

# ASSEMBLY, No. 5401

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

**Sponsored by:**

**Assemblyman GERARD SCHARFENBERGER**  
**District 13 (Monmouth)**

**Co-Sponsored by:**

**Assemblymen DiMaio and Peterson**

**SYNOPSIS**

Requires all elections in this State to provide ability of voters to vote in person at polling place.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/25/2021)**

A5401 SCHARFENBERGER

1 AN ACT concerning the ability of voters to vote in person at a  
2 designated polling place at any election in this State and  
3 supplementing chapter 1 of Title 19 of the Revised Statutes.

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

7  
8 1. a. All elections conducted in this State shall preserve the  
9 ability of voters to vote in person at the voter's designated polling  
10 place as provided under Title 19 of the Revised Statutes. No  
11 municipal, county, or State election or other official shall institute  
12 any policies or procedures to circumvent the requirement to provide  
13 for voting in person. Notwithstanding the provisions of any law,  
14 rule, regulation, or order to the contrary, the Governor of this State  
15 shall not have the power to restrict the ability of voters to vote in  
16 person without the approval of the majority vote of the Legislature.

17 b. Nothing herein provided shall be interpreted to prevent  
18 voters who wish to vote by mail to apply for a mail-in ballot and  
19 cast that ballot under the provisions of "The Vote By Mail Law,"  
20 P.L.2009, c.79 (C.19:63-1 et seq.), or to prevent a municipality with  
21 a population of 500 or fewer persons, according to the latest federal  
22 decennial census, to conduct all elections by mail by an affirmative  
23 vote to do so by the governing body of the municipality and by the  
24 governing body of the county in which the municipality is located,  
25 pursuant to the provisions of P.L.2005, c.148 (C.19:62-1 et seq.).

26  
27 2. This act shall take effect immediately.

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30 STATEMENT

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32 This bill requires all elections in this State to provide voters the  
33 ability to vote in person. Under the bill, all elections conducted in  
34 this State would be required to preserve the ability of voters to vote  
35 in person at the voter's designated polling place. The bill prohibits  
36 any municipal, county, or State election or other official to institute  
37 any policies or procedures to circumvent the requirement to provide  
38 for voting in person. The bill also prohibits the Governor from  
39 restricting the ability of voters to vote in person without the  
40 approval of the majority vote of the Legislature. The provisions of  
41 the bill would not affect the ability of voters to vote by mail as  
42 provided by law, or the ability of certain small municipalities to  
43 institute elections by mail upon the approval of municipal and  
44 county governing bodies.