placed in the provisional ballot
42 bag. The voter may also take hold of the envelope, with that member
43 of the board, until the envelope is placed in the provisional ballot bag.

44

45 17. (New section) The right to challenge a voter who uses a
46 provisional ballot shall exist until the voted provisional ballot is

1 deposited in the provisional ballot bag. If the right of a person to vote
2 is challenged, the same procedures shall be used as set forth in
3 R.S.19:15-18 et seq. for challenging the right of a person to vote.

4
5 18. (New section) Immediately following the closing of the polls
6 on the day of an election, the members of the district board shall
7 inventory the provisional ballots. All invalid provisional ballots placed
8 in envelopes and marked "SPOILED" shall be counted and the number
9 of those envelopes shall be recorded on the provisional ballot
10 inventory form provided with the provisional ballot bag. All
11 provisional ballots that have been voted, not used or found to be
12 missing shall next be recorded on the provisional ballot inventory
13 form. Upon the completion of the inventory of all provisional ballots,
14 and if the members of the district board agree on that inventory, the
15 provisional ballot inventory form shall be signed by those members.
16 Any member not in agreement shall give the reason therefor on the
17 form and so certify with the member's signature. All envelopes
18 marked "SPOILED", and all voted and not voted provisional ballots,
19 shall be placed in the provisional ballot bag and sealed with the
20 numbered seal taken from the envelope provided with that bag.

21
22 19. (New section) Immediately following the sealing of the
23 provisional ballot bag at a polling place on the day of any election, a
24 member of the district board shall transport the ballot bag and all other
25 election materials to a location designated by the commissioner of
26 registration. The commissioner of registration, or the designee
27 thereof, receiving the ballot bag shall provide the member of the
28 district board with a receipt indicating that the bag has been received.

29
30 20. (New section) When the office of the commissioner of
31 registration receives a provisional ballot bag that has been found to be
32 in good order, the commissioner or designee thereof shall first break
33 the seal and open the bag. Envelopes marked "SPOILED" shall be set
34 aside and remain unopened. The outside front of each envelope
35 containing a voted provisional ballot shall be numbered in consecutive
36 order beginning with the number one. This number shall be circled.
37 The name, signature and other information contained on the form as
38 supplied by a voter shall be compared with the name, signature and
39 other information that the board has on file, in electronic or other
40 form, for that voter. No affirmation statement shall be separated from
41 a provisional ballot envelope until all affirmation statements have been
42 reviewed by the commissioner of registration. After a comparison of
43 the voter's address is completed by the board and prior to separating
44 the affirmation statement from the envelope and counting the ballot,
45 the letter "p" shall be placed adjacent to the voter's name on the
46 signature copy register or computer listing, as the case may be,

1 together with the name of the municipality in which the voter voted
2 the provisional ballot. If two provisional ballots from the same voter
3 are received, both such ballots shall not be counted, the affirmation
4 statements shall not be separated from the envelopes, and the ballots
5 shall be put aside for further investigation.

6 Whenever the address supplied by the voter on the affirmation
7 statement does not match the address for such a person contained in
8 the files of the commissioner of registration, but it is clear that the
9 circumstance of a voter matches the circumstance of a voter described
10 in subsection b. of R.S.19:31-11, the updated information on the
11 affirmation statement shall be recorded and shall constitute a transfer
12 by the voter to a new address for any subsequent election.

13 After the examination of the provisional ballots by the
14 commissioner of registration, the county board of elections shall
15 determine that a provisional ballot voter is legally entitled to have
16 voted and that a provisional ballot conforms to the requirements
17 established by law.

18 When the county board of elections determines that the voter is
19 qualified, the voted ballot shall be removed from the envelope and a
20 member of the county board shall audibly and publicly read the ballot.
21 The board shall record the votes on the tally sheets, as provided. The
22 board shall also record the number of void ballots on the tally sheets,
23 as provided.

24 The outside front of each envelope that contains a voided
25 provisional ballot shall have the word "VOID" written next to the
26 circled number.

27 Unless provided otherwise by this section, all provisional ballot
28 materials shall be processed by the county board of elections in
29 accordance with the procedures established for absentee ballots
30 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).

31

32 21. (New section) In canvassing the provisional ballots, the county
33 board shall count the votes as follows:

34 a. If proper marks are made in the squares provided for the names
35 of any candidates in any column and the total number voted for, for
36 each office, does not exceed the number of candidates to be elected to
37 each office, a vote shall be counted for each candidate so marked.

38 b. If proper marks are made in the squares provided for any names
39 of any candidates in any column, a vote shall be counted for each
40 candidate so marked; but if the county board canvassing the
41 provisional ballots or the judge of the Superior Court or other judge
42 or officer conducting a recount thereof, shall be satisfied that the
43 placing of the marks to the left or right of the names was intended to
44 identify or distinguish the provisional ballot, then that ballot shall not
45 be counted and shall be declared null and void.

46 c. If no marks are made in the squares provided for the names of

1 any candidates in any column, but are made to the right of the names,
2 a vote shall not be counted for the candidates so marked, but shall be
3 counted for the other candidates as are properly marked; but if the
4 county board canvassing the provisional ballot or the judge of the
5 Superior Court or other judge or officer conducting a recount thereof
6 shall be satisfied that the placing of the marks to the right of the names
7 was intended to identify or distinguish the provisional ballot, then that
8 ballot shall be declared null and void.

9 d. Where the name of any person is written in the column
10 designated personal choice, and the proper mark or designation
11 appears in the space provided for the name, it shall be counted as a
12 vote for that person.

13 e. In the case of any public question printed on the provisional
14 ballot where a proper mark or designation is made in the space
15 provided for the word "Yes," it shall be counted as a vote in favor of
16 that public question. If a proper mark or designation is made in the
17 space provided for the word "No," it shall be counted as a vote against
18 same. If no mark or designation is made in the space provided for
19 either the word "Yes" or "No," it shall not be counted as a vote either
20 in favor of or against the public question. If a mark or designation is
21 made in each of the spaces provided for both the words "Yes" and
22 "No," it shall not be counted either as a vote in favor of or against the
23 public question nor shall it invalidate the provisional ballot.

24 f. If a voter marks or designates more names than there are persons
25 to be elected to an office, or writes the name of any person in the
26 column designated personal choice, whose name is printed upon the
27 provisional ballot as a candidate under the same title of office, or the
28 choice of the voter cannot be determined, that provisional ballot shall
29 not be counted for that office, but shall be counted for those other
30 offices as are properly marked.

31 g. If the mark made for any candidate or public question is
32 substantially a cross x, plus + or check ✓ and is substantially within
33 the square, it shall be counted for the candidate or for or against the
34 public question, as the case may be. No vote shall be counted for any
35 candidate in any column or for or against any public question unless
36 the mark or designation made is substantially a cross x, plus + or
37 check ✓ or other required designation and is substantially within the
38 space.

39

40 22. (New section) In counting the provisional ballots, the board
41 shall deem void all provisional ballots which are wholly blank, or on
42 which more names have been marked or designated for every office
43 than there are persons to be elected to the office, and on which both
44 "Yes" and "No" have been marked or designated upon every public
45 question.

46 No provisional ballot which shall have, either on its face or back,

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19

1 any mark, sign, erasure, designation or device whatsoever, other than
2 that which is permitted by P.L. , c. (C.)(now pending before
3 the Legislature as this bill), by which the provisional ballot shall be
4 distinguished from another provisional ballot shall be declared void
5 unless the county board canvassing those provisional ballots or the
6 judge of the Superior Court or other judge or officer conducting the
7 recount thereof shall be satisfied that the placing of the mark, sign,
8 erasure, designation or device upon the provisional ballot was not
9 intended to identify or distinguish that ballot.

10 No provisional ballot shall be declared invalid by reason of the fact
11 that the mark made with ink or the mark made with lead pencil appears
12 other than black.

13 No provisional ballot cast for any candidate shall be invalid by
14 reason of the fact that the name of that candidate may be misprinted,
15 or the Christian name or the initials of the candidate may be omitted.

16 No provisional ballot cast for any candidate shall be invalid by
17 reason of the use of any label permitted by P.L. , c. (C.)(now
18 pending before the Legislature as this bill) on which the title of office
19 may be printed or the name of the candidate may be misprinted or part
20 of the Christian name or surname or the initials of the candidate may
21 be omitted, or because the voter in writing the name of the candidate
22 may misspell the name or omit part of the Christian name or surname
23 or the initials of the candidate.

