

ASSEMBLY, No. 242

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

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District 11 (Monmouth)

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SYNOPSIS

Clarifies that persons unable to write because of disability may execute legal signatures using fingerprint or other identifying mark.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

1 **AN ACT** concerning legal signatures, amending R.S.1:1-2, and
2 supplementing Title 19 of the Revised Statutes.

3

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

6

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

8 1:1-2 Unless it be otherwise expressly provided or there is
9 something in the subject or context repugnant to such construction,
10 the following words and phrases, when used in any statute and in
11 the Revised Statutes, shall have the meaning herein given to them.

12 Affirmation; affirmed. See "Oath; sworn," *infra*, this section.

13 Assessor. The word "assessor," when used in relation to the
14 assessment of taxes or water rents or other public assessments,
15 includes all officers, boards or commissions charged with the duty
16 of making such assessments, unless a particular officer, board or
17 commission is specified.

18 Census. When used with reference to the population of this
19 State, or of any subdivision thereof, the word "census" means the
20 latest Federal census effective within this State.

21 Collector. The word "collector," when used in relation to the
22 collection of taxes or water rents or other public assessments,
23 includes all officers charged with the duty of collecting such taxes,
24 water rents or assessments, unless a particular officer is specified.

25 Folio; sheet. A sheet or folio shall consist of 100 words, and in
26 all cases where an entry of any writing or copy is to be paid for, the
27 sheet or folio shall consist of 100 words.

28 Gender. See "Number; gender," *infra*, this section.

29 General election. The words "general election" shall be taken to
30 mean the annual election to be held on the first Tuesday after the
31 first Monday in November and in any statute in which it is provided
32 that any public officer shall be elected, or any public question shall
33 be voted upon, at an election at which members of the General
34 Assembly are to be voted for or elected, or words to that effect,
35 shall be taken to mean, and shall be construed to be the equivalent
36 of a provision, that said public officers shall be elected, or that said
37 public question shall be voted upon, "at a general election."

38 He. "Number; gender," *infra*, this section.

39 Inhabitants. See "Population; inhabitants," *infra*, this section.

40 It. See "Number; gender," *infra*, this section.

41 Magistrate. The word "magistrate" includes any judge,
42 municipal magistrate or officer or other person having the powers
43 of a committing magistrate.

44 Masculine. See "Number; gender," *infra*, this section.

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

Matter underlined thus is new matter.

1 Month; year. The word "month" means a calendar month, and
2 the word "year" means a calendar year.

3 Municipality: municipal corporation. The words "municipality"
4 and "municipal corporation" include cities, towns, townships,
5 villages and boroughs, and any municipality governed by a board of
6 commissioners or an improvement commission.

7 Neuter. See "Number; gender," *infra*, this section.

8 Number; gender. Whenever, in describing or referring to any
9 person, party, matter or thing, any word importing the singular
10 number or masculine gender is used, the same shall be understood
11 to include and to apply to several persons or parties as well as to 1
12 person or party and to females as well as males, and to bodies
13 corporate as well as individuals, and to several matters and things as
14 well as 1 matter or thing.

15 Oath; sworn. The word "oath" includes "affirmation"; and the
16 word "sworn" includes "affirmed."

17 Other property. See "Property; other property," *infra*, this
18 section.

19 Person. The word "person" includes corporations, companies,
20 associations, societies, firms, partnerships and joint stock
21 companies as well as individuals, unless restricted by the context to
22 an individual as distinguished from a corporate entity or specifically
23 restricted to 1 or some of the above enumerated synonyms and,
24 when used to designate the owner of property which may be the
25 subject of an offense, includes this State, the United States, any
26 other State of the United States as defined *infra* and any foreign
27 country or government lawfully owning or possessing property
28 within this State.

29 Personal property. "Personal property" includes goods and
30 chattels, rights and credits, moneys and effects, evidences of debt,
31 choses in action and all written instruments by which any right to,
32 interest in, or lien or encumbrance upon, property or any debt or
33 financial obligation is created, acknowledged, evidenced,
34 transferred, discharged or defeated, in whole or in part, and
35 everything except real property as herein defined which may be the
36 subject of ownership.

