

SENATE, No. 71

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Warren and Hunterdon)

SYNOPSIS

Eliminates separate presidential primary election; provides delegates and alternates to national conventions of political parties will be elected at regular June primary election.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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

3

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

S71 DOHERTY

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

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

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

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

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

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

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

18 "Commissioner" means the commissioner of registration in
19 counties.

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

23 (cf: P.L.2005, c.136, s.1)

24

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

26 19:2-1. **【Presidential primary】** Primary elections for delegates
27 and alternates to national conventions of political parties **【shall be**
28 **held in each presidential year on the Tuesday next after the first**
29 **Monday in February.**

30 **Primary elections】** and for the general election shall be held in
31 each year on the Tuesday next after the first Monday in June **【.**

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

36 (cf: P.L. 2007, c.61, s.1)

37

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

39 19:3-3. Delegates and alternates to the national conventions of
40 the political parties **【held in each presidential year】** shall be elected
41 at the **【presidential】** primary election to be held on the Tuesday
42 next after the first Monday in **【February】** June in that year.

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

46 (cf: P.L.2007, c.61, s.2)

S71 DOHERTY

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

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

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

15 (cf: P. L.2005, c.136, s.4)

16

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

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

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

S71 DOHERTY

1 reasonable knowledge of the duties to be performed by the applicant
2 as an election officer under the election laws of this State; and
3 health sufficient to discharge his or her duties as an election officer.

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

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

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

28 (cf: P.L.2005, c.136, s.5)

29

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

31 19:6-3. a. (1) The county board shall, on or before **[January 4**
32 **of each presidential year and on or before]** April 1 **[of every other**
33 **year]**, appoint the members of the district boards in the manner
34 prescribed by paragraph (2) of this subsection. The members of any
35 district board shall be equally apportioned between the two political
36 parties which at the last preceding general election held for the
37 election of all of the members of the General Assembly cast the
38 largest and next largest number of votes respectively in this State
39 for members of the General Assembly, except that if the county
40 board is unable to fill all of the positions of the members of a
41 particular district board from among qualified members of those
42 two political parties, the county board shall appoint to any such
43 unfilled position an otherwise qualified person who is unaffiliated
44 with any political party, but no such appointment of an unaffiliated
45 person shall be made prior to **[January 9 of each presidential year**
46 **and prior to]** March 25 **[of every other year]**, and in no event shall

S71 DOHERTY

1 more than two such unaffiliated persons serve at the same time on
2 any district board.

3 (2) In making appointments of members of the several district
4 boards of the county, the county board shall consult with the
5 chairperson of the county committee of each of the two political
6 parties referred to in paragraph (1) of this subsection. On or before
7 **December 20** of the year preceding each presidential year and on
8 or before **March 15** of **every other** each year, the county board
9 shall transmit to each of those chairpersons a list of those positions
10 on the membership of the several district boards that are subject to
11 apportionment under that paragraph (1) to the political party of
12 which that chairperson is a member, and to which the county board
13 has been unable to make an appointment from among qualified
14 members of that political party. The county board shall include
15 with each such list a request that the chairperson to whom that list is
16 transmitted return to the board a list of the names of candidates for
17 those unfilled positions. On or before **December 30** of the year
18 preceding each presidential year and on or before **March 25** **of**
19 **every other year**, the county board shall, on the basis of the lists so
20 returned to it, fill as many of the remaining unfilled positions in the
21 membership of the several district boards as possible, and shall
22 assign or reassign appointees as necessary to ensure that the
23 membership of each district board within the county shall include at
24 least one member of each of the two political parties. The county
25 board shall then appoint to any unfilled position on a district board
26 an otherwise qualified person who is unaffiliated with any political
27 party.

28 b. In case the county board shall neglect, refuse or be unable to
29 appoint and certify the members of the district boards as herein
30 provided, the Assignment Judge of the Superior Court shall, before
31 **January 15** of each presidential year or before **April 10** of every
32 other year, make such appointments and certifications.

33 (cf: P.L.2007, c.61, s.3)

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

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

S71 DOHERTY

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

7 (cf: P.L.2005, c.136, s.7)

8

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

10 19:6-18. During the 30-day period immediately preceding
11 **【November 25 of the year preceding each presidential year and】**
12 **February 15 【of every other】** in each year, the chairman and vice-
13 chairlady of each county committee and the State committeeman
14 and State committeewoman of each of such two political parties,
15 respectively shall meet and jointly, in writing, nominate one person
16 residing in the county of such county committee chairman, duly
17 qualified, for member of the county board in and for such county
18 **【for the succeeding year, in the case of the presidential year】**.

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

25 If nomination be so made, the said county committee chairman
26 shall certify the nomination so made to the State chairman and to
27 the Governor, and the Governor shall commission such appointees,
28 who shall be members of opposite parties, on or before **【December**
29 **20 of the year preceding each presidential year or on or before】**
30 **March 1 【in every other year, as the case may be】**. If nomination
31 be not so made on account of a tie vote in the said meeting of the
32 county committee chairman, county committee vice-chairlady, State
33 committeeman and State committeewoman, in respect to such
34 nomination, the said county committee chairman shall certify the
35 fact of such a tie vote to the State chairman, who shall have the
36 deciding vote and who shall certify, in writing, to the Governor, the
37 nomination made by his deciding vote. Appointees to county
38 boards of election pursuant to this section shall continue in office
39 for 2 years from **【either December 20 of the year preceding each**
40 **presidential year or】** **March 1 【, as the case may be,】** next after
41 their appointment.

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

46 (cf: P.L.2007, c.61, s.4)

S71 DOHERTY

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

2 19:6-22. a. (1) The county boards shall, at 10 a.m., on the [first
3 Tuesday in January of each presidential year and on the] second
4 Tuesday in March [of every other year], or on such other day as
5 they may agree on within the first [5 days in January or] 15 days in
6 March [, as the case may be,] in each year, meet at the courthouse,
7 or other place as provided for, in their respective counties, and,
8 subject to the provisions of paragraph (2) of this subsection,
9 organize by electing one of their number to be chairman and one to
10 be secretary; but the chairman and secretary shall not be members
11 of the same political party.

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

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

41 In case of failure to elect a secretary after three ballots or viva
42 voce votes, the member of the board having the greatest seniority
43 shall be secretary of the board, except that if that member has
44 become chairman because of election to that position or because of
45 designation as a result of the failure to elect a chairman, the
46 member with the next greatest seniority shall be secretary. In no

S71 DOHERTY

1 case, however, shall the chairman and secretary be members of the
2 same political party.

3 Seniority for the purposes of this section shall be determined by
4 the total amount of time that a person has served as a member of the
5 board, beginning from the date that that person took the oath of
6 office as a member.

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

11 (cf: P.L. 2007, c.61, s.5)

12

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

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

32 (cf: P.L.2005, c.136, s.10)

33

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

35 19:8-2. The clerk of every municipality, on or before **[January 4**
36 **of each presidential year and on or before]** April 1 **[of every other**
37 **year]** shall certify to the county board of every county wherein such
38 municipality is located a suggested list of places in the municipality
39 suitable for polling places. The county board shall select the
40 polling places for the election districts in the municipalities of the
41 county for all elections in the municipalities thereof, including all
42 commission government elections in the county. The county boards
43 shall not be obliged to select the polling places so suggested by the
44 municipal clerks, but may choose others where they may deem it
45 expedient. Preference in locations shall be given to schools and
46 public buildings where space shall be made available by the
47 authorities in charge, upon request, if same can be done without

1 detrimental interruption of school or the usual public services
2 thereof, and for which the authority in charge shall be reimbursed,
3 by agreement, for expenses of light, janitorial and other attending
4 services arising from such use. Each polling place selected shall be
5 accessible to individuals with disabilities and the elderly. A polling
6 place shall be considered accessible if it is in compliance with the
7 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
8 12101 et seq.). In no case shall the authorities in charge of a public
9 school or other public building deny the request of the county board
10 for the use, as a polling place, of any building they own or lease.