24 No provisional ballot shall be declared void or invalid by reason of
25 having a cross x, plus + or check ✓ appearing in a square provided for
26 a blank space or a space wherein no name is printed.

27
28 23. (New section) In every case in which a provisional ballot shall
29 be declared invalid, the ballot, which shall be enclosed in a envelope,
30 shall not be canvassed or counted, but shall be marked "VOID" on the
31 outside thereof.

32 Provisional ballots which shall be declared invalid with respect to
33 a part of the candidates to be voted for or public questions to be voted
34 upon shall be canvassed, estimated and numbered with respect to the
35 part which is not invalid and preserved by the county board for a
36 period of not less than six months.

37
38 24. (New section) If, for any reason, a provisional ballot voter
39 votes a ballot other than the ballot for the district in which the voter
40 is qualified to vote, the votes for those offices and questions for which
41 the voter would be otherwise qualified to vote shall be counted. All
42 other votes shall be void.

43
44 25. (New section) The decision of a majority of the county board
45 on any question concerning a provisional ballot matter shall be deemed
46 the decision of the board and final. If any member of the board

1 dissents from any decision and wishes to make the dissension known
2 to avoid any of the consequences which may result from that decision,
3 the member may record the dissent in the signature copy register, if it
4 is available, or in a note signed and dated. If the dissent is in the form
5 of a note, it shall be appended to or recorded on the signature copy
6 register afterwards by the superintendent of elections or the
7 commissioner of registration, as shall be appropriate.

8
9 26. (New section) a. The clerk of the board shall, upon the tally
10 sheets provided for that purpose, make a list of the names of all
11 persons for whom one or more votes shall have been given,
12 designating the office which that person shall be voted for, and of any
13 public questions voted upon; and as each provisional ballot shall be
14 read, the clerk shall write the figure "1" opposite the name of each
15 person whose name is contained thereon, as designated for any office,
16 or in the proper column designating the vote upon the public question.

17 b. When all the votes which were cast have been read, examined
18 and numbered, as directed, the board shall tally the votes given for
19 each person for any office to be filled at the election or any public
20 question and note the same upon the tally sheets. The tally sheets shall
21 be signed by all the members of the county board and the results
22 thereof shall be certified. One of the tally sheets shall be placed in the
23 orange provisional ballot bag and it shall be sealed with a numbered
24 security seal. The other tally sheet shall be filed with the county clerk
25 at the same time the statements of results are delivered.

26
27 27. (New section) Upon the receipt of a certified tally sheet from
28 the county board, the county clerk shall add the votes contained
29 thereon to the total vote for all candidates and in favor of or against
30 all public questions cast at the polling place from which the tally sheet
31 originated. The clerk shall report to the municipal clerks the results
32 of the tally sheets by municipality, ward and election district.

33
34 28. This act shall take effect immediately and shall be applicable to
35 any election occurring after the 30th day following the enactment of
36 this act.

37
38
39 STATEMENT

40
41 The purpose of this bill is to establish a voting procedure to enable
42 certain persons to vote in any election if they are qualified to vote but
43 no longer reside at the place in which they are registered.

44 Specifically, this bill permits a voter who has moved outside of the
45 election district where he is registered to vote, but not outside of the
46 county where registered, and who has not re-registered, to vote by

1 provisional ballot at the polling place of the district in which the voter
2 resides on the day of the election after making a written affirmation of
3 the change of address at that polling place.

4 The bill would abolish the current law which requires that such a
5 voter must first obtain a transfer from the municipal clerk of the
6 voter's new residence before being permitted to vote at the polling
7 place for the voter's new residence.

8 The bill also provides that:

9 1) The provisional ballot be provided with an envelope which has
10 attached to it an affirmation statement on which the voter must
11 provide his name, signature, date of birth, current address and most
12 recent prior voter registration address and that the form would
13 constitute a transfer to the new voting address for all future elections;

14 2) The provisional ballot be a secret ballot and the voter be
15 accorded privacy for the completion thereof at the polling place;

16 3) Once completed, the provisional ballot be kept at the polling
17 place until the close thereof, at which time it be forwarded to the
18 county board of elections and counted after verification by the county
19 commissioner of registration of the voter's name, signature, address
20 and other information;

21 4) Each polling place be provided with a map or list of all polling
22 places within the county to assist any voter in identifying the correct
23 location of the polling place at which the voter should vote if that
24 voter erroneously reports to the wrong polling place; and

25 5) The challenge procedure provided for in current law for use at
26 the polling place shall be utilized for all provisional ballot voters who
27 appear at a polling place.

28 In addition, the bill eliminates the provision in current law that
29 requires the county boards to post at least seven notices of a school
30 election at least 10 days prior to the day of the election and to cause
31 copies of the notice to be published at least once prior to the election
32 in one newspaper circulating in the county or State and circulating in
33 each municipality in the district.

34 The bill is based, in part, on the consent order issued in October
35 1996 in the United States District Court for New Jersey in the case of
36 Democratic Party of New Jersey v. Hooks (Civil Action No. 96-4675)
37 and followed for the general elections held in the State in 1996 and
38 1997. The procedure contained in the bill for providing and tabulating
39 the provisional ballots is similar to the procedure provided in current
40 State law for the use of absentee and emergency ballots.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **SENATE, No. 1123**

STATE OF NEW JERSEY

DATED: MARCH 11, 1999

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Senate Bill No. 1123.

The purpose of this committee substitute is to establish a voting procedure to enable certain persons to vote in any election if they are qualified to vote but no longer reside at the place in which they are registered. The substitute also increases the number of challengers who can serve at an election and requires that certain information on deaths of registered voters be provided to commissioners of registration.

Specifically, this substitute permits a voter who has moved outside of the election district where he is registered to vote, but not outside of the county where registered, and who has not transferred his or her registration, to vote by provisional ballot at the polling place of the district in which the voter resides on the day of the election after making a written affirmation of the change of address at that polling place.

The substitute abolishes the current law which requires that such a voter must first obtain a transfer from the municipal clerk of the voter's new residence before being permitted to vote at the polling place for the voter's new residence.

The substitute also provides that:

1) The provisional ballot be provided with an envelope which has attached to it an affirmation statement on which the voter must provide his or her name, signature, date of birth, current address and most recent prior voter registration address and the form would constitute a transfer to the new voting address for all future elections;

2) The provisional ballot be a secret ballot and the voter be accorded privacy for the completion thereof at the polling place;

3) Once completed, the provisional ballot be kept at the polling place until the close thereof, at which time it will be forwarded to a designated location and counted, after verification by the county commissioner of registration of the voter's name, signature, address and other information;

4) Each polling place be provided with a map or list of all polling places within the county to assist any voter in identifying the correct

location of the polling place at which the voter should vote if that voter erroneously reports to the wrong polling place;

5) The chairman of the county committee of each political party may appoint additional challengers for any election equal in number to the number of municipalities in the county and these challengers are to be permitted to exercise their powers at any election district in the county during an election;

6) The State registrar of vital statistics file with the commissioner of registration no later than May 1 of each year an alphabetized list of the name, address and date of birth, if available, of each resident of the county 18 years of age or older who died during the previous year and the commissioner, after an investigation, transfer any deceased registrant found on the list to the death file as soon as possible;

7) The State registrar of vital statistics, no later than nine months following the enactment of this substitute, file with the commissioner of registration of each county an alphabetized list of the name, address and date of birth, if available, of each resident of the county 18 years of age or older who died during the previous 40 years;

8) The knowing or willful neglect, failure or refusal of a State, county or municipal officer in charge of the records of death for the State, a county or municipality, or of an election official, to file information relative to or process the records of any resident of a county 18 years of age or older who died during the previous year or who died during the 40-year period prior to the enactment of this substitute is established as a crime of the third degree; and

9) The State registrar of vital statistics provide the chairman of the county committee of a political party, or a designee thereof, upon request a copy of the alphabetized lists of all residents of the county 18 years of age or older who died during the previous year and during the 40-year period prior to the enactment of this substitute. A chairman is authorized to inquire whether the commissioner of registration of the county in which the chairman resides is conducting the investigation and transfers of the registration and records of deceased registrant required by law and if not, the chairman is required to report this finding to the Attorney General for further action, if deemed necessary.

In addition, the substitute eliminates the provision in current law that requires the county boards to post at least seven notices of a school election at least 10 days prior to the day of the election and to cause copies of the notice to be published at least once prior to the election in one newspaper circulating in the county or State and circulating in each municipality in the district.

