ASSEMBLY CONCURRENT RESOLUTION No. 197

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 9, 2020

Sponsored by:
Assemblyman SEAN T. KEAN
District 30 (Monmouth and Ocean)
Assemblyman EDWARD H. THOMSON
District 30 (Monmouth and Ocean)
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:
Assemblymen McGuckin, Catalano, Space, Wirths and DePhillips

SYNOPSIS

Proposes constitutional amendment to provide registered voters with right to cast ballot in person at polling place on election day; requires mail-in ballot request before voter receives mail-in ballot.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 11/30/2020)

A CONCURRENT RESOLUTION proposing to amend Article II, Section I of the New Jersey Constitution by adding new paragraphs.

BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring):*

1. The following proposed amendment to the Constitution of the State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

a. Amend Article II, Section I, by adding new paragraphs 8 and 9 to read as follows:

8. A person who is a registered voter qualified to vote in this State shall have the right, on the day of any election in this State, to cast a ballot in person at a polling place located in the election district in which that voter resides.

9. An official ballot distributed by mail for an election shall only be distributed to a registered voter qualified to vote in this State who submits a written request for the ballot.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (✔) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✔) in the square opposite the word "No."

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO PROVIDE VOTERS WITH RIGHT TO VOTE IN PERSON ON ANY ELECTION DAY AND TO PERMIT MAIL-IN BALLOTS TO BE SENT ONLY TO VOTERS WHO REQUEST THEM Do you approve amending the Constitution to establish a constitutional right to vote in person on the day of any election? A registered voter would have the right to vote in person at the polling place in the election district where the voter resides. The amendment also permits mail-in ballots to be sent only to voters who request the ballot. Mail-in ballots could not be sent automatically to all voters.
	NO	INTERPRETIVE STATEMENT This constitutional amendment would establish the right to vote in person on the day of any election in this State. The registered voter would have the right to vote at the polling place located in the election district in which the voter resides. Under current law, registered voters can vote in person or by mail. However, voting in person can be limited in the future by law or by the Governor through an executive order. This amendment would prevent the Legislature from passing a law, or the Governor from issuing an order, to limit or deny an individual's right to vote in person. Additionally, the amendment would permit mail-in ballots to be sent only to voters who submit a written request for a mail-in ballot. It would prevent the Legislature from passing a law, or the Governor from issuing an order, to automatically send mail-in ballots to all voters.

STATEMENT

This constitutional amendment would ensure that registered voters in this State, who are qualified to vote, have the right to cast a ballot in person on the day of any election in this State, and would permit

mail-in ballots to be distributed only to voters who submit a written request for a mail-in ballot.

This amendment would bar the Legislature from passing laws, and the Governor from issuing executive orders, that would: (1) limit or deny in-person voting for a registered voter who wishes to vote in person, or (2) automatically distribute mail-in ballots to all voters.