11 Where the county board shall fail to agree as to the selection of
12 the polling place or places for any election district, within five days
13 of an election, the county clerk shall select and designate the
14 polling place or places in any such election district.

15 The county board may select a polling place other than a
16 schoolhouse or public building outside of the district but such
17 polling place shall not be located more than 1,000 feet distant from
18 the boundary line of the district. The **【Attorney General】** Secretary
19 of State may, however, permit a polling place to be more than 1,000
20 feet distant from the boundary line of the district if there is no
21 suitable polling place accessible to individuals with disabilities and
22 the elderly within the district or 1,000 feet distant from the
23 boundary line of the district.

24 Whenever possible, the county board shall contact the managers
25 or owners of commercial or private buildings that the board deems
26 suitable to use as polling places, and are in or near an election
27 district lacking an accessible polling place, to determine whether a
28 portion of such a building may be used as a polling place on the day
29 of an election. Reimbursement for the use of a portion of such a
30 building shall be the same as provided by this section for schools
31 and public buildings.

32 Neither the owner nor operator of a facility designated as a
33 polling place by the county board is permitted or authorized to
34 relocate the polling place room in the building without the express
35 prior approval of the board.

36 (cf: P.L.2007, c.61, s.6)

37

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

40 4. No later than **【January 15 of each presidential year and no**
41 **later than】** May 15 of every other year, beginning with May 15 next
42 following the enactment of P.L.2005, c.146, each Voting
43 Accessibility Advisory Committee, established pursuant to section
44 11 of P.L.1991, c.429 (C.19:8-3.7) shall report to the **【Attorney**
45 **General】** Secretary of State and the county board of elections, on
46 the form provided by the **【Attorney General】** Secretary of State, a
47 list of all polling places in the county, specifying any found

1 inaccessible. The committee shall indicate the reasons for
2 inaccessibility, according to guidelines established in the federal
3 "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et
4 seq.), and shall consult with the county board of elections to
5 determine the efforts made pursuant to P.L.1991, c.429 (C.19:8-3.1
6 et al.) to locate alternative polling places or the actions needed to
7 make the existing facilities accessible. Each county board of
8 elections shall notify the **[Attorney General]** Secretary of State and
9 the committee of any changes in polling place locations before the
10 next general election, including any changes required due to the
11 alteration of district boundaries.

12 (cf: P.L.2007, c.61, s.7)

13

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

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

20 (cf: P.L.2007, c.61, s.8)

21

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

23 19:9-2. The Director of the Division of Elections shall prepare
24 and distribute on or before **[January 4 of each presidential year and**
25 **on or before]** April 1 **[of every other]** in each year prior to the
26 primary election for the general election and the general election
27 such information as may be needed relative to election procedures
28 for the ensuing year.

29 The county board of elections shall prepare and distribute on or
30 before **[January 4 of each presidential year and on or before]** April
31 1 of **[every other]** in each year, registration and voting instructions
32 printed in at least 14-point type for conspicuous display at each
33 polling place at any election.

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

45 The county board shall furnish and deliver to the county clerk,
46 the municipal clerks and the district boards in municipalities having
47 more than one election district: a map or description of the district

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

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

11 (cf: P.L.2007, c.61, s.9)

12

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

14 19:12-1. The **【Attorney General】** Secretary of State shall within
15 thirty days after the completion of the canvass by the board of State
16 canvassers, certify to each county clerk and county board the fact
17 that at the next preceding general election held for the election of
18 all of the members of the General Assembly ten per centum (10%)
19 of the total vote cast in the State for members of the General
20 Assembly had been cast for candidates having the same designation,
21 thereby creating, within the meaning of this Title, a political party,
22 to be known and recognized as such under the same designation as
23 used by the candidates for whom the required number of votes were
24 cast.

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

40 (cf: P.L.2005, c.136, s.15)

41

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

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

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

9 (cf: P.L.2005, c.136, s.16)

10

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

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

22 (cf: P.L.2005, c.136, s.17)

23

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

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

34 (cf: P.L. 2005, c.136, s.18)

35

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

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

1 is held, [as the case may be,] once during the 30 days next
2 preceding the day fixed for the closing of the registration books for
3 the general election, and once during the calendar week next
4 preceding the week in which the general election is held.

5 b. Such notice shall set forth:

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

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

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

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

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

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

27 (f) In the case of the notice published during the calendar week
28 next preceding the week in which the primary election is held, that
29 a voter who, prior to the election, shall have moved within the same
30 county without (i) filing, on or before the 21st day preceding the
31 election, a notice of change of residence with the commissioner of
32 registration of the county or the municipal clerk of the municipality
33 in which the voter resides on the day of the election, (ii) returning
34 the confirmation notice sent to the voter by the commissioner of
35 registration of the county, if such a notice has been sent to the voter,
36 or (iii) otherwise notifying the commissioner of registration of the
37 voter's change of address within the county shall be permitted to
38 correct the voter's registration and to vote in the primary election by
39 provisional ballot at the polling place of the district in which the
40 voter resides on the day of the election. The notice shall further
41 provide that the voter may contact the county commissioner of
42 registration or municipal clerk to determine the proper polling place
43 location for the voter.

44 (2) For the general election:

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

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

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

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

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

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

35 (3) For a school election:

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

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

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

40 (d) That a voter who, prior to the election, shall have moved
41 within the same county without (i) filing, on or before the 21st day
42 preceding the election, a notice of change of residence with the
43 commissioner of registration of the county or the municipal clerk of
44 the municipality in which the voter resides on the day of the
45 election, (ii) returning the confirmation notice sent to the voter by
46 the commissioner of registration of the county, if such a notice has
47 been sent to the voter, or (iii) otherwise notifying the commissioner

1 of registration of the voter's change of address within the county
2 shall be permitted to correct the voter's registration and to vote in
3 the school election by provisional ballot at the polling place of the
4 district in which the voter resides on the day of the election,

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

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

10 **[(4) For the presidential primary election:**

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

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

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

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

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

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

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

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

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

47 e. (Deleted by amendment, P.L.1999, c.232.)

1 f. The cost of publishing the notices required by this section
2 shall be paid by the respective counties, unless otherwise provided
3 for by law.

4 g. Notices required to be published or posted pursuant to this
5 section shall set forth a general description of the contents of the
6 voter information notice provided for in section 1 of P.L.2005,
7 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
8 prior to the day of an election, and that the notice will be posted in
9 each polling place on the day of an election.

10 (cf: P.L.2005, c.149, s.2)

11

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

13 19:14-6. In each column, immediately below the six-point rule,
14 shall be printed the proper word or words to designate the column,
15 to be known as the "column designation."

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

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

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

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

1 diagram rule extending across the entire ballot from one four point
2 rule to the other.