The substitute is based, in part, on the consent order issued in October 1996 in the United States District Court for New Jersey in the case of Democratic Party of New Jersey v. Hooks (Civil Action No. 96-4675) and followed for the general elections held in the State in 1996 and 1997. The procedure contained in the substitute for providing and tabulating the provisional ballots is similar to the

procedure provided in current State law for the use of absentee and emergency ballots.

This committee substitute is identical to ACS for Assembly Bill No. 2168, which was also reported by this committee on this date.

SENATE STATE GOVERNMENT, BANKING AND FINANCIAL
INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 1123

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1998

The Senate State Government, Banking and Financial Institutions Committee reports favorably and with committee amendments Senate, No. 1123.

This bill establishes a voting procedure to enable persons to vote in any election if they are qualified to vote but no longer reside at the place in which they are registered. Specifically, the bill permits a voter who has moved outside of the election district where he or she is registered to vote, but not outside of the county where registered, and who has not re-registered, to vote by provisional ballot at the polling place of the district in which the voter resides on the day of the election after making a written affirmation of the change of address at that polling place. The bill would abolish the current law which requires that such a voter must first obtain a transfer from the municipal clerk of the voter's new residence before being permitted to vote at the polling place for the voter's new residence.

The bill also provides that:

1) the provisional ballot be provided with an envelope which has attached to it an affirmation statement on which the voter must provide his or her name, signature, date of birth, current address and most recent prior voter registration address and that the form would constitute a transfer to the new voting address for all future elections;

2) the provisional ballot be a secret ballot and the voter be accorded privacy for the completion thereof at the polling place;

3) once completed, the provisional ballot be kept at the polling place until the close thereof, at which time it will be forwarded to the county board of elections and counted after verification by the county commissioner of registration of the voter's name, signature, address and other information;

4) each polling place will be provided with a map or list of all polling places within the county to assist any voter in identifying the correct location of the polling place at which the voter should vote if that voter erroneously reports to the wrong polling place; and

5) the challenge procedure provided for in current law is also to be

used at the polling place to challenge any provisional ballot voter.

In addition, the bill eliminates the provision in current law that requires the county boards to post at least seven notices of a school election at least 10 days prior to the day of the election and to cause copies of the notice to be published at least once prior to the election in one newspaper circulating in the county or State and circulating in each municipality in the district.

The bill is based, in part, on the consent order issued in October 1996 in the United States District Court for New Jersey in the case of Democratic Party of New Jersey v. Hooks (Civil Action No. 96-4675) and followed for the general elections held in the State in 1996 and 1997. The procedure contained in the bill for providing and tabulating the provisional ballots is similar to the procedure provided in current State law for the use of absentee and emergency ballots.

The committee amended the bill to:

1) restore a provision deleted in the bill that is in current law which provides that all applications for change of residence postmarked on or before the twenty-ninth preceding any election shall be deemed timely;

2) affirm that members of the district board of elections and any duly authorized challenger, respectively, shall be permitted to challenge a voter who uses a provisional ballot;

3) remove the limit on the challenger's right to challenge a voted provisional ballot after it is deposited in the provisional ballot bag because current law (R.S.19:15-18 et seq.) already prescribes such challenge procedures; and

4) delete an incorrect reference to the color of the provisional ballot bag.

This bill will take effect immediately and will be applicable to any election occurring after the 30th day following its enactment.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1123

with Senate Floor Amendments
(Proposed By Senator KAVANAUGH)

ADOPTED: MAY 24, 1999

These Senate amendments provide that: 1) the term "Christian name" be replaced by the term "given name;" 2) no more than one of the additional challengers who may be appointed by the chairman of a county committee, pursuant to new paragraph 2 of subsection b. of R.S.19:7-1, can be present at any time in a polling place while exercising his or her power as a challenger during the hours when the polling place is open for voting; and 3) such a challenger will be issued a county-wide permit as evidence of the challenger's authority to be present at a polling place during an election. Upon leaving the polling place, the challenger must reclaim the permit to gain entry to any other polling place in the county during the election.

ASSEMBLY, No. 2168

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 11, 1998

Sponsored by:

Assemblyman JOEL WEINGARTEN

District 21 (Essex and Union)

ASSEMBLYMAN KEVIN J. O'TOOLE

District 21 (Essex and Union)

SYNOPSIS

Establishes voting procedure at polling place for certain persons qualified to vote but no longer resident at place from which they are registered.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/12/1999)

1 AN ACT concerning voting by certain voters who no longer reside at
2 the place from which they are registered, revising various parts of
3 the statutory law and supplementing Title 19 of the Revised
4 Statutes.

5

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

8

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

10 19:9-2. The Secretary of State shall prepare and distribute on or
11 before April 1 in each year prior to the primary election for the general
12 election and the general election **[the following]** such information
13 **[and election supplies: pamphlets of the election laws and instructions;**
14 **precinct returns; electors of President and Vice-President; United**
15 **States Senator; member of the House of Representatives; Governor;**
16 **State Senator; General Assembly and county officers; public questions**
17 **submitted to the voters of the entire State; self-addressed envelopes,**
18 **plain and stamped, to each district; returns for the county board of**
19 **canvassers for the above officers; primary return sheets]** as may be
20 needed relative to election procedures for the ensuing year.

21 The county board of elections shall prepare and distribute on or
22 before April 1 of each year, registration and voting instructions printed
23 in at least 14-point type for conspicuous display at each polling place
24 at any election.

25 All other books, ballots, envelopes and other blank forms which the
26 county clerk is required to furnish under any other section of this Title,
27 stationery and supplies for the primary election for the general
28 election, the primary election for delegates and alternates to national
29 conventions and the general election, shall be furnished, prepared and
30 distributed by the clerks of the various counties; except that all books,
31 blank forms, stationery and supplies, articles and equipment which may
32 be deemed necessary to be furnished, used or issued by the county
33 board or superintendent shall be furnished, used or issued, prepared
34 and distributed by such county board or superintendent, as the case
35 may be.

36 The county board **[in counties having a superintendent of elections]**
37 shall furnish and deliver to the county clerk, the municipal clerks and
38 the district boards in municipalities having more than one election
39 district **[,]** a map or description of the district lines of their respective
40 election districts, together with the street and house numbers where
41 possible in such election districts; and a list or map of all of the polling
42 places within the county to assist any voter in identifying the correct

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

Matter underlined thus is new matter.

1 location of the polling place at which the voter should vote if that
2 voter erroneously reports to the municipal clerk or the wrong polling
3 place. [In counties not having a superintendent of elections the
4 municipal clerks shall furnish and deliver such map or description of
5 district lines to the county clerk, the county board and the district
6 board in municipalities having more than one election district.]

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

11 (cf: P.L.1991, c.429, s.8)

12

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

14 19:12-7. a. The county board in each county shall cause to be
15 published in a newspaper or newspapers which, singly or in
16 combination, are of general circulation throughout the county, a notice
17 containing the information specified in subsection b. hereof, except for
18 such of the contents as may be omitted pursuant to subsection c. or d.
19 hereof. Such notice shall be published once during the 30 days next
20 preceding the day fixed for the closing of the registration books for the
21 primary election, once during the calendar week next preceding the
22 week in which the primary election is held, once during the 30 days
23 next preceding the day fixed for the closing of the registration books
24 for the general election, and once during the calendar week next
25 preceding the week in which the general election is held.

26 b. Such notice shall set forth:

27 (1) For the primary election:

28 (a) That a primary election for making nominations for the general
29 election, for the selection of members of the county committees of
30 each political party, and in each presidential year for the selection of
31 delegates and alternates to national conventions of political parties,
32 will be held on the day and between the hours and at the places
33 provided for by or pursuant to this Title.

34 (b) The place or places at which and hours during which a person
35 may register; the procedure for the transfer of registration, and the
36 date on which the books are closed for registration or transfer of
37 registration.

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

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

46 (e) The availability of assistance to a person unable to vote due to

1 blindness, disability or inability to read or write.

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

19 (2) For the general election:

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

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

25 (c) The several State, county and municipal offices to be filled and,
26 except as provided in section 19:14-33 of this Title as to publication
27 of notice of any Statewide proposition directed by the Legislature to
28 be submitted to the people, the State, county and municipal public
29 questions to be voted upon at such general election.