37 Plural. See "Number; gender," *supra*, this section.

38 Population; inhabitants. The word "population," when used in
39 any statute, shall be taken to mean the population as shown by the
40 latest Federal census effective within this State, and shall be
41 construed as synonymous with "inhabitants."

42 Property; other property. The words "property" and "other
43 property," unless restricted or limited by the context to either real or
44 personal property, includes both real and personal property.

45 Real estate; real property. The words "real estate" and "real
46 property," include lands, tenements and hereditaments and all rights
47 thereto and interests therein.

1 Registered mail. The words "registered mail" include "certified
2 mail."

3 Revised Statutes. The words "Revised Statutes" mean the
4 Revised Statutes of 1937, unless some other revision is expressly
5 indicated or referred to.

6 Revision law. The words "Revision law" means any statute
7 which is expressed in its title or body to be a revision of any part of
8 the statutory law.

9 She. See "Number; gender," supra, this section.

10 Sheet. See "Folio," supra, this section.

11 Ship. The word "Ship" includes vessels, steamers, canal boats
12 and every boat or structure adapted to navigation or movement from
13 place to place, upon the ocean, lakes, rivers or artificial waterways,
14 either by its own power or otherwise.

15 Signature. The word "Signature" means the proper handwriting
16 of the person, except that if the person is unable to write because of
17 a disability, the person may provide an identifying mark or a clear
18 and classifiable fingerprint made electronically or with ink or
19 another substance. Nothing in this paragraph shall be construed to
20 permit the use of an identifying mark or fingerprint in lieu of a
21 handwritten signature if expressly prohibited by law, and nothing in
22 this paragraph shall be construed to require any person to provide a
23 fingerprint for signature purposes.

24 Singular. See "Number; gender," supra, this section.

25 State. The word "State" extends to and includes any State,
26 territory or possession of the United States, the District of Columbia
27 and the Canal Zone.

28 Sworn. See "Oath; sworn," supra, this section.

29 Taxing district. The words "taxing district," when used in a law
30 relating to the assessment or collection of taxes, assessments or
31 water rates or water rents, include every political division of the
32 State, less than a county, whose inhabitants, governing body or
33 officers have the power to levy taxes, assessments or rates.

34 Territory. The word "territory" extends to and includes any
35 territory or possession of the United States, the District of Columbia
36 and the Canal Zone.

37 United States. The words "United States" extend to and include
38 every State, territory and possession of the United States, the
39 District of Columbia and the Canal Zone.

40 Year. See "Month; year," supra, this section.

41 (cf: P.L.1960, c.187, s.1)

42

43 2. (New section) Whenever a registrant is required to provide
44 a signature for the purposes of this Title and the registrant is unable
45 to write because of a disability, the registrant may provide an
46 identifying mark or a clear and classifiable fingerprint in such form
47 as may be authorized by the Division of Elections in the
48 Department of State. Nothing in this section shall be construed to

1 require any registrant to provide a fingerprint for signature
2 purposes. If a registrant who is unable to write declines to provide
3 a fingerprint or other identifying mark for the purposes of verifying
4 the person's identity for the purposes of this Title, the person's
5 identity shall be verified as otherwise provided by law.

6
7 3. Each department, division, and agency in the State shall
8 make available to the public, on its Internet website, information
9 concerning the provisions of this act.

10
11 4. This act shall take effect immediately.

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14 STATEMENT

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16 This bill clarifies that, in situations where a person is unable to
17 write because of a disability, the person will be permitted to execute
18 a legal signature using an identifying mark or a fingerprint. The bill
19 specifies that the ability to execute a legal signature using a
20 fingerprint or identifying mark is permitted unless expressly
21 prohibited by law. Nothing in the bill is to be construed to require
22 any person to provide a fingerprint against the person's will.

23 The bill additionally includes an express provision permitting the
24 use of an identifying mark or fingerprint in lieu of a written
25 signature for voting purposes. If a person who is unable to write
26 declines to use an identifying mark or fingerprint signature for
27 voting, the person's identity may be verified as otherwise provided
28 by law.

29 The bill will require each department, division, and agency in the
30 State to make available to the public, on its Internet website,
31 information concerning the provisions of the bill.