3 (cf: P.L.2005, c.136, s.22)

4

5 21. R.S.19:14-8 is amended to read as follows:

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

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

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

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

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

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

43 To the right of the title of each office in the party columns and
44 the personal choice column shall be printed the words "Vote for,"
45 inserting in words the number of persons to be elected to such
46 office.

47 (cf: P.L.2005, c.136, s.23)

S71 DOHERTY

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

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

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

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

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

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

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

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

43 The name or names of the candidate or bracketed group of
44 candidates first drawn from the box shall be printed directly below
45 the proper title of the office for which they were nominated, and the
46 name or names of the candidate or bracketed group of candidates

1 next drawn shall be printed next in order, and so on, until the last
2 name or bracketed group of names shall be drawn from the box.

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

7 The drawing for the positions which the names of candidates and
8 bracketed groups of names of candidates, nominated by petition for
9 office, and for the columns which the political parties which made
10 nominations at the next preceding **【presidential】** primary election
11 and **【the preceding primary election】** for the general election shall
12 occupy upon the general election ballot, shall be held at 3 o'clock in
13 the afternoon of the eighty-fifth day prior to the day of the general
14 election.

15 (cf: P.L.2005, c.136, s.24)

16

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

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

26 The chairman of each county committee shall also, on or before
27 **【January 4 of each presidential year and on or before】** April 1 **【of**
28 **every other】** in each year, file with the clerks of the several
29 municipalities the number of committeemen to be elected at the
30 ensuing primary for the general election to the county committee.

31 (cf: P.L.2007, c.61, s.10)

32

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

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

S71 DOHERTY

1 counties; and, excepting in counties where R.S.19:49-2 applies, the
2 position on the ballot used for the primary election for the general
3 election in the case of candidates for nomination for office or party
4 position wherein the candidates for office or party position to be
5 filled are to be voted for by the voters of a municipality only, or a
6 subdivision thereof (excepting in the case of members of the House
7 of Representatives) shall be determined by the municipal clerk in
8 such municipalities, in the following manner: The county clerk, or
9 his deputy, or the municipal clerk or his deputy, as the case may be,
10 shall at his office on the 47th day prior to the primary election for
11 the general election at three o'clock in the afternoon draw from the
12 box, as hereinafter described, each card separately without
13 knowledge on his part as to which card he is drawing. Any legal
14 voter of the county or municipality, as the case may be, shall have
15 the privilege of witnessing such drawing. The person making the
16 drawing shall make public announcement at the drawing of each
17 name, the order in which same is drawn, and the office for which
18 the drawing is made. When there is to be but one person nominated
19 for the office, the names of the several candidates who have filed
20 petitions for such office shall be written upon cards (one name on a
21 card) of the same size, substance and thickness. The cards shall be
22 deposited in a box with an aperture in the cover of sufficient size to
23 admit a man's hand. The box shall be well shaken and turned over
24 to thoroughly mix the cards, and the cards shall then be withdrawn
25 one at a time. The first name drawn shall have first place, the
26 second name drawn, second place, and so on; the order of the
27 withdrawal of the cards from the box determining the order of
28 arrangement in which the names shall appear upon the primary
29 election ballot. Where there is more than one person to be
30 nominated to an office where petitions have designated that certain
31 candidates shall be bracketed, the position of such bracketed names
32 on the ballot (each bracket to be treated as a single name), together
33 with individuals who have filed petitions for nomination for such
34 office, shall be determined as above described. Where there is more
35 than one person to be nominated for an office and there are more
36 candidates who have filed petitions than there are persons to be
37 nominated, the order of the printing of such names upon the primary
38 election ballots shall be determined as above described.

39 The county clerk in certifying to the municipal clerk the offices
40 to be filled and the names of candidates to be printed upon the
41 ballots used for the primary election for the general election, shall
42 certify them in the order as drawn in accordance with the above
43 described procedure, and the municipal clerk shall print the names
44 upon the ballots as so certified and in addition shall print the names
45 of such candidates as have filed petitions with him in the order as
46 determined as a result of the drawing as above described.
47 Candidates for the office of the county executive in counties that

1 have adopted the county executive plan of the "Optional County
2 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede
3 the candidates for other county offices for which there are
4 candidates on the ballot used for the primary election for the
5 general election.

6 (cf: P.L.2005, c.136, s.26)

7

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

9 19:23-40. **【**The presidential primary election shall be held for all
10 political parties in each presidential year on the first Tuesday next
11 after the first Monday in February.**】**

12 The primary election for the general election shall be held for all
13 political parties upon the Tuesday next after the first Monday in
14 June **【**.

15 All primary elections shall occur**】** between the hours of 6:00
16 A.M. and 8:00 P.M., Standard Time **【and】** . It shall be held for all
17 political parties in the same places as hereinbefore provided for the
18 ensuing general election.

19 (cf: P.L.2007, c.61, s.11)

20

21 26. R.S.19:23-42 is amended to read as follows:

22 19:23-42. The **【presidential】** primary election **【and the**
23 **primary】** for the general election shall be conducted by the district
24 boards substantially in the same manner as the general election,
25 except as herein otherwise provided.

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

33 (cf: P.L.2005, c.136, s.28)

34

35 27. R.S.19:23-45 is amended to read as follows:

36 19:23-45. No voter shall be allowed to vote at **【any】** the primary
37 election unless his name appears in the signature copy register.

38 A voter who votes in a primary election of a political party or
39 who signs and files with the municipal clerk or the county
40 commissioner of registration a declaration that he desires to vote in
41 **【any】** the primary election of a political party, or who indicates on
42 a voter registration form the voter's choice of political party
43 affiliation and submits the form to the commissioner of registration
44 of the county wherein the voter resides, to the employees or agents
45 of a public agency, as defined in subsection a. of section 15 of
46 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
47 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-

1 6.11), or to the **【Attorney General】** Secretary of State, shall be
2 deemed to be a member of that party until the voter signs and files
3 with the municipal clerk or the commissioner of registration a
4 declaration that he desires to vote in **【a】** the primary election of
5 another political party at which time he shall be deemed to be a
6 member of such other political party. The **【Attorney General】**
7 Secretary of State shall cause to be prepared political party
8 affiliation declaration forms and shall provide such forms to the
9 commissioners of registration of the several counties and to the
10 clerks of the municipalities within such counties.

11 No voter, except a newly registered voter at the first primary at
12 which he is eligible to vote, or a voter who has not previously voted
13 in a primary election, may vote in a primary election of a political
14 party unless he was deemed to be a member of that party on the
15 50th day next preceding such primary election.

16 A member of the county committee of a political party and a
17 public official or public employee holding any office or public
18 employment to which he has been elected or appointed as a member
19 of a political party shall be deemed a member of such political
20 party.

21 A voter may declare the voter's party affiliation or change the
22 voter's party affiliation, or declare that the voter is unaffiliated with
23 any party regardless of any previously declared party affiliation, by
24 so indicating on a political party declaration form filed with the
25 municipal clerk or the county commissioner of registration. A voter
26 may also indicate that the voter wishes to declare a political party
27 affiliation or that the voter does not want to declare a political party
28 affiliation on a voter registration form filed at the time of initial
29 registration.