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

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

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

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

8 (3) For a school election:

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

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

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

13 (d) That a voter who, prior to the election, shall have moved within
14 the same county without (i) filing, on or before the 29th day preceding
15 the election, a notice of change of residence with the commissioner of
16 registration of the county or the municipal clerk of the municipality in
17 which the voter resides on the day of the election, (ii) returning the
18 confirmation notice sent to the voter by the commissioner of
19 registration of the county, if such a notice has been sent to the voter,
20 or (iii) otherwise notifying the commissioner of registration of the
21 voter's change of address within the county shall be permitted to
22 correct the voter's registration and to vote in the school election by
23 provisional ballot at the polling place of the district in which the voter
24 resides on the day of the election,

25 (e) That if the voter has any questions as to where to vote on the
26 day of the election, the voter may contact the county commissioner of
27 registration or municipal clerk to determine the proper polling place
28 location for the voter. and

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

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

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

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

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

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

4 e. [Notwithstanding anything to the contrary in this section, in a
5 school election the county board shall give notice of each election not
6 less than 10 days prior to the date fixed for the election, by posting at
7 least seven copies of the notice, one on each schoolhouse in the
8 district and the others at such public places therein as the board shall
9 direct and causing a copy thereof to be published at least once, in at
10 least one newspaper published in each municipality in the district and,
11 if no newspaper is published in any such municipality or such a
12 newspaper will not be published in time to publish the notice in
13 accordance with this section, then, as to the municipality, in at least
14 one newspaper published in the county or State and circulating in the
15 municipality.] (Deleted by amendment, P.L. __, c. __.)

16 f. The cost of publishing the notices required by this section shall
17 be paid by the respective counties, [or for school elections, by the
18 respective school district] unless otherwise provided for by law.

19 (cf: P.L.1995, c.278, s.16)

20
21 3. R.S.19:31-11 is amended to read as follows:

22 19:31-11. a. In all counties within the State, change of residence
23 notices shall be made by a written request, signed by the registrant,
24 forwarded to the commissioner by mail, and actually received by the
25 commissioner, or by calling in person at the office of the commissioner
26 or the municipal clerk. The commissioner shall provide change of
27 residence notices in card form for the use of any registered voter
28 moving to another address within the same election district or to
29 another election district within the same county. Copies of these
30 notices shall also be available at the office of the municipal clerk in
31 each municipality. Each municipal clerk shall transmit daily to the
32 commissioner all the filled out change of residence notices that may be
33 in the municipal clerk's office at the time. These notices shall be
34 printed upon cards, shall contain a blank form showing where the
35 applicant last resided and the address and exact location to which the
36 applicant has moved and shall have a line for the applicant's signature.
37 Upon receipt of such change of residence notice the commissioner
38 shall cause the signature to be compared with the registration forms of
39 the applicant and, if such signature appears to be of and by one and the
40 same legal voter, the commissioner shall cause the entry of the change
41 of residence to be made on those registration forms and the registrant
42 shall thereupon be qualified to vote in the election district to which the
43 registrant shall have so moved. If the commissioner is not satisfied as
44 to the signature on the request for a change of residence, a
45 confirmation notice as prescribed by subsection d. of R.S.19:31-15

1 shall be sent by mail with postage prepaid to the registrant at the new
2 address.

3 The application for change of residence shall be filed with the
4 commissioner or municipal clerk, as the case may be, on or before the
5 twenty-ninth day preceding any election. **【All applications for change
6 of residence postmarked on or before the twenty-ninth day preceding
7 any election shall be deemed timely.】**

8 b. In any county any voter who, prior to an election, shall move
9 within the same county after the time above prescribed for filing an
10 application for change of residence without having made application
11 for change of residence, or who has not returned a confirmation notice
12 sent to the voter by the commissioner of registration of the county, if
13 such a notice has been sent to the voter, or who has not moved since
14 the previous election but whose registration information is missing or
15 otherwise deficient, or has otherwise failed to notify the commissioner
16 of registration of the voter's change of address within the county, shall
17 be permitted to vote in that election in the district to which the voter
18 has moved, upon **【signing an affidavit, which shall set forth (1) the
19 date upon which the voter moved, (2) the address from which the
20 voter moved, and (3) the address to which the voter moved, and
21 submitting that affidavit, completed and signed, to the municipal clerk
22 of the municipality in which the voter resides, and such affidavit】**
23 making a written affirmation regarding the change of address at the
24 polling place of the district in which the voter resides on the day of the
25 election. No identifying document shall be required from the voter for
26 this affirmation. A voter may, however, be subject to a challenge, as
27 provided for by R.S.19:15-18 et seq. A district board member for that
28 polling place shall then provide the voter with a provisional ballot and
29 an envelope which shall have attached thereto a detachable affirmation
30 statement that requires the voter to provide the voter's name, address
31 on the day of the election, most recent prior voter registration address,
32 date of birth and signature. The voter shall complete the provisional
33 ballot and affirmation statement, place the ballot in the envelope and
34 return it to the district board member in charge of the polling place for
35 forwarding for inspection, tabulation and notation by the county board
36 of elections, as provided for by sections 7 through 27 of P.L. , c.
37 (C.)(now pending before the Legislature as this bill). The
38 affirmation statement shall constitute a transfer to the **【said】**
39 registrant's new residence for any subsequent election. **【The municipal
40 clerk shall, immediately following the election, transmit each such
41 affidavit so submitted to the commissioner of registration for the
42 county in which the district is located, and the commissioner shall
43 correct the voter's address in the registry list of the county. The
44 county clerk shall furnish to the municipal clerks form affidavits for
45 this purpose and the municipal clerks shall turn over all signed
46 affidavits to the commissioner; provided, however】** However, if the

1 voter has moved from one residence to another within the same
2 election district at any time, the voter shall be permitted to vote in
3 such election district at any election in the same manner as other
4 voters at the polling place upon written affirmation by the registrant
5 to the **【municipal clerk】** district board member in charge of the polling
6 place of the registrant's change of address.

7 c. A voter who moves from an election district in one county to an
8 election district in another county prior to the close of registration
9 preceding an election shall register in the new county of residence, in
10 accordance with the provisions of R.S.19:31-6, in order to be
11 permitted to vote.

12 (cf: P.L.1994, c.182, s.11)

13
14 4. Section 3 of P.L.1940, c.197 (C.19:48-3.2) is amended to read
15 as follows:

16 3. No ballots shall be prepared or used at any election in any
17 election district **【designated by the superintendent of elections】** under
18 the provisions of this act other than such ballots as are required for use
19 in voting machines **【and】**, emergency ballots for use if a voting
20 machine fails to operate, as provided in **【this amendatory and**
21 **supplementary act,】** P.L.1992, c.3 (C.19:53B-1 et al.), and provisional
22 ballots for use by certain voters who no longer reside at the place from
23 which they are registered, as provided in P.L. c. , (C.)(now
24 pending before the Legislature as this bill).

25 (cf: P.L.1992, c.3, s.4)

26
27 5. Section 11 of P.L.1944, c.7 (C.19:48-3.13) is amended to read
28 as follows:

29 11. No ballots other than ballots required for use in voting
30 machines **【and】**, emergency ballots for use if a voting machine fails to
31 operate and provisional ballots for use by certain voters who no longer
32 reside at the place from which they are registered, as provided in P.L.,
33 c. , (C.)(now pending before the Legislature as this bill), shall
34 be prepared or used at any election in any election district **【in any such**
35 **county for which voting machines are available, and which has been**
36 **designated by the superintendent of elections of the county if any there**
37 **be or by the commissioner of registration of the county if a county of**
38 **the second class, having any superintendent of elections, under the**
39 **provisions of this act, as an election district in which voting machines**
40 **shall be used】**.

41 (cf: P.L.1992, c.3, s.5)

42
43 6. R.S.19:52-1 is amended to read as follows:

44 19:52-1. The district boards of each election district shall meet at
45 the polling place three-quarters of an hour before the time set for
46 opening of the polls at each election and shall proceed to arrange the

1 furniture, stationery and voting machine or machines for the conduct
2 of the election. The district boards shall then and there have the
3 voting machine, ballots and stationery required to be delivered to them
4 for such election by the officials charged by law with that duty. If not
5 previously done, they shall insert in their proper place on the voting
6 machine the ballots containing the names of offices to be filled at such
7 election and the names of candidates nominated therefor.

