

[First Reprint]

SENATE, No. 207

STATE OF NEW JERSEY
213th LEGISLATURE

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Sponsored by:

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District 30 (Burlington, Mercer, Monmouth and Ocean)

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SYNOPSIS

Permits voter in resident attendance at school, college, or university to receive absentee ballot for each election without continual request.

CURRENT VERSION OF TEXT

As reported by the Senate State Government Committee on May 19, 2008, with amendments.



1 AN ACT permitting a voter in resident attendance at a school,
2 college, or university to receive an absentee ballot for each
3 election without continual requests and amending P.L.1953,
4 c.211.

5

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

8

9 ¹1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read
10 as follows:

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

14 "Absentee ballot" means any military service ballot or civilian
15 absentee ballot as herein defined.

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

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

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

24 "Civilian absentee voter" means any qualified and registered
25 voter of the State who wants to vote by absentee ballot.

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

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

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

38 "Military service" means active service by any person, as a
39 member of any branch or department of the United States Army,
40 Navy, Air Force, Coast Guard or Marine Corps, or as a member of
41 the maritime or merchant marine service, or as a reservist
42 undergoing training under Army, Navy, Air Force, Coast Guard or
43 Marine Corps direction.

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:

¹Senate SSG committee amendments adopted May 19, 2008.

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

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

6 (b) Patients in a veterans' hospital who have been in the military
7 service in any war in which the United States has been engaged and
8 have been discharged or released from such service.

9 (c) Civilians attached to or serving with the Armed Forces of
10 the United States and their spouses and dependents when residing
11 with or accompanying them.

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

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

24 "Resident attendance" means living at an educational institution
25 and attending classes on a full-time or part time basis thereat while
26 maintaining status as a legal permanent resident of this State.¹

27 (P.L.2005, c.138, s.1)

28

29 ¹[1.] 2.¹ Section 4 of P.L.1953, c.211 (C.19:57-4) is amended
30 to read as follows:

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

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

1 request is made; if such a request is made, a military service ballot
2 shall be sent in a timely manner to the voter for all such elections.

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

7 In the event of sickness or confinement, the qualified voter may
8 apply in writing for and obtain an absentee ballot by authorized
9 messenger, who shall be so designated over the signature of the
10 voter and whose printed name and address shall appear on the
11 application in the space provided. The authorized messenger shall
12 be a family member or a registered voter of the county in which the
13 application is made and shall place his signature on the application
14 in the space so provided in the presence of the county clerk or his
15 designee. No person who is a candidate in the election for which
16 the voter requests an absentee ballot shall be permitted to serve as
17 an authorized messenger. The authorized messenger shall show a
18 photo identification card to the county clerk, or the designee
19 thereof, at the time the messenger submits the application form.
20 The county clerk or his designee shall authenticate the signature of
21 the authorized messenger, in the event such a messenger is other
22 than a family member, by comparing it with the signature of the
23 said person appearing on a State of New Jersey driver's license, or
24 other identification issued or recognized as official by the federal
25 government, the State, or any of its political subdivisions, which
26 identification carries the full address and signature of said person.
27 After the signature of the application and, when appropriate,
28 authentication, the county clerk or his designee is authorized to
29 deliver to the authorized messenger a ballot to be delivered to the
30 qualified voter. The ¹~~['Attorney General]~~ Secretary of State¹ shall
31 cause to be prepared a standard authorized messenger application
32 form, which may be included with the standard civilian absentee
33 ballot application forms. The authorized messenger section of the
34 application shall contain the following language above the signature
35 of the authorized messenger: "I do hereby certify that I will deliver
36 the absentee ballot directly to the voter and no other person, under
37 penalty of law."

38 A voter who is permanently and totally disabled, and any other
39 voter who wishes to vote only by absentee ballot in a general
40 election, and who states that on a request for an absentee ballot,
41 shall be furnished an application for an absentee ballot by the
42 county clerk for future elections in which the voter shall be eligible
43 to vote, without further request on the part of the voter and until the
44 voter requests that he or she no longer be sent an application. A
45 voter who is permanently and totally disabled shall have the option
46 to indicate on an application for an absentee ballot that the voter
47 would like to receive an absentee ballot for each election that takes

1 place during the remainder of the calendar year in which the
2 application is completed and submitted. A voter who exercises this
3 option shall be furnished with an absentee ballot for each election
4 that takes place during the remainder of the calendar year without
5 further request by the voter.

6 A voter who is in resident attendance at a school, college or
7 university shall have the option to indicate on an application for an
8 absentee ballot that the voter would like to receive an absentee
9 ballot for each election that takes place during the remainder of the
10 calendar year in which the application is completed and submitted.
11 A voter who exercises this option shall be furnished with an
12 absentee ballot for each election that takes place during the
13 remainder of the calendar year without further request by the voter.

14 A person voting by absentee ballot who registered by mail after
15 January 1, 2003, who did not provide personal identification
16 information when registering pursuant to section 16 of P.L.1974,
17 c.30 (C.19:31-6.4) and is voting for the first time in his or her
18 current county of residence following registration shall include the
19 required identification information with the absentee ballot. Failure
20 to include such information with the absentee ballot shall result in
21 the rejection of the ballot.