30 Any person voting in the primary ballot box of any political
31 party in any primary election in contravention of the election law
32 shall be guilty of a disorderly persons offense, and any person who
33 aids or assists any such person in such violation by means of public
34 proclamation or order, or by means of any public or private
35 direction or suggestions, or by means of any help or assistance or
36 cooperation, shall likewise be guilty of a disorderly persons offense.
37 (P.L.2005, c.154, s.6)

38

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

41 2. a. The county commissioner of registration in each of the
42 several counties shall cause a notice to be published in each
43 municipality of their respective counties in a newspaper or
44 newspapers circulating therein. The notice to be so published shall
45 be published once during each of the two calendar weeks next
46 preceding the week in which the 50th day next preceding **【any】** the
47 primary election of a political party occurs.

1 b. The notice required to be published by the preceding
2 paragraph shall inform the reader thereof that no voter, except a
3 newly registered voter at the first primary at which he is eligible to
4 vote, or a voter who has not previously voted in a primary election
5 may vote in a primary election of a political party unless he was
6 deemed to be a member of that party on the 50th day next preceding
7 such primary election. It shall further inform the reader thereof that
8 a voter who votes in **[any]** the primary election of a political party,
9 or who signs and files with the municipal clerk or the county
10 commissioner of registration a declaration that he desires to vote in
11 **[a]** the primary election of a political party, or who indicates on a
12 voter registration form the voter's choice of political party
13 affiliation and submits the form to the commissioner of registration
14 of the county wherein the voter resides, to the employees or agents
15 of a public agency, as defined in subsection a. of section 15 of
16 P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as
17 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
18 6.11) or to the **[Attorney General]** Secretary of State, shall be
19 deemed to be a member of that party until the voter signs and files
20 with the municipal clerk or the commissioner of registration a
21 declaration that he desires to vote in **[a]** the primary election of
22 another political party, at which time he shall be deemed to be a
23 member of such other political party, or that the voter chooses not
24 to be affiliated with any political party. The notice shall also state
25 the time and location where a person may obtain political party
26 affiliation declaration forms or voter registration forms.

27 (cf: P.L.2005, c.153, s.2)

28
29 29. R.S.19:23-46 is amended to read as follows:

30 19:23-46. Each voter offering to vote shall announce his name
31 and the party primary in which he wishes to vote. The district
32 board shall thereupon ascertain by reference to the signature copy
33 register or the primary election registry book required **[for either**
34 **the presidential primary or the primary election for the general**
35 **election]** by this title **[, as the case may be,]** and, in municipalities
36 not having permanent registration, if necessary by reference to the
37 primary party poll books of the preceding **[presidential primary**
38 **election or]** primary election for the general election, that such
39 voter is registered as required by this title and also that he is not
40 ineligible or otherwise disqualified by the provisions of section
41 19:23-45 of this title; in which event he shall be allowed to vote.

42 (cf: P.L.2005, c.136, s.31)

43
44 30. R.S.19:23-49 is amended to read as follows:

45 19:23-49. At the close of **[a presidential]** the primary election
46 **[and a primary election]** for the general election each district board

1 shall immediately proceed to count the votes cast at the election and
2 ascertain the results thereof for the candidates of each political
3 party holding such elections, proceeding in the manner indicated by
4 the statement hereinafter provided for, and as nearly as may be in
5 the manner herein required for the counting by the district board of
6 votes cast at the general election.

7 (cf: P.L.2005, c.136, s.32)

8

9 31. R.S.19:23-58 is amended to read as follows:

10 19:23-58. Any provisions of this title which pertain particularly
11 to any election or to the general election shall apply to the
12 **【presidential primary election or the】** primary election for the
13 general election **【, as the case may be,】** insofar as they are not
14 inconsistent with the special provisions of this title pertaining to the
15 **【presidential primary election or the】** primary election for the
16 general election.

17 (cf: P.L.2005, c.136, s.33)

18

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

20 19:24-1. In every year in which **【presidential】** primary elections
21 are to be held as herein provided for the election of delegates and
22 alternates to the national conventions of political parties, including
23 any national mid-term convention or conference of a political party,
24 the chairman of the State committee of each political party shall
25 notify the **【Attorney General】** Secretary of State, on or before
26 **【December 20】** March 1 of that **【preceding】** year, of the number of
27 delegates-at-large and the number of alternates-at-large to be
28 elected to the next national convention of such party by the voters
29 of the party throughout the State, and also of the number of
30 delegates and alternates to be chosen to such convention in the
31 respective congressional districts or other territorial subdivisions of
32 the State as mentioned in such notification.

33 If the State chairmen, or either of them, shall fail to file notice,
34 the **【Attorney General】** Secretary of State shall ascertain such facts
35 from the call for its national convention issued by the National or
36 State committee.

37 (cf: P.L.2007, c.61, s.12)

38

39 33. R.S.19:24-2 is amended to read as follows:

40 19:24-2. The **【Attorney General】** Secretary of State shall, on or
41 before **【December 20】** March 20 of **【the】** that year **【preceding each**
42 **presidential election or January 1 of every other year, as the case**
43 **may be】**, certify to the county clerk and county board of each
44 county the number of delegates and alternates-at-large to be chosen
45 by each such party and the number of delegates and alternates to be
46 chosen in each congressional district or other territorial subdivision

1 of the State, composed in whole or in part of the county of such
2 county clerk.

3 Any provisions of this Title which pertain particularly to any
4 election or to the general election or to the primary election for the
5 general election shall apply to the **【presidential】** primary election
6 for delegates and alternates to national conventions insofar as they
7 are not inconsistent with the special provisions of this Title
8 pertaining to the presidential primary election for delegates and
9 alternates to national conventions.

10 Notwithstanding any provision of this Title, national and State
11 party rules shall govern the selection of delegates and alternates to
12 national party conventions, provided the State chairman of the
13 political party notifies the **【Attorney General】** Secretary of State
14 prior to **【December 20 of the year preceding each presidential**
15 **election or January】** March 1 of **【every other】** the year **【,** as the
16 case may be,**】** in which delegates and alternates are elected of the
17 applicable party rules governing the delegate selection process. The
18 **【Attorney General】** Secretary of State shall notify the county clerks
19 prior to **【December 20】** April 1 of the year **【preceding each**
20 **presidential election or January 10 of every other year, as the case**
21 **may be,】** in which delegates and alternates are elected of the
22 applicable party rules, if any, which apply to matters within their
23 jurisdiction. Pursuant to this section, the **【Attorney General】**
24 Secretary of State shall issue to the county clerks uniform
25 regulations governing the delegate selection process.

26 (cf: P.L.2007, c.61, s.13)

27

28 34. R.S.19:24-4 is amended to read as follows:

29 19:24-4. Not less than 100 members of each such political party
30 may file with the **【Attorney General】** Secretary of State at least 57
31 days prior to the **【presidential】** primary election for the general
32 election in any year of a national convention a petition requesting
33 that the name of a person therein indorsed shall be printed on the
34 **【presidential】** primary ticket of such political party as candidate for
35 the position of delegate-at-large or alternate-at-large, to be chosen
36 by the party voters throughout the State to the national convention
37 of that party, or as a delegate or alternate to be chosen to that
38 convention by the voters of any congressional district.

39 The signers to the petition for any delegate-at-large or alternate-
40 at-large shall be legal voters resident in the State; and the signers
41 for any delegate or alternate from any Congressional district shall
42 be voters of such district.