8 The keys to the voting machine shall be delivered to the district
9 election officers in any manner that the county board of elections or
10 the superintendent of elections or the municipal clerk, as the case may
11 be, having custody of voting machines, may determine, at least
12 three-quarters of an hour before the time set for opening the polls, in
13 a sealed envelope, on which shall be written or printed the number and
14 location of the voting machine, the number of the seal with which it is
15 sealed, the number of the green seal with which the emergency ballot
16 box is sealed, and the number registered on the protective counter or
17 device, as reported by the custodian.

18 The envelope containing the keys shall not be opened until at least
19 two members of the board who are not members of the same political
20 party shall be present at the polling place and shall have examined the
21 envelope to see that it has not been opened. Before opening the
22 envelope all election officers present shall examine the number on the
23 seal on the machine and the number registered on the protective
24 counter, and shall ascertain if they are the same as the numbers written
25 on the envelope; and if they are not the same, the machine must not be
26 opened until such county board of elections or such superintendent of
27 elections or such municipal clerk, as the case may be, after due notice
28 of such discrepancy, shall have caused such machine to be re-examined
29 and properly arranged by any person or persons employed or
30 appointed pursuant to R.S.19:48-6. If the numbers on the voting
31 machine seal and the protective counter are found to agree with the
32 numbers on the envelope, the district election officers shall proceed to
33 open the doors concealing the counters, and each district election
34 officer shall carefully examine every counter and ascertain whether or
35 not it registers zero (000), and the same shall be subject to the
36 inspection of official watchers.

37 In addition, each district election officer shall carefully examine the
38 emergency ballot box to ascertain whether or not it is properly sealed
39 with a numbered green seal and examine the number to ascertain if it
40 is the same as the number written on the voting machine key envelope.
41 If the numbers are not the same, the county board of elections, the
42 superintendent of elections, or the municipal clerk, as the case may be,
43 shall be notified of the discrepancy.

44 The machine shall remain locked against voting until the polls are
45 formally opened and shall not be operated except by voters in voting.
46 If any counter is found not to register zero (000) the district board

1 shall immediately notify such county board of elections or such
2 superintendent of elections or such municipal clerk, as the case may
3 be, who shall, if practicable, cause such counter to be adjusted at zero
4 (000) by any person or persons employed or appointed pursuant to
5 R.S.19:48-6. If it shall be impracticable for such person or persons to
6 arrive in time to so adjust such counter before the time set for opening
7 the polls, the district election officers shall immediately make a written
8 statement of the designating letter and number of such counter,
9 together with the number registered thereon, and shall sign and post
10 same upon the wall of the polling room, where it shall remain
11 throughout election day, and in filling out the statement of canvass,
12 they shall subtract such number from the number registered thereon at
13 the close of the polls.

14 Each district election officer shall also carefully examine the
15 provisional ballot bag to ascertain that it is properly sealed with a
16 numbered security seal and whether it has been subjected to tampering.
17 If the elections officer discovers evidence of tampering, the county
18 board of elections, the superintendent of elections, or the municipal
19 clerk, as the case may be, shall be so notified.

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

21

22 7. (New section) a. (1) The county clerk or the municipal clerk, in
23 the case of a municipal election, shall prepare a provisional ballot
24 packet for each election district. It shall include the appropriate
25 number of provisional ballots, the appropriate number of envelopes
26 with detachable affirmation statement and one provisional ballot
27 inventory form affixed to the provisional ballot bag. The clerk shall
28 prepare and place in each provisional ballot bag a provisional ballot
29 packet and an envelope containing a numbered seal. The envelope
30 shall contain, on its face, the instructions for the use of the seal, the
31 number and the election district location of the provisional ballot bag,
32 and the identification numbers of the seal placed in the envelope. Each
33 provisional ballot bag shall be sealed with a numbered security seal
34 before being forwarded to the appropriate election district.

35 (2) The commissioner of registration or the municipal clerk, in the
36 case of a municipal election, shall be responsible for making certain
37 that each provisional ballot bag and the inventory of the contents of
38 each such bag are delivered to the designated polling place no later
39 than the opening of the polls on the day of an election.

40 b. The county clerk or the municipal clerk, in the case of a
41 municipal election, shall prepare the envelope and affirmation
42 statement that is to accompany each provisional ballot. The envelope
43 shall be of sufficient size to accommodate the provisional ballot, and
44 the affirmation statement shall be affixed thereto in a manner that
45 enables it to be detached once completed and verified by the county
46 commissioner of registration. The statement shall require the voter to

1 provide the voter's name, and to indicate whether the voter is
2 registered to vote in a county but has moved within that county since
3 registering to vote; or is registered to vote in the election district in
4 which that polling place is located but the voter's registration
5 information is missing or otherwise deficient. The statement shall
6 further require the voter to provide the voter's most recent prior voter
7 registration address and address on the day of the election and date of
8 birth. The statement shall include spaces for the voter's signature, date
9 the statement was completed and name of the person providing
10 assistance to the voter, if applicable. Each statement shall also note
11 the number of the election district, or ward, and name of the
12 municipality at which the statement will be used.

13 c. For the primary for the general election, the provisional ballots
14 shall be printed in black ink on paper of a color that matches the color
15 of the voting authority, which shall indicate the party primary of the
16 voter. The provisional ballots shall be uniform in size, quality and type
17 and of a thickness that the printing thereon cannot be distinguished
18 from the back of the paper, and without any mark, device or figure on
19 the front or back other than as provided in P.L. , c. (C.)(now
20 pending before the Legislature as this bill). Each such ballot shall
21 include near the top thereof and in large type the designation
22 PROVISIONAL BALLOT. In all other respects, the provisional
23 ballots shall conform generally to the other ballots to be used in the
24 election district for the primary election.

25 The clerk of the county or municipality having custody of the
26 provisional ballots shall prepare each provisional ballot package with
27 an appropriate number of provisional ballots for each political party
28 and a corresponding number of envelopes with detachable affirmation
29 statements. Additional provisional ballots and envelopes shall be
30 available for delivery to that election district on the day of the election,
31 if necessary.

32 d. For the general election the provisional ballots shall be printed
33 in ink. The provisional ballots shall be uniform in size, quality and
34 type and of a thickness that the printing thereon cannot be
35 distinguished from the back of the paper, and without any mark,
36 device or figure on the front or back other than as provided in this act.
37 Each such ballot shall include near the top thereof and in large type the
38 designation PROVISIONAL BALLOT. In all other respects, the
39 provisional ballots shall conform generally to the other ballots to be
40 used in the election district for the general election.

41 The clerk of the county or municipality having custody of the
42 provisional ballots shall prepare each provisional ballot package with
43 an appropriate number of provisional ballots and a corresponding
44 number of envelopes with detachable affirmation statements.
45 Additional provisional ballots and envelopes shall be available for
46 delivery to that election district on the day of the election, if necessary.

1 e. For a school election the provisional ballots shall be printed in
2 ink. The provisional ballots shall be uniform in size, quality and type
3 and of a thickness that the printing thereon cannot be distinguished
4 from the back of the paper, and without any mark, device or figure on
5 the front or back other than as provided in this act. Each such ballot
6 shall include near the top thereof and in large type the designation
7 PROVISIONAL BALLOT. In all other respects, the provisional
8 ballots shall conform generally to the other ballots to be used in the
9 election district for the school election.

10 The clerk of the county shall prepare each provisional ballot
11 package with an appropriate number of provisional ballots and a
12 corresponding number of envelopes with detachable affirmation
13 statements. Additional provisional ballots and envelopes shall be
14 available for delivery to that election district on the day of the election,
15 if necessary.

16

17 8. (New section) a. The district board shall not permit other
18 provisional ballots to be used at an election except those provisional
19 ballots provided for by P.L. , c. (C.)(now pending before the
20 Legislature as this bill). It shall confine the distribution and use of the
21 provisional ballots to the polling place and election district in the
22 manner herein directed, and shall not distribute provisional ballots
23 outside the polling place or election district.

24 b. The board shall not store provisional ballots or envelopes with
25 detachable affirmation statements in a polling booth or in any other
26 area designated for voters to mark the provisional ballot and complete
27 the affirmation statement.

28 c. The board shall cause each booth or voting area in a polling
29 place to be kept provided with sufficient pens or lead pencils to enable
30 the voters to mark their provisional ballots and complete the
31 affirmation statement.