22 (cf: P.L.2005, c.138, s.3)

23

24 ¹[2.] 3¹ Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to
25 read as follows:

26 7. a. The ¹[Attorney General] Secretary of State¹, through the
27 Division of Elections in the Department of ¹[Law and Public
28 Safety] State¹ shall be responsible for providing all information
29 regarding military service ballots, as defined in section 2 of
30 P.L.1953, c.211 (C.19:57-2), and overseas federal election voter
31 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.). The
32 division shall also make available valid military service voter
33 registration applications, military service ballot applications and
34 overseas federal election voter registration and ballot applications
35 to any military service or overseas federal election voter who
36 wishes to register to vote or to vote in any jurisdiction in this State.
37 The division shall publish or cause to be published the following
38 notice in substantially the following form:

39 NOTICE TO MILITARY SERVICE VOTERS AND
40 TO THEIR RELATIVES AND FRIENDS

41 If you are in the military service, or the spouse or dependent of a
42 person in military service or are a patient in a veterans' hospital or a
43 civilian attached to or serving with the Armed Forces of the United
44 States, or the spouse or dependent of and accompanying or residing
45 with a civilian attached to or serving with the Armed Forces of the
46 United States, and desire to vote, or if you are a relative or friend of
47 any such person who, you believe, will desire to vote in

1 the..... (school, municipal, primary, presidential
2 primary, general or other) election to be held on.....
3 (date of election) kindly write to the undersigned at once making
4 application for a military service ballot to be voted in said election
5 to be forwarded to you, stating your name, age, serial number if you
6 are in military service, home address and the address at which you
7 are stationed or can be found, or if you desire the military service
8 ballot for a relative or friend then make application under oath for a
9 military service ballot to be forwarded to him, stating in your
10 application that he is over the age of 18 years and stating his name,
11 serial number if he is in military service, home address and the
12 address at which he is stationed or can be found.

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

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

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

26 Forms of application other than federal postcard application
27 forms can be obtained from the undersigned.

28 Dated.....

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

30

31 (address of Division of Elections)

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

44 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
45 BALLOTS

46 If you are a qualified and registered voter of the State who wants
47 to vote by absentee ballot in the..... (school, municipal,

1 primary, presidential primary, general, or other) election to be held
 2 on..... (date of election) kindly complete the application
 3 form below and send to the undersigned, or write or apply in person
 4 to the undersigned at once requesting that a civilian absentee ballot
 5 be forwarded to you. Such request must state your home address,
 6 and the address to which said ballot should be sent, and must be
 7 dated and signed with your signature. If any person has assisted
 8 you to complete the absentee ballot application, the name, address
 9 and signature of the assistor must be provided on the application.
 10 Also, you must sign and date the application for it to be valid and
 11 processed. No person who is a candidate in the election for which
 12 the voter requests an absentee ballot may provide any assistance in
 13 the completion of the ballot or may serve as an authorized
 14 messenger. No civilian absentee ballot will be furnished or
 15 forwarded to any applicant unless request therefor is received not
 16 less than seven days prior to the election, and contains the foregoing
 17 information.

18 Voters who are permanently and totally disabled, and any other
 19 voters who wish to vote only by absentee ballot in a general
 20 election, and who state that on their request shall, after their initial
 21 request and without further action on their part, be forwarded an
 22 absentee ballot application by the county clerk for future elections
 23 in which they are eligible to vote and until the voter requests that he
 24 or she no longer be sent an application. Permanently and totally
 25 disabled voters and voters in resident attendance at a school, college
 26 or university also have the option of indicating on their absentee
 27 ballot applications that they would prefer to receive absentee ballots
 28 for each election that takes place during the remainder of this
 29 calendar year. **【Permanently and totally disabled voters】** Voters
 30 who exercise this option will be furnished with absentee ballots for
 31 each election that takes place during the remainder of this calendar
 32 year, without further action on their part.

33 Application forms may be obtained by applying to the
 34 undersigned either in writing or by telephone, or the application
 35 form provided below may be completed and forwarded to the
 36 undersigned.

37
 38 Dated.....
 39 (signature and title of county clerk)
 40
 41 (address of county clerk)
 42
 43 (Telephone No. of county clerk)

44 APPLICATION FORM FOR CIVILIAN
 45 ABSENTEE BALLOT

46 (Form to be prepared by the ¹**【Attorney General】** Secretary of
 47 State¹ pursuant to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

1 c. The absentee ballot materials shall contain a notice that any
2 person voting by absentee ballot who registers by mail after January
3 1, 2003, who did not provide personal identification information
4 when registering and is voting for the first time in his or her current
5 county of residence following registration shall include the required
6 identification information with the absentee ballot, and that failure
7 to include such information shall result in the rejection of the ballot.

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

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

20 (cf: P.L.2005, c.138, s.4)

21

22 ¹[3.] 4.¹ This act shall take effect immediately.