43 The **【Attorney General】** Secretary of State shall not later than
44 the 48th day preceding the **【presidential】** primary election for the
45 general election certify to each county clerk and county board such

1 nominations for delegates and alternates-at-large and the
2 nominations for delegate or alternate for any Congressional district.
3 (cf: P.L.2005, c.136, s.36)
4

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

7 1. Not less than one thousand voters of any political party may
8 file a petition with the **【Attorney General】** Secretary of State on or
9 before the 57th day before a **【presidential】** primary election in any
10 year in which a President of the United States is to be chosen,
11 requesting that the name of the person indorsed therein as a
12 candidate of such party for the office of President of the United
13 States shall be printed upon the official presidential primary ballot
14 of that party for the then ensuing election for delegates and
15 alternates to the national convention of such party.

16 The petition shall be prepared and filed in the form and manner
17 herein required for the indorsement of candidates to be voted for at
18 the primary election for the general election, except that the
19 candidate shall not be permitted to have a designation or slogan
20 following his name, and that it shall not be necessary to have the
21 consent of such candidate for President indorsed on the petition.

22 (cf: P.L.2005, c.136, s.37)
23

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

26 2. The **【Attorney General】** Secretary of State shall certify the
27 names so indorsed to the county clerk of each county not later than
28 the 48th day before such **【presidential】** primary election, but if any
29 person so indorsed shall on or before such date decline in writing,
30 filed in the office of the **【Attorney General】** Secretary of State, to
31 have his name printed upon the **【presidential】** primary election
32 ballot as a candidate for President, the **【Attorney General】**
33 Secretary of State shall not so certify such name.

34 (cf: P.L.2005, c.136, s.38)
35

36 37. R.S.19:26-1 is amended to read as follows:

37 19:26-1. At the close of all primary elections held according to
38 the provisions of this title, and after counting the ballots cast at such
39 primary and making the statements thereof as herein provided, each
40 district board shall place all ballots voted at the election and all
41 spoiled and unused ballots inside the ballot boxes used at such
42 election, and after locking and sealing the same, shall forthwith
43 deliver the ballot boxes to the municipal clerk and the keys thereof
44 to the county clerk. The signature copy register binders and the
45 current primary party poll books used at **【any】** the primary election
46 shall be returned by the district boards to the commissioner, not

1 later than noon of the day following the **【preceding】** primary
2 election for the general election.

3 The commissioner shall return the primary party poll books used
4 at **【any】** the primary election to the municipal clerks not later than
5 one month preceding the next primary election.

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

10 The county clerks in counties of the first class shall deliver the
11 register of voters to the municipal clerks, who shall deliver such
12 register to the district boards at the same time and with the official
13 general election sample ballots.

14 (cf: P.L.2005, c.136, s.39)

15

16 38. R.S.19:27-11 is amended to read as follows:

17 19:27-11. In the event of any vacancy in any county or
18 municipal office, except for the office of a member of the board of
19 chosen freeholders, which vacancy shall occur after the 11th day
20 preceding the last day for filing petitions for nominations for the
21 primary election for the general election and on or before the 51st
22 day preceding the general election, each political party may select a
23 candidate for the office in question in the manner prescribed in
24 R.S.19:13-20 for selecting candidates to fill vacancies among
25 candidates nominated at primary elections **【to】** for the general
26 elections. A statement of such selection shall be filed with the
27 county clerk not later than the close of business of the 48th day
28 preceding the date of the general election.

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

34 When the vacancy occurs in a county office the county clerk
35 shall forthwith give notice thereof to the chairman of the county
36 committee of each political party and in counties of the first class to
37 the county board, and in case the vacancy occurs in a municipal
38 office the municipal clerk shall forthwith give notice thereof to the
39 county clerk, the chairman of the county committee of each political
40 party and in counties of the first class the county board.

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

46 (cf: P.L.2005, c.136, s.40)

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

3 7. When any vacancy happens in the Legislature otherwise than
4 by expiration of term, it shall be filled by election for the unexpired
5 term only at the next general election occurring not less than 51
6 days after the occurrence of the vacancy, except that no such
7 vacancy shall be filled at the general election which immediately
8 precedes the expiration of the term in which the vacancy occurs. In
9 the event a vacancy eligible to be filled by election hereunder
10 occurs on or before the sixth day preceding the last day for filing
11 petitions for nomination for the primary election, such petitions
12 may be prepared and filed for nomination in that primary election in
13 the manner provided by article 3 of chapter 23 of this Title. In the
14 event the vacancy occurs after that sixth day preceding the last day
15 for filing petitions for nomination for the primary election for the
16 general election, a political party may select a candidate for the
17 office in question in the manner prescribed in subsections a. and b.
18 of R.S.19:13-20 for selecting candidates to fill vacancies among
19 candidates nominated at primary elections for the general elections.
20 A statement of such selection under R.S.19:13-20 shall be filed with
21 the **【Attorney General】** Secretary of State not later than the 48th
22 day preceding the date of the general election.

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

34 When the vacancy occurs in the Senate or General Assembly, the
35 county clerk of each county which is comprised in whole or part in
36 the Senate or General Assembly district shall forthwith give notice
37 thereof to the chairman of the county committee of each political
38 party and in counties of the first class to the county board.

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

44 (cf: P.L.2005, c.136, s.41)

45

46 40. R.S.19:29-3 is amended to read as follows:

1 19:29-3. The petition contesting any nomination to public office,
2 election to party office or position [, election as a delegate or
3 alternate in a presidential primary] or the proposal of any
4 proposition shall be filed not later than 10 days after the primary
5 election.

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

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

15 (cf: P.L.2005, c.136, s.42)

16

17 41. R.S.19:31-16 is amended to read as follows:

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

41 b. The State registrar of vital statistics shall file with the
42 commissioner of registration of each county no later than [January
43 2 of each presidential year and no later than] May 1 of [every
44 other] each year an alphabetized list of the name, address, and date
45 of birth, if available, of each resident of the county 18 years of age
46 or older who died during the previous year. Within 30 days after
47 the receipt of the list the commissioner shall undertake and

1 complete such investigation as is necessary to establish that each
2 person on the list is not registered as a voter in the county. The
3 commissioner shall cause the registration and record of voting
4 forms of any deceased registrant found on the list to be transferred
5 to the death file as soon as possible.

6 (cf: P.L.2007, c.61, s.14)

7

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

9 19:31-20. On or before the eighth day preceding the [presidential
10 primary election, the] primary election for the general election and
11 the general election, respectively, the commissioner in counties not
12 having a superintendent of elections, shall deliver to the municipal
13 clerk in each municipality the signature copy registers for each
14 election district in such municipality and shall take a receipt for
15 same. The municipal clerk shall thereupon deliver at his office, or
16 in any other way he sees fit, such registers to a member or members
17 of the proper district boards at the same time and together with the
18 primary for the general election sample ballots or the general
19 election sample ballots, as the case may be. The registers shall be
20 used by the district boards on election days and for the purpose of
21 mailing the sample ballots. The commissioner in counties having a
22 superintendent of elections shall deliver such registers at his office,
23 or in any other way he may see fit, to the various district boards,
24 taking a receipt for same.

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

30 (cf: P.L.2005, c.139, s.18)

31

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

33 19:31-21. A person whose name appears in the signature copy
34 register and who upon applying for a ballot or voting authority shall
35 have given the information and signed the signature comparison
36 record as provided in this Title and whose signature in the signature
37 comparison record shall have been compared by a member of the
38 district board and in the presence and view of the challengers with
39 the signature of the applicant as recorded in the register shall be
40 eligible to receive a ballot or voting authority unless it be shown to
41 the satisfaction of a majority of the members of the district board
42 that he is not entitled to vote in the district or has otherwise become
43 disqualified.