32 d. The county board of elections shall prepare complete written
33 instructions regarding the procedures for the use of the provisional
34 ballot bags for each district board member. The board members shall
35 be orally instructed on the procedures for the use of provisional ballots
36 and affirmation statements at the training classes held for the board
37 members.

38

39 9. (New section) Whenever a voter enters a polling place to vote
40 on the day of an election and the circumstance of that voter matches
41 the circumstance of a voter described in subsection b. of R.S.19:31-11,
42 the district board shall query the voter and follow the appropriate
43 procedure herein described.

44 a. If, at any time, the voter has moved from one residence to
45 another in the same election district, the board shall permit the voter
46 to vote at that polling place in the same manner as other voters at the

1 polling place upon written affirmation by the voter to the district
2 board.

3 b. If the voter has moved within a municipality but currently
4 resides in an election district different from that listed for the voter by
5 the commissioner of registration, the district board shall determine the
6 appropriate election district and polling place for the voter and inform
7 that person that: (1) the person must go to that polling place to vote;
8 and (2) the person will be permitted to vote thereat by provisional
9 ballot after completing an affirmation statement.

10 c. If the voter has moved within the county but currently resides in
11 a municipality different from that listed for the voter by the
12 commissioner of registration, the district board shall determine the
13 appropriate election district and polling place for the voter and inform
14 that person that: (1) the person must go to that polling place to vote;
15 and (2) the person will be permitted to vote thereat by provisional
16 ballot after completing an affirmation statement.

17 d. If, more than 30 days prior to the day of the election, the voter
18 has moved into the county from another county or state and has not
19 registered to vote in that county, the board shall inform the voter that
20 he is not eligible to vote in that county at that election.

21 e. If, less than 30 days prior to the day of an election, the voter has
22 moved into the county from another county in this State, the board
23 shall inform the voter that: (1) the voter is not eligible to vote in the
24 county where he resides currently at that election; and (2) the voter
25 may be eligible to vote in the election district where the voter resided
26 prior to moving to the voter's current residence.

27 f. If the voter's registration information has been marked by the
28 county board to indicate a problem therewith, or if the voter's sample
29 ballot has been returned as undeliverable to the county or municipal
30 clerk, as the case may be, but the voter states that the voter has not
31 moved prior to the day of an election, but instead continues to reside
32 at the same address the voter resided at when voting previously, the
33 voter shall be permitted to vote in such election district in the same
34 manner as other voters at the polling place upon written affirmation to
35 the district board of that election district.

36 g. If the voter's registration information is missing, the voter shall
37 be permitted to vote by provisional ballot after completing the
38 detachable affirmation statement attached to the envelope provided
39 with the provisional ballot.

40

41 10. (New section) The district board shall designate an area within
42 the polling place, which may be a voting booth, for the voter to mark
43 the provisional ballot and affirmation statement. No provisional ballot
44 and envelope with detachable affirmation statement shall be handed to
45 a voter until the area designated for voters to mark the provisional
46 ballot and affirmation statement is ready. If a voting booth is not

1 used, the voter shall be provided with a security screen at the same
2 time that the provisional ballot and envelope with affirmation
3 statement is provided.

4 A district board member shall instruct the voter how to complete
5 the affirmation statement and place the voted provisional ballot into
6 the envelope.

7 If for any reason provisional ballots and envelopes with detachable
8 affirmation statements are not ready or available for distribution at any
9 polling place, the district board member in charge shall notify the
10 appropriate authority that additional ballots and affirmation statements
11 are required.

12

13 11. (New section) Every voter to whom a provisional ballot and
14 envelope with detachable affirmation statement is given shall retire
15 into the designated voting area. Not more than one voter shall be
16 permitted to enter or be in the same booth or voting area at one time,
17 unless the voter is entitled to assistance, as provided for by law.

18 Any person or voter who violates the provisions of this section is
19 guilty of a crime of the fourth degree.

20

21 12. (New section) Prior to voting the provisional ballot or
22 immediately thereafter, the voter shall complete the affirmation
23 statement attached to the provisional ballot envelope. The voter shall
24 provide the voter's name and indicate whether the voter is registered
25 to vote in a county but has moved within that county since registering
26 to vote; or is registered to vote in the election district in which that
27 polling place is located but the voter's registration information is
28 missing or otherwise deficient. The voter shall provide the voter's
29 most recent prior voter registration address and address on the day of
30 the election and date of birth. The voter shall sign the statement and
31 indicate the date the statement was completed and name of the person
32 providing assistance to the voter, if applicable.

33 At no time when in possession of the provisional ballot with
34 attached affirmation statement shall the voter detach the statement
35 from the ballot envelope.

36

37 13. (New section) To vote for a candidate whose name is printed
38 in any column, or to vote in favor of or against any public question
39 printed on the provisional ballot, the voter shall:

40 a. Mark a cross x, plus + or check ✓ in the square provided for the
41 name of each candidate in any column for whom the voter chooses to
42 vote, or for a public question, make the same marking in the square
43 provided for either the word "Yes" or "No" of each public question,
44 if the ballot requires such designation to be considered valid;

45 b. Punch out completely the hole adjacent to the name of each
46 candidate in any column for whom the voter chooses to vote, or for a

1 public question, punch out completely the hole adjacent to either the
2 word "Yes" or "No" of each public question, if the ballot requires such
3 an action to be considered valid; or

4 c. Complete the connecting line adjacent to the name of each
5 candidate in any column for whom the voter chooses to vote, or for a
6 public question, complete the connecting line adjacent to either the
7 word "Yes" or "No" of each public question, if the ballot requires such
8 designation to be considered valid.

9
10 14. (New section) Nothing in P.L. , c. (C.)(now pending
11 before the Legislature as this bill) shall prevent any voter from writing
12 or pasting within the proper title of office in the column designated
13 personal choice, the name or names of any person or persons for
14 whom the voter desires to vote whose name or names are not printed
15 upon the provisional ballot for the same office. The writing shall be
16 in ink or lead pencil, as may be required.

17
18 15. (New section) If any voter to whom a provisional ballot and
19 envelope with detachable affirmation statement has been handed spoils
20 or renders any of the same unfit for use, the voter shall return the
21 ballot and the envelope with affirmation statement to a district board
22 member. The voter shall be furnished with another provisional ballot
23 and envelope with affirmation statement. No more than two
24 provisional ballots and envelopes with affirmation statements shall be
25 furnished to a voter, except at the discretion of the board members.

26 The district board shall preserve each spoiled provisional ballot and
27 envelope with detachable affirmation statement and shall write
28 "SPOILED" across the envelope and initial the same. Immediately
29 thereafter, the "SPOILED" envelope shall be sealed and placed in the
30 provisional ballot bag.

31
32 16. (New section) a. After voting the provisional ballot and
33 completing the detachable affirmation statement, and before leaving
34 the polling booth or the designated voting area, as the case may be, the
35 voter shall place the voted provisional ballot in the envelope. The
36 voter shall seal the envelope and shall retain custody of the envelope
37 until the member of the board having charge of the polling place at
38 that time is ready to accept the envelope.

39 b. The voter shall hand the sealed envelope to the appropriate
40 member of the district board. The member shall keep the sealed
41 envelope in full view of the voter, the other district board members
42 and all other persons present until it is placed in the provisional ballot
43 bag. The voter may also take hold of the envelope, with that member
44 of the board, until the envelope is placed in the provisional ballot bag.

45
46 17. (New section) The right to challenge a voter who uses a

1 provisional ballot shall exist until the voted provisional ballot is
2 deposited in the provisional ballot bag. If the right of a person to vote
3 is challenged, the same procedures shall be used as set forth in
4 R.S.19:15-18 et seq. for challenging the right of a person to vote.

5
6 18. (New section) Immediately following the closing of the polls
7 on the day of an election, the members of the district board shall
8 inventory the provisional ballots. All invalid provisional ballots placed
9 in envelopes and marked "SPOILED" shall be counted and the number
10 of those envelopes shall be recorded on the provisional ballot
11 inventory form provided with the provisional ballot bag. All
12 provisional ballots that have been voted, not used or found to be
13 missing shall next be recorded on the provisional ballot inventory
14 form. Upon the completion of the inventory of all provisional ballots,
15 and if the members of the district board agree on that inventory, the
16 provisional ballot inventory form shall be signed by those members.
17 Any member not in agreement shall give the reason therefor on the
18 form and so certify with the member's signature. All envelopes
19 marked "SPOILED", and all voted and not voted provisional ballots,
20 shall be placed in the provisional ballot bag and sealed with the
21 numbered seal taken from the envelope provided with that bag.

