

SENATE, No. 739

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Clarifies bilingual Spanish and English language accessibility requirements applicable to printing primary and general election ballots in certain districts.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the language accessibility requirements
 2 applicable to primary and general election ballots and amending
 3 R.S.19:14-2, R.S.19:23-25, and P.L.2009, c.79.

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

7
 8 1. R.S.19:14-2 is amended to read as follows:

9 19:14-2. There shall be a single or blanket form of ballot, upon
 10 which shall be printed the names of all the candidates of every party
 11 or group of petitioners having candidates to be voted for at such
 12 election. The name of a candidate nominated at the primary who
 13 shall fail to accept his nomination, or file the oath of allegiance
 14 executed, in the manner herein provided shall not be printed on the
 15 ballot. The name of a candidate whose nomination has been
 16 vacated as hereinbefore provided shall not be printed on the ballot.
 17 The name of a candidate shall appear but once upon the ballot for
 18 the same office.

19 Except as to the requirements **[of section 19:14-15]** of this Title
 20 as to State-wide propositions, any public question which is to be
 21 submitted to the people of the State, county or municipality at the
 22 general election, shall be printed in a separate space at the foot of
 23 the ballot with appropriate instructions to the voter.

24 The county clerk shall cause the official general election ballot to
 25 be printed in English, but for each election district within the
 26 county in which the primary language of 10% or more of the
 27 registered voters is Spanish, shall cause the official general election
 28 ballot to be printed bilingually in English and Spanish.

29 (cf: P.L.1949, c.24, s.6)
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31 2. R.S.19:23-25 is amended to read as follows:

32 19:23-25. The ballots shall be made up and printed in
 33 substantially the following form:

34 Each ballot shall have at the top a coupon at least two inches
 35 deep extending across the ballot above a perforated line. The
 36 coupon shall be numbered for each of the political parties,
 37 respectively, from one consecutively to the number of ballots
 38 delivered and received by the election officers of the respective
 39 polling places. Upon the coupon and above the perforated line shall
 40 be the words "To be torn off by the judge of election. Fold to this
 41 line." Below the perforated line shall be printed the words "Official
 42 Democratic Party Primary Ballot," or "Official Republican Party
 43 Primary Ballot," or, as the case may be, naming the proper political
 44 party, as provided in this Title; below which and extending across
 45 the ballot in one or more lines, as may be necessary, shall be printed

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 the words name of municipality ward
2 election district date of election
3 John Doe, municipal clerk; the blank spaces shall be
4 filled in with the name of the proper municipality, the ward and the
5 district number and the date of election. The name of the municipal
6 clerk shall be a facsimile of his signature. This heading shall be set
7 apart from the body of the ballot by a heavy diagram rule. Below
8 this rule shall be printed the following directions instructing the
9 voter how to indicate his choice for each office and position, and
10 for how many persons to vote for each office and position: To vote
11 for any person whose name is printed upon this ballot mark a cross
12 x , plus + or check with ink or pencil in the square at the left of the
13 name of such person. To vote for any person whose name is not
14 printed upon this ballot write or paste the name in the blank space
15 under the proper title of office and mark a cross x , plus + or check
16 with ink or pencil in the square at the left of the name of such
17 person. Below these instructions shall be printed a heavy diagram
18 rule below which shall be printed the titles of offices and positions
19 for which candidates are to be voted for at the primary election,
20 together with such directions to the voter as may be necessary, as
21 "Vote for one," "Vote for two," or a greater number, as the case
22 may be. Underneath the proper title of office and position shall be
23 printed the names of all those persons certified as candidates for the
24 offices to the municipal clerk by the county clerk as hereinbefore
25 provided, and the names of persons indorsed as such candidates in
26 petitions on file in the office of the municipal clerk as they appear
27 signed to the certificate of acceptance. The name of any person
28 indorsed in a petition as provided who shall fail to certify his
29 consent and agreement to be a candidate for nomination to the
30 office specified therein shall not be printed upon the ballots to be
31 used at the primary election. In the case of a vacancy among
32 nominees the name of the person selected in the manner provided in
33 this Title to fill same shall be printed upon the ballots in the place
34 of the person vacating such nomination. The candidates shall be
35 arranged in groups and the groups bracketed in all cases where the
36 petitions indorsing such candidates request such grouping. The
37 designation named by candidates in their petitions for nomination,
38 as provided by this Title shall be printed to the right of the names of
39 such candidates or groups of candidates in as large type as the space
40 will allow. Immediately to the left and on the same line with the
41 name of each candidate for office and position shall be printed a
42 square approximately one-quarter of an inch in size, or by printing
43 vertical single line rules connecting the single line rules between
44 the names of the candidates and thus form a square in which the
45 voter shall indicate his choice. A single light-faced rule shall be
46 used to separate the different names in each group of candidates. A
47 heavy diagram rule shall be used between each group of candidates
48 for different offices. Where candidates are arranged in groups and

1 the groups bracketed, the groups shall be separated from other
2 groups and candidates by two single line rules approximately one-
3 eighth of an inch apart.

4 Each primary ballot shall contain, at the end of the list of
5 candidates for each different office, blank squares and spaces or
6 lines equal to the number of persons to be elected to the office, for
7 the purpose of allowing any voter to write or paste the name of any
8 person for whom he desires to vote for any office or party position.

9 The county clerk shall cause the official primary election ballot
10 of each political party to be printed in English, but for each election
11 district within the county in which the primary language of 10% or
12 more of the registered voters is Spanish, shall cause the official
13 primary election ballot of each political party to be printed
14 bilingually in English and Spanish.

15 (cf: P.L.1994, c.77, s.10)

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17 3. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended to read
18 as follows:

19 7. a. Each county clerk shall have printed sufficient mail-in
20 ballots for each primary election for the general election, and for
21 the general election. Along with such ballots the clerk shall also
22 furnish inner and outer envelopes and printed directions for the
23 preparation and transmitting of such ballots used in the election in
24 the county.

25 b. The mail-in ballots shall be printed on paper of a different
26 color from that used for any primary or general election ballot, but
27 in all other respects, shall be as nearly as possible facsimiles of the
28 election ballot to be voted at the election.

29 c. Each county clerk shall cause the mail-in ballots for the
30 primary election and the general election, the inner and outer
31 envelopes, and the printed directions for the preparation and
32 transmitting of such ballots, to be printed in English, but for each
33 election district within the county in which the primary language of
34 10% or more of the registered voters is Spanish, shall cause all of
35 these materials to be printed bilingually in English and Spanish.

36 (cf: P.L.2011, c.134, s.51)

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38 4. This act shall take effect immediately.

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STATEMENT

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43 This bill clarifies the bilingual Spanish and English language
44 accessibility requirements applicable to printing primary and
45 general election ballots in certain districts. Under current law, the
46 county clerk is required to print the primary and general election
47 sample ballots in both English and Spanish for each election district
48 within the county in which the primary language of 10% or more of

1 the registered voters is Spanish. The statutes further provide that the
2 sample ballots must be facsimiles of the official primary or general
3 election ballots.

4 This bill inserts the same language printing requirements in the
5 statutes applicable to the official primary and general election
6 ballots. The bill requires the county clerk to print in English the
7 official primary election ballots of each political party, and the
8 official general election ballots, and to print such ballots in both
9 English and Spanish for each election district within the county in
10 which the primary language of 10% or more of the registered voters
11 is Spanish. The bill clarifies that the same bilingual printing
12 requirements apply to mail-in ballots, the inner and outer envelopes,
13 and the printed directions for the preparation and transmitting of
14 such ballots.

15 The bill also deletes a reference to a repealed section of law.