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

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

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

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

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

40 (cf: P.L.2005, c.136, s.45)

41

42 44. R.S.19:31-22 is amended to read as follows:

43 19:31-22. Not later than noon of the day following the canvass
44 of the votes cast at the [presidential primary election, the] primary
45 election for the general election or the general election, the
46 signature copy registers shall be returned by each district board to

1 the commissioner at his office or in any other way as the
2 commissioner may see fit.

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

14 (cf: P.L.2005, c.136, s.46)

15

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

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

42 (cf: P.L.2005, c.136, s.47)

43

44 46. R.S.19:45-6 is amended to read as follows:

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

1 In all counties, for all services rendered including the counting of
2 the votes, and in counties wherein voting machines are used, the
3 tabulation of the votes registered on the voting machines, and the
4 delivery of the returns, registry binders, ballot boxes and keys for
5 the voting machines to the proper election officials, \$200 each time
6 **[any]** the primary election, the general election or any special
7 election is held under this Title; provided, however, that:

8 a. (1) The member of the board charged with the duty of
9 obtaining and signing for the signature copy registers shall receive
10 an additional \$12.50 per election, such remuneration being limited
11 to only one board member per election, or \$6.25 to each of two
12 board members if they share such responsibility for the signature
13 copy registers, and (2) the member of the board charged with the
14 duty of returning the signature copy registers shall receive an
15 additional \$12.50 per election, such remuneration being limited to
16 only one board member per election, or \$6.25 to each of two board
17 members if they share such responsibility for the signature copy
18 registers;

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

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

29 d. Compensation for district board members serving at a school
30 election shall be paid by the board of education of the school
31 district conducting the election at an hourly rate of \$5.77, except
32 that the board of education may compensate such district board
33 members at a pro-rated hourly rate consistent with the daily rate up
34 to a maximum of \$14.29. The provisions of subsections a., b., and
35 c. of this section shall also apply to district board members serving
36 at a school election, except that in the case of subsection b., the
37 compensation shall be at an hourly rate of \$3.85.

38 Compensation due each member shall be paid within 30 days but
39 not within 20 days after each election; provided, however, that no
40 compensation shall be paid to any member of any such district
41 board who may have been removed from office or application for
42 the removal of whom is pending under the provisions of R.S.19:6-4.
43 (cf: P.L.2005, c.136, s.48)

44
45 47. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to
46 read as follows:

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

5	City of		City of	
6	Ward	District	Ward	District
7	Election Held		Election Held	
8 day of..... 20...	 day of..... 20....	
9	Voting Authority		Voting Authority	
10	No.....		No.....	
11	
12	Signature of Voter.		

13 This certificate must be handed
14 to the election officer in charge
15 of the voting machines in order to
16 vote.

17

18 County Board of Elections
19 Clerk.

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

34 At any [presidential primary election or] primary election for
35 the general election, each voting authority shall be marked to
36 indicate the party primary in which the voter signing the same voted
37 and the used voting authorities shall be strung in such a manner so
38 that those used in one party primary shall remain separate from
39 those used in the other party primary.
40 (cf: P.L.2005, c.136, s.49)

41
42 48. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to
43 read as follows:

44 7. a. (1) The county clerk or the municipal clerk, in the case of
45 a municipal election, shall arrange for the preparation of a
46 provisional ballot packet for each election district. It shall include
47 the appropriate number of provisional ballots, the appropriate

1 number of envelopes with an affirmation statement, the appropriate
2 number of written notices to be distributed to voters who vote by
3 provisional ballot and one provisional ballot inventory form affixed
4 to the provisional ballot bag. The clerk shall arrange for the
5 preparation of and placement in each provisional ballot bag of a
6 provisional ballot packet and an envelope containing a numbered
7 seal. The envelope shall contain, on its face, the instructions for the
8 use of the seal, the number and the election district location of the
9 provisional ballot bag, and the identification numbers of the seal
10 placed in the envelope. Each provisional ballot bag shall be sealed
11 with a numbered security seal before being forwarded to the
12 appropriate election district.

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

16 b. The county clerk or the municipal clerk, in the case of a
17 municipal election, shall arrange for the preparation of the
18 envelope, affirmation statement, and written notice that is to
19 accompany each provisional ballot. The envelope shall be of
20 sufficient size to accommodate the provisional ballot, and the
21 affirmation statement shall be affixed thereto in a manner that
22 enables it to be detached once completed and verified by the county
23 commissioner of registration. The statement shall require the voter
24 to provide the voter's name, and to indicate whether the voter is
25 registered to vote in a county but has moved within that county
26 since registering to vote; or is registered to vote in the election
27 district in which that polling place is located but the voter's
28 registration information is missing or otherwise deficient. The
29 statement shall further require the voter to provide the voter's most
30 recent prior voter registration address and address on the day of the
31 election and date of birth. The statement shall include the
32 statement: "I swear or affirm, that the foregoing statements made by
33 me are true and correct and that I understand that any fraudulent
34 voting may subject me to a fine of up to \$15,000, imprisonment up
35 to five years or both, pursuant to R.S.19:34-11." It shall be
36 followed immediately by spaces for the voter's signature and printed
37 name, and in the case of a name change, the voter's printed old and
38 new name and a signature for each name, the date the statement was
39 completed, political party affiliation, if used in a primary election,
40 and the name of the person providing assistance to the voter, if
41 applicable. Each statement shall also note the number of the
42 election district, or ward, and name of the municipality at which the
43 statement will be used. The **【Attorney General】** Secretary of State
44 shall prepare for inclusion in the affirmation statement language for
45 the voter to submit the information required in the registration form
46 described in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to
47 enable the county commissioner of registration to process the

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

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

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

45 d. For the general election the provisional ballots shall be
46 printed in ink. The provisional ballots shall be uniform in size,
47 quality and type and of a thickness that the printing thereon cannot

1 be distinguished from the back of the paper, and without any mark,
2 device or figure on the front or back other than as provided in this
3 act. Each such ballot shall include near the top thereof and in large
4 type the designation PROVISIONAL BALLOT. In all other
5 respects, the provisional ballots shall conform generally to the other
6 ballots to be used in the election district for the general election.

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

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

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

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

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

46 The clerk of the county or municipality shall arrange for the
47 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
5 necessary.】

6 (cf: P.L.2005, c.154, s.56)

7

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

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

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

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

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

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

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

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

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

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

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

43 "Military service voter" means a qualified elector under the
44 Constitution and the laws of this State who comes within one of the
45 following categories:

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

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

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

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

9 "Member of the maritime or merchant marine service" means any
10 person employed as an officer or crew member of a vessel
11 documented under the laws of the United States, or a vessel owned
12 by the United States, or a vessel of foreign-flag registry under
13 charter to or control of the United States or enrolled with the United
14 States for employment or training for employment, or maintained
15 by the United States for emergency relief service as an officer or
16 crew member of any such vessel or any such person as otherwise
17 defined in section 107 of Pub.L.99-410, the "Uniformed and
18 Overseas Citizens Absentee Voting Act," (42 U.S.C. s. 1973ff-6).
19 (cf: P.L.2005, c.138, s.1)
20

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

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

36 NOTICE TO MILITARY SERVICE VOTERS AND
37 TO THEIR RELATIVES AND FRIENDS

38 If you are in the military service, or the spouse or dependent of a
39 person in military service or are a patient in a veterans' hospital or a
40 civilian attached to or serving with the Armed Forces of the United
41 States, or the spouse or dependent of and accompanying or residing
42 with a civilian attached to or serving with the Armed Forces of the
43 United States, and desire to vote, or if you are a relative or friend of
44 any such person who, you believe, will desire to vote in
45 the..... (school, municipal, primary,
46 **【presidential primary,】** general or other) election to be held
47 on..... (date of election) kindly write to the undersigned

1 at once making application for a military service ballot to be voted
2 in said election to be forwarded to you, stating your name, age,
3 serial number if you are in military service, home address and the
4 address at which you are stationed or can be found, or if you desire
5 the military service ballot for a relative or friend then make
6 application under oath for a military service ballot to be forwarded
7 to him, stating in your application that he is over the age of 18 years
8 and stating his name, serial number if he is in military service,
9 home address and the address at which he is stationed or can be
10 found.