22
23 19. (New section) Immediately following the sealing of the
24 provisional ballot bag at a polling place on the day of any election, a
25 member of the district board shall transport the ballot bag and all other
26 election materials to a location designated by the commissioner of
27 registration. The commissioner of registration, or the designee
28 thereof, receiving the ballot bag shall provide the member of the
29 district board with a receipt indicating that the bag has been received.

30
31 20. (New section) When the office of the commissioner of
32 registration receives a provisional ballot bag that has been found to be
33 in good order, the commissioner or designee thereof shall first break
34 the seal and open the bag. Envelopes marked "SPOILED" shall be set
35 aside and remain unopened. The outside front of each envelope
36 containing a voted provisional ballot shall be numbered in consecutive
37 order beginning with the number one. This number shall be circled.
38 The name, signature and other information contained on the form as
39 supplied by a voter shall be compared with the name, signature and
40 other information that the board has on file, in electronic or other
41 form, for that voter. No affirmation statement shall be separated from
42 a provisional ballot envelope until all affirmation statements have been
43 reviewed by the commissioner of registration. After a comparison of
44 the voter's address is completed by the board and prior to separating
45 the affirmation statement from the envelope and counting the ballot,
46 the letter "p" shall be placed adjacent to the voter's name on the

1 signature copy register or computer listing, as the case may be,
2 together with the name of the municipality in which the voter voted
3 the provisional ballot. If two provisional ballots from the same voter
4 are received, both such ballots shall not be counted, the affirmation
5 statements shall not be separated from the envelopes, and the ballots
6 shall be put aside for further investigation.

7 Whenever the address supplied by the voter on the affirmation
8 statement does not match the address for such a person contained in
9 the files of the commissioner of registration, but it is clear that the
10 circumstance of a voter matches the circumstance of a voter described
11 in subsection b. of R.S.19:31-11, the updated information on the
12 affirmation statement shall be recorded and shall constitute a transfer
13 by the voter to a new address for any subsequent election.

14 After the examination of the provisional ballots by the
15 commissioner of registration, the county board of elections shall
16 determine that a provisional ballot voter is legally entitled to have
17 voted and that a provisional ballot conforms to the requirements
18 established by law.

19 When the county board of elections determines that the voter is
20 qualified, the voted ballot shall be removed from the envelope and a
21 member of the county board shall audibly and publicly read the ballot.
22 The board shall record the votes on the tally sheets, as provided. The
23 board shall also record the number of void ballots on the tally sheets,
24 as provided.

25 The outside front of each envelope that contains a voided
26 provisional ballot shall have the word "VOID" written next to the
27 circled number.

28 Unless provided otherwise by this section, all provisional ballot
29 materials shall be processed by the county board of elections in
30 accordance with the procedures established for absentee ballots
31 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).

32
33 21. (New section) In canvassing the provisional ballots, the county
34 board shall count the votes as follows:

35 a. If proper marks are made in the squares provided for the names
36 of any candidates in any column and the total number voted for, for
37 each office, does not exceed the number of candidates to be elected to
38 each office, a vote shall be counted for each candidate so marked.

39 b. If proper marks are made in the squares provided for any names
40 of any candidates in any column, a vote shall be counted for each
41 candidate so marked; but if the county board canvassing the
42 provisional ballots or the judge of the Superior Court or other judge
43 or officer conducting a recount thereof, shall be satisfied that the
44 placing of the marks to the left or right of the names was intended to
45 identify or distinguish the provisional ballot, then that ballot shall not
46 be counted and shall be declared null and void.

1 c. If no marks are made in the squares provided for the names of
2 any candidates in any column, but are made to the right of the names,
3 a vote shall not be counted for the candidates so marked, but shall be
4 counted for the other candidates as are properly marked; but if the
5 county board canvassing the provisional ballot or the judge of the
6 Superior Court or other judge or officer conducting a recount thereof
7 shall be satisfied that the placing of the marks to the right of the names
8 was intended to identify or distinguish the provisional ballot, then that
9 ballot shall be declared null and void.

10 d. Where the name of any person is written in the column
11 designated personal choice, and the proper mark or designation
12 appears in the space provided for the name, it shall be counted as a
13 vote for that person.

14 e. In the case of any public question printed on the provisional
15 ballot where a proper mark or designation is made in the space
16 provided for the word "Yes," it shall be counted as a vote in favor of
17 that public question. If a proper mark or designation is made in the
18 space provided for the word "No," it shall be counted as a vote against
19 same. If no mark or designation is made in the space provided for
20 either the word "Yes" or "No," it shall not be counted as a vote either
21 in favor of or against the public question. If a mark or designation is
22 made in each of the spaces provided for both the words "Yes" and
23 "No," it shall not be counted either as a vote in favor of or against the
24 public question nor shall it invalidate the provisional ballot.

25 f. If a voter marks or designates more names than there are persons
26 to be elected to an office, or writes the name of any person in the
27 column designated personal choice, whose name is printed upon the
28 provisional ballot as a candidate under the same title of office, or the
29 choice of the voter cannot be determined, that provisional ballot shall
30 not be counted for that office, but shall be counted for those other
31 offices as are properly marked.

32 g. If the mark made for any candidate or public question is
33 substantially a cross x, plus + or check ✓ and is substantially within
34 the square, it shall be counted for the candidate or for or against the
35 public question, as the case may be. No vote shall be counted for any
36 candidate in any column or for or against any public question unless
37 the mark or designation made is substantially a cross x, plus + or
38 check ✓ or other required designation and is substantially within the
39 space.

40

41 22. (New section) In counting the provisional ballots, the board
42 shall deem void all provisional ballots which are wholly blank, or on
43 which more names have been marked or designated for every office
44 than there are persons to be elected to the office, and on which both
45 "Yes" and "No" have been marked or designated upon every public
46 question.

1 No provisional ballot which shall have, either on its face or back,
2 any mark, sign, erasure, designation or device whatsoever, other than
3 that which is permitted by P.L. , c. (C.)(now pending before
4 the Legislature as this bill), by which the provisional ballot shall be
5 distinguished from another provisional ballot shall be declared void
6 unless the county board canvassing those provisional ballots or the
7 judge of the Superior Court or other judge or officer conducting the
8 recount thereof shall be satisfied that the placing of the mark, sign,
9 erasure, designation or device upon the provisional ballot was not
10 intended to identify or distinguish that ballot.

11 No provisional ballot shall be declared invalid by reason of the fact
12 that the mark made with ink or the mark made with lead pencil appears
13 other than black.

14 No provisional ballot cast for any candidate shall be invalid by
15 reason of the fact that the name of that candidate may be misprinted,
16 or the Christian name or the initials of the candidate may be omitted.

17 No provisional ballot cast for any candidate shall be invalid by
18 reason of the use of any label permitted by P.L. , c. (C.)(now
19 pending before the Legislature as this bill) on which the title of office
20 may be printed or the name of the candidate may be misprinted or part
21 of the Christian name or surname or the initials of the candidate may
22 be omitted, or because the voter in writing the name of the candidate
23 may misspell the name or omit part of the Christian name or surname
24 or the initials of the candidate.

25 No provisional ballot shall be declared void or invalid by reason of
26 having a cross x, plus + or check ✓ appearing in a square provided for
27 a blank space or a space wherein no name is printed.

28

29 23. (New section) In every case in which a provisional ballot shall
30 be declared invalid, the ballot, which shall be enclosed in a envelope,
31 shall not be canvassed or counted, but shall be marked "VOID" on the
32 outside thereof.

33 Provisional ballots which shall be declared invalid with respect to
34 a part of the candidates to be voted for or public questions to be voted
35 upon shall be canvassed, estimated and numbered with respect to the
36 part which is not invalid and preserved by the county board for a
37 period of not less than six months.

38

39 24. (New section) If, for any reason, a provisional ballot voter
40 votes a ballot other than the ballot for the district in which the voter
41 is qualified to vote, the votes for those offices and questions for which
42 the voter would be otherwise qualified to vote shall be counted. All
43 other votes shall be void.

44

45 25. (New section) The decision of a majority of the county board
46 on any question concerning a provisional ballot matter shall be deemed

1 the decision of the board and final. If any member of the board
2 dissents from any decision and wishes to make the dissension known
3 to avoid any of the consequences which may result from that decision,
4 the member may record the dissent in the signature copy register, if it
5 is available, or in a note signed and dated. If the dissent is in the form
6 of a note, it shall be appended to or recorded on the signature copy
7 register afterwards by the superintendent of elections or the
8 commissioner of registration, as shall be appropriate.