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

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

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

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

27 (signature and title of Director of Division of Elections)
28
29 (address of Division of Elections)

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

42 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
43 BALLOTS

44 If you are a qualified and registered voter of the State who wants
45 to vote by absentee ballot in the..... (school, municipal,
46 primary, [presidential primary,] general, or other) election to be
47 held on..... (date of election) kindly complete the application

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

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

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

34 Dated.....

35 (signature and title of county clerk)

36

37 (address of county clerk)

38

39 (Telephone No. of county clerk)

40 APPLICATION FORM FOR CIVILIAN

41 ABSENTEE BALLOT

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

44 c. The absentee ballot materials shall contain a notice that any
 45 person voting by absentee ballot who registers by mail after January
 46 1, 2003, who did not provide personal identification information
 47 when registering and is voting for the first time in his or her current

S71 DOHERTY

1 county of residence following registration shall include the required
2 identification information with the absentee ballot, and that failure
3 to include such information shall result in the rejection of the ballot.

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

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

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

17

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

20 8. Each county clerk shall cause to be printed sufficient
21 military service ballots and civilian absentee ballots for each
22 **【presidential primary election,】** primary election for the general
23 election, and for the general election, and there shall be furnished to
24 the said county clerk of the county, as expeditiously as possible
25 before the day fixed for holding any other election within the
26 county, by the officer whose duty it shall be to provide the official
27 ballots for such election, sufficient military service ballots and
28 civilian absentee ballots. Along with all such ballots for all
29 elections there shall also be furnished by such county clerk or other
30 official, inner and outer envelopes and printed directions for the
31 preparation and transmitting of such ballots, for use in such election
32 within the county and all expenses of mailing such ballots shall be
33 paid in the same manner as other expenses of said election are paid.

34 The absentee ballots shall be printed on paper different in color
35 from that used for **【any】** the primary or general election ballot, but
36 in all other respects, shall be as nearly as possible facsimiles of the
37 election ballot to be voted at such election, as prescribed by the
38 county clerk and in conformity with the provisions of this act.

39 (P.L.2005, c.136, s.53)

40

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

43 15. Each absentee ballot to be used at any **【presidential primary**
44 **election or】** primary election for the general election **【,** as the case
45 **may be,】** to be held while this act is in effect shall, except as
46 otherwise provided, conform to the ballot to be used at said election
47 in the absentee voter's election district and to the form herein

1 prescribed for absentee ballots to be used in such general elections
2 except that it shall be so prepared that the absentee voter may
3 indicate thereon his choice of the candidates of one political party
4 for each of the officers to be voted upon at said election by the
5 voters of said election district and shall be separated into party
6 ballots, which shall all be printed upon one sheet where the voting
7 system so allows.

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

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

17 In the case where the county clerk has ascertained through
18 investigating the absentee voter's registration record that such
19 applicant is requesting a ballot to vote in the first primary for
20 which he is eligible after registration, the county clerk shall
21 indicate upon the primary ballot that the voter can vote in any one
22 of the party primaries.

23 (cf: P.L.2005, c.136, s.54)

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

27 19. Upon the margin of the flap on the inner envelope forwarded
28 with any military absentee ballot intended to be voted in any
29 [presidential primary election or any] primary election for the
30 general election [, as the case may be,] there shall be printed a
31 certificate in the following form: CERTIFICATE OF MILITARY
32 ABSENTEE VOTER

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

36
37, DO HEREBY CERTIFY,
38 address or R.D. number) (municipality)

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

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

46 (SIGNATURE of voter)

S71 DOHERTY

1 Any person providing assistance shall complete the following:

2

3 I do hereby certify that I am the person who provided assistance
4 to this voter and declare that I will maintain the secrecy of this
5 ballot.

6

.....

7

(SIGNATURE of person
providing assistance)

8

9

10

.....

11

(PRINTED name of person
providing assistance)

12

13

14

15

.....

16

.....

17

(address of person providing
assistance)

18

19

20 Upon the margin of the flap on the inner envelope forwarded
21 with any civilian absentee ballot intended to be voted in any
22 [presidential primary election or] primary election for the general
23 election [, as the case may be,] there shall be printed a certificate in
24 the following form:

25

CERTIFICATE OF CIVILIAN ABSENTEE VOTER

26

27

I,....., whose home address is.....

28

(PRINT your name clearly) (street

29

30

....., DO HEREBY CERTIFY,

31

address or R.D. number) (municipality) subject to the penalties
32 for fraudulent voting, that I marked this ballot for the primary
33 election of the (name of party) political party.

34

35

I am the person who applied for the enclosed ballot. I MARKED
AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET.

36

37

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

38

member may also assist you in doing so.
.....

39

(SIGNATURE of voter)

40

S71 DOHERTY

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

5
6 (SIGNATURE of person providing
7 assistance)

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

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

17 (cf: P.L.2005, c.136, s.55)

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

21 23. Any absentee voter shall be entitled to mark any absentee
22 ballot, so forwarded to him, for voting at any election by indicating
23 his choice of candidates for the offices named, and as to public
24 questions, if any, stated thereon, in accordance with the election
25 laws of this State, except that in such ballots to be voted in any
26 **【presidential primary election or】** primary election for the general
27 election **【, as the case may be,】** his choice shall be limited to the
28 candidates of his political party or to any person or persons whose
29 names are written thereon by him. When so marked, such ballot
30 shall be placed in said inner envelope, which shall then be sealed,
31 and the voter shall then fill in the form of certificate attached to said
32 inner envelope, at the end of which he shall sign and print his name
33 in his own handwriting. The inner envelope with the certificate
34 shall then be placed in said outer envelope, which shall then be
35 sealed. No person who is a candidate in the election for which the
36 voter requests an absentee ballot shall be permitted to provide any
37 assistance in the completion of the ballot.

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

43 An absentee voter shall be entitled to assistance from a family
44 member in performing any of the actions above. An incapacitated
45 absentee voter shall also be entitled to assistance from a person
46 other than a family member in performing any of such actions. The
47 family member or other person providing such assistance shall

1 certify that he did assist the voter and will maintain the secrecy of
2 the vote by both printing and signing his name in the space
3 provided on the certificate. In no event may a candidate for
4 election provide such assistance, nor may any person, at the time of
5 providing such assistance, campaign or electioneer on behalf of any
6 candidate.

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

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

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

26 (cf: P.L.2005, c.138, s.8)

27

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

30 24. The county board of elections shall, promptly after receiving
31 each civilian absentee ballot, remove the inner envelope, containing
32 the ballot, from the outer envelope and shall compare the signature
33 and the information contained on the flap of the inner envelope with
34 the signature and information contained in the respective requests
35 for civilian absentee ballots. In addition, as to civilian absentee
36 ballots issued less than 7 days prior to an election, the county board
37 of elections shall also check to establish that the absentee voter did
38 not vote in person. The county board shall reject any such ballot
39 unless the board is satisfied as a result of such comparison or by
40 reference to the Statewide voter registration system that the voter is
41 legally entitled to vote and that the ballot conforms with the
42 requirements of this act.

43 The county board of elections shall, promptly after receiving
44 each military service ballot, remove the inner envelope, containing
45 the ballot, from the outer envelope and ascertain through the
46 commissioner of registration whether or not the name of the person,
47 whose name appears following the certificate on the flap of said

1 inner envelope, has been certified by the county clerk to the
2 commissioner of registration of the county as a person to whom a
3 military service ballot, to be voted at the election at which it is
4 intended to be voted, has been forwarded pursuant to this act.

5 The county board shall investigate the qualifications of a military
6 service voter under this act by comparison of the contents of said
7 certificate with the information appearing upon the application for
8 said military service ballot, including the signatures thereon when
9 the military service voter's signature appears upon said application,
10 and by comparison with the military records of the State when
11 deemed desirable.

12 In the case of a military service or civilian absentee ballot to be
13 voted at a [presidential primary election or a] primary election for
14 the general election, whether or not the military service or civilian
15 absentee voter has indicated in said certificate his intention to vote
16 it in [a] the primary election of any political party in which he is
17 not entitled to vote in according to the Statewide voter registration
18 system, and if it shall appear from said record that he is not entitled
19 to vote said ballot in [any] the primary election of the political
20 party which has been so indicated, such ballots shall be rejected.

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

25 Disputes as to the qualifications of military service or civilian
26 absentee voters to vote or as to whether or not or how any such
27 military or civilian absentee ballot shall be counted in such election
28 shall be referred to the Superior Court for determination.

29 After such investigation the county board of elections shall
30 detach or separate the certificate from the inner envelope containing
31 the military service or civilian absentee ballot, unless it has been
32 rejected by it or by the Superior Court, marking the envelope so as
33 to identify the election district in which the ballot contained therein
34 is to be voted as indicated by the absentee voter's home address
35 appearing on the certificate attached to or accompanying said inner
36 envelope and, in the case of ballots to be voted at a primary election
37 for a general election, so as to identify the political party in the
38 primary election of which it is to be voted.

39 (cf: P.L.2005, c.145, s.23)

40

41 56. Section 31 of P.L.1953, c.211 (C.19:57-31) is amended to
42 read as follows:

43 31. On the day of each election each county board of elections
44 shall open in the presence of the commissioner of registration or his
45 assistant or assistants the inner envelopes in which the absentee
46 ballots, returned to it, to be voted in such election, are contained,
47 except those containing the ballots which the board or the Superior

1 Court has rejected, and shall remove from said inner envelopes the
2 absentee ballots and shall then proceed to count and canvass the
3 votes cast on such absentee ballots, but no absentee ballot shall be
4 counted in any [presidential primary election or] primary election
5 for the general election if the ballot of the political party marked for
6 voting thereon differs from the designation of the political party in
7 the primary election of which such ballot is intended to be voted as
8 marked on said envelope by the county board of elections.
9 Immediately after the canvass is completed, the respective county
10 boards of election shall certify the result of such canvass to the
11 county clerk or the municipal or district clerk or other appropriate
12 officer as the case may be showing the result of the canvass by
13 municipality and ward, and the votes so counted and canvassed
14 shall be counted in determining the result of said election.

15 The county board of elections shall, immediately after the
16 canvass is completed for any primary election, certify the results of
17 the votes cast for members of the county committees to the
18 respective municipal clerks, which votes shall be counted in
19 determining the result of said election.

20 (cf: P.L.2005, c.136, s.58)

21

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

24 32. As soon as practicable after such election, the commissioner
25 of registration shall cause to be marked in the Statewide voter
26 registration system and all duplicate voting records which have not
27 been marked with a red "A" or "M" in accordance with this act, to
28 show that an absentee ballot was delivered or forwarded to the
29 respective registered voters. For each civilian absentee ballot, and
30 for each military absentee ballot cast by a military service voter
31 who is required under section 3 of this act to be registered in the
32 municipality where he intends to cast such absentee ballot, that has
33 been voted, received and counted, the commissioner of registration
34 shall also, by reference to the certificates removed from the inner
35 envelopes of such ballots, cause to be noted the word "Voted" in the
36 space provided in the Statewide voter registration system and
37 duplicate voting record for recording the ballot number of the
38 voter's ballot in such election, and in the case of a [presidential
39 primary election or the] primary election for the general election he
40 shall also cause to be noted in the proper space of the Statewide
41 voter registration system or other record of voting form the first
42 three letters of the name of the political party primary in which such
43 ballot was voted. The record contained in the Statewide voter
44 registration system and of voting forms in the original permanent
45 registration binders shall be conformed to the foregoing entries in
46 the duplicate forms.

47 (cf: P.L.2005, c.145, s.24)

S71 DOHERTY

50

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

3 2. a. The board of education of a type II district may call a
4 special election of the legal voters of the district on only the fourth
5 Tuesday in January [other than in a year when a presidential
6 primary election occurs, in which case no such election on that date
7 may be called], the second Tuesday in March, the last Tuesday in
8 September, or the second Tuesday in December when in its
9 judgment the interests of the schools require such an election. The
10 board of education shall give the municipal clerk or clerks, as the
11 case may be, and the county board of elections no less than 60 days'
12 notice, in writing, of its intention to hold a special election.

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

16 (cf: P.L.2007, c.61, s.15)

17

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

20 8. Within 2 weeks immediately following the filing of the
21 certified report by the ward commissioners, the municipal clerk
22 shall cause to be published at least once in at least one newspaper
23 generally circulating in the municipality a notice of the ward
24 boundaries as fixed and determined in the report.

25 Upon completion of the publication, the former wards, if any,
26 shall be superseded, and thereafter all officers elected or appointed
27 in the municipality for or representing the wards thereof shall be
28 elected from, or appointed for, the wards fixed and determined by
29 the ward commissioners; except that, in municipalities wherein
30 municipal officers are elected at the general election held on the
31 first Tuesday after the first Monday in November, if the publication
32 shall be completed in a year in which municipal officers are elected
33 during the period between the date [165] 75 days before the
34 primary election for the general election and the date of the general
35 election, the wards so fixed and determined shall take effect on the
36 day following the holding of that general election; and, in
37 municipalities wherein municipal officers are elected at a regular
38 municipal election held on the second Tuesday in May, if the
39 publication shall be completed in a year in which municipal officers
40 are elected during the period between the date 75 days before the
41 regular municipal election and the date of the election, the wards so
42 fixed and determined shall take effect on the day following the
43 holding of that regular municipal election.

44 (cf: P.L.2005, c.136, s.63)

45

46 60. This act shall take effect immediately.

1
2
3
4
5
6
7
8
9

STATEMENT

This bill eliminates the separate presidential primary election held in February of presidential election years. It provides, instead, that delegates and alternates to national conventions of political parties will be elected at the regular June primary election, which was the practice prior to the enactment of P.L.2005, c.136. This change would save the State between \$8 million and \$10 million every four years.