9
10 26. (New section) a. The clerk of the board shall, upon the tally
11 sheets provided for that purpose, make a list of the names of all
12 persons for whom one or more votes shall have been given,
13 designating the office which that person shall be voted for, and of any
14 public questions voted upon; and as each provisional ballot shall be
15 read, the clerk shall write the figure "1" opposite the name of each
16 person whose name is contained thereon, as designated for any office,
17 or in the proper column designating the vote upon the public question.

18 b. When all the votes which were cast have been read, examined
19 and numbered, as directed, the board shall tally the votes given for
20 each person for any office to be filled at the election or any public
21 question and note the same upon the tally sheets. The tally sheets shall
22 be signed by all the members of the county board and the results
23 thereof shall be certified. One of the tally sheets shall be placed in the
24 orange provisional ballot bag and it shall be sealed with a numbered
25 security seal. The other tally sheet shall be filed with the county clerk
26 at the same time the statements of results are delivered.

27
28 27. (New section) Upon the receipt of a certified tally sheet from
29 the county board, the county clerk shall add the votes contained
30 thereon to the total vote for all candidates and in favor of or against
31 all public questions cast at the polling place from which the tally sheet
32 originated. The clerk shall report to the municipal clerks the results
33 of the tally sheets by municipality, ward and election district.

34
35 28. This act shall take effect immediately and shall be applicable to
36 any election occurring after the 30th day following the enactment of
37 this act.

38
39
40 STATEMENT

41
42 The purpose of this bill is to establish a voting procedure to enable
43 certain persons to vote in any election if they are qualified to vote but
44 no longer reside at the place in which they are registered.

45 Specifically, this bill permits a voter who has moved outside of the
46 election district where he is registered to vote, but not outside of the

1 county where registered, and who has not re-registered, to vote by
2 provisional ballot at the polling place of the district in which the voter
3 resides on the day of the election after making a written affirmation of
4 the change of address at that polling place.

5 The bill would abolish the current law which requires that such a
6 voter must first obtain a transfer from the municipal clerk of the
7 voter's new residence before being permitted to vote at the polling
8 place for the voter's new residence.

9 The bill also provides that:

10 1) The provisional ballot be provided with an envelope which has
11 attached to it an affirmation statement on which the voter must
12 provide his name, signature, date of birth, current address and most
13 recent prior voter registration address and that the form would
14 constitute a transfer to the new voting address for all future elections;

15 2) The provisional ballot be a secret ballot and the voter be
16 accorded privacy for the completion thereof at the polling place;

17 3) Once completed, the provisional ballot be kept at the polling
18 place until the close thereof, at which time it be forwarded to the
19 county board of elections and counted after verification by the county
20 commissioner of registration of the voter's name, signature, address
21 and other information;

22 4) Each polling place be provided with a map or list of all polling
23 places within the county to assist any voter in identifying the correct
24 location of the polling place at which the voter should vote if that
25 voter erroneously reports to the wrong polling place; and

26 5) The challenge procedure provided for in current law for use at
27 the polling place shall be utilized for all provisional ballot voters who
28 appear at a polling place.

29 In addition, the bill eliminates the provision in current law that
30 requires the county boards to post at least seven notices of a school
31 election at least 10 days prior to the day of the election and to cause
32 copies of the notice to be published at least once prior to the election
33 in one newspaper circulating in the county or State and circulating in
34 each municipality in the district.

35 The bill is based, in part, on the consent order issued in October
36 1996 in the United States District Court for New Jersey in the case of
37 Democratic Party of New Jersey v. Hooks (Civil Action No. 96-4675)
38 and followed for the general elections held in the State in 1996 and
39 1997. The procedure contained in the bill for providing and tabulating
40 the provisional ballots is similar to the procedure provided in current
41 State law for the use of absentee and emergency ballots.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2168

STATE OF NEW JERSEY

DATED: MARCH 11, 1999

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2168.

The purpose of this committee substitute is to establish a voting procedure to enable certain persons to vote in any election if they are qualified to vote but no longer reside at the place in which they are registered. The substitute also increases the number of challengers who can serve at an election and requires that certain information on deaths of registered voters be provided to commissioners of registration.

Specifically, this substitute permits a voter who has moved outside of the election district where he is registered to vote, but not outside of the county where registered, and who has not transferred his or her registration, to vote by provisional ballot at the polling place of the district in which the voter resides on the day of the election after making a written affirmation of the change of address at that polling place.

The substitute abolishes the current law which requires that such a voter must first obtain a transfer from the municipal clerk of the voter's new residence before being permitted to vote at the polling place for the voter's new residence.

The substitute also provides that:

1) The provisional ballot be provided with an envelope which has attached to it an affirmation statement on which the voter must provide his or her name, signature, date of birth, current address and most recent prior voter registration address and the form would constitute a transfer to the new voting address for all future elections;

2) The provisional ballot be a secret ballot and the voter be accorded privacy for the completion thereof at the polling place;

3) Once completed, the provisional ballot be kept at the polling place until the close thereof, at which time it will be forwarded to a designated location and counted, after verification by the county commissioner of registration of the voter's name, signature, address and other information;

4) Each polling place be provided with a map or list of all polling places within the county to assist any voter in identifying the correct

location of the polling place at which the voter should vote if that voter erroneously reports to the wrong polling place;

5) The chairman of the county committee of each political party may appoint additional challengers for any election equal in number to the number of municipalities in the county and these challengers are to be permitted to exercise their powers at any election district in the county during an election;

6) The State registrar of vital statistics file with the commissioner of registration no later than May 1 of each year an alphabetized list of the name, address and date of birth, if available, of each resident of the county 18 years of age or older who died during the previous year and the commissioner, after an investigation, transfer any deceased registrant found on the list to the death file as soon as possible;

7) The State registrar of vital statistics, no later than nine months following the enactment of this substitute, file with the commissioner of registration of each county an alphabetized list of the name, address and date of birth, if available, of each resident of the county 18 years of age or older who died during the previous 40 years;

8) The knowing or willful neglect, failure or refusal of a State, county or municipal officer in charge of the records of death for the State, a county or municipality, or of an election official, to file information relative to or process the records of any resident of a county 18 years of age or older who died during the previous year or who died during the 40-year period prior to the enactment of this substitute is established as a crime of the third degree; and

9) The State registrar of vital statistics provide the chairman of the county committee of a political party, or a designee thereof, upon request a copy of the alphabetized lists of all residents of the county 18 years of age or older who died during the previous year and during the 40-year period prior to the enactment of this substitute. A chairman is authorized to inquire whether the commissioner of registration of the county in which the chairman resides is conducting the investigation and transfers of the registration and records of deceased registrant required by law and if not, the chairman is required to report this finding to the Attorney General for further action, if deemed necessary.

In addition, the substitute eliminates the provision in current law that requires the county boards to post at least seven notices of a school election at least 10 days prior to the day of the election and to cause copies of the notice to be published at least once prior to the election in one newspaper circulating in the county or State and circulating in each municipality in the district.

The substitute is based, in part, on the consent order issued in October 1996 in the United States District Court for New Jersey in the case of Democratic Party of New Jersey v. Hooks (Civil Action No. 96-4675) and followed for the general elections held in the State in 1996 and 1997. The procedure contained in the substitute for providing and tabulating the provisional ballots is similar to the

procedure provided in current State law for the use of absentee and emergency ballots.

This committee substitute is identical to ACS for Senate Bill No. 1123 (1R), which was also reported by this committee on this date.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: October 7, 1999

Gov. Christie Whitman today signed the following piece of legislation:

ACS for S-1123, sponsored by Senators Walter J. Kavanaugh (R-Morris/Somerset) and Ronald L. Rice (D-Essex) and Assembly Members Joel M. Weingarten (R-Essex/Union) and Kevin J. O'Toole (R-Essex/Union) establishes a voting procedure at polling places for certain persons qualified to vote but no longer residing at the place where they are registered. This bill provides that voters who have moved outside their election district, but not outside the county where they are registered, can vote by provisional ballot at the polling place of the district in which they reside after making a written affirmation at that polling place regarding their change of address. The bill also modifies provisions of election law concerning countywide challengers and requires state, county and municipal officials to update voting records.