

P.L. 2005, CHAPTER 146, *approved July 12, 2005*  
Senate Committee Substitute (*First Reprint*) for  
Senate, Nos. 1387, 1389 and 1410

1 AN ACT to improve polling place accessibility, amending R.S.19:8-2,  
2 <sup>1</sup>R.S.19:8-3 and P.L.1974, c.30,<sup>1</sup> and amending and supplementing  
3 P.L.1991, c.429.

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

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

9 19:8-2. The clerk of every municipality, on or before April 1 shall  
10 certify to the county board of every county wherein such municipality  
11 is located a suggested list of places in the municipality suitable for  
12 polling places. The county board shall select the polling places for the  
13 election districts in the municipalities of the county for all elections in  
14 the municipalities thereof, including all commission government  
15 elections in the county. The county boards shall not be obliged to  
16 select the polling places so suggested by the municipal clerks, but may  
17 choose others where they may deem it expedient. Preference in  
18 locations shall be given to schools and public buildings where space  
19 shall be made available by the authorities in charge, upon request, if  
20 same can be done without detrimental interruption of school or the  
21 usual public services thereof, and for which the authority in charge  
22 shall be reimbursed, by agreement, for expenses of light, janitorial and  
23 other attending services arising from such use. Each polling place  
24 selected shall be accessible to individuals with disabilities and the  
25 elderly. A polling place shall be considered accessible if <sup>1</sup>it is<sup>1</sup> in  
26 compliance with the <sup>1</sup>federal<sup>1</sup> "Americans with Disabilities Act of  
27 1990" (<sup>1</sup>[42 U.S.C.A. 12102] 42 U.S.C. 12101<sup>1</sup> et seq.). In no case  
28 shall the authorities in charge of a public school or other public  
29 building deny the request of the county board for the use, as a polling  
30 place, of any building they own or lease.

31 Where the county board shall fail to agree as to the selection of the  
32 polling place or places for any election district, within five days of an  
33 election, the county clerk shall select and designate the polling place  
34 or places in any such election district.

35 The county board may select a polling place other than a  
36 schoolhouse or public building outside of the district but such polling  
37 place shall not be located more than 1,000 feet distant from the  
38 boundary line of the district. The Attorney General may, however,  
39 permit a polling place to be more than 1,000 feet distant from the

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ASG committee amendments adopted May 19, 2005.

1 boundary line of the district if there is no suitable polling place  
2 accessible to individuals with disabilities and the elderly within the  
3 district or 1,000 feet distant from the boundary line of the district.

4 Whenever possible, the county board shall contact the managers or  
5 owners of commercial or private buildings that <sup>1</sup>[it] the board<sup>1</sup> deems  
6 suitable to use as polling places, and are in or near an election district  
7 lacking an accessible polling place, to determine whether a portion of  
8 such a building may be used as a polling place on the day of an  
9 election. Reimbursement for the use of a portion of such a building  
10 shall be the same as provided by this section for schools and public  
11 buildings.

12 <sup>1</sup>Neither the owner nor operator of a facility designated as a  
13 polling place by the county board is permitted or authorized to  
14 relocate the polling place room in the building without the express  
15 prior approval of the board.<sup>1</sup>

16 (cf: P.L.1989, c.292, s.1)

17

18 <sup>1</sup>2. R.S.19:8-3 is amended to read as follows:

19 19:8-3. The county board may select the schoolhouse or  
20 schoolhouses, public building or public buildings as the polling places  
21 in any municipality in the county whether or not such schoolhouses or  
22 public buildings are located within the election district for which the  
23 polling place is established; and shall designate the rooms or places,  
24 entrances and exits to be used in the schoolhouses or public buildings.

25 The county board may select a polling place other than a  
26 schoolhouse or public building for an election district, when the  
27 location of the election district and of the schoolhouses and public  
28 buildings in the municipality in which the election district is located is  
29 such that inconvenience would be caused the voters of such election  
30 district by locating the polling place thereof in a schoolhouse or public  
31 building. In the selection of a polling place other than a schoolhouse  
32 or public building for an election district, consideration shall be given  
33 to the use of buildings accessible to [elderly and physically disabled  
34 persons] individuals with disabilities and the elderly.

35 The county board shall determine and certify to the board of  
36 chosen freeholders the amount to be paid the several boards of  
37 education or municipalities, as the case may be, for expenses in  
38 connection with the use of schoolhouses or public buildings for  
39 election purposes; not to exceed in any case the amount paid for  
40 polling places in private premises.<sup>1</sup>

41 (cf: P.L.1977, c.326, s.1)

42

43 <sup>1</sup>[2.] 3.<sup>1</sup> Section 1 of P.L.1991, c.429 (C.19:8-3.1) is amended  
44 to read as follows:

45 1. Each polling place selected by the county board of elections for  
46 use in any election shall be accessible to [elderly and physically

1 disabled voters] individuals with disabilities and the elderly unless:

2 a. the [Secretary of State] Attorney General determines that a  
3 state of emergency exists that would otherwise interfere with the  
4 efficient administration of that election; or

5 b. the [Secretary of State] Attorney General grants a temporary  
6 waiver based upon a determination that all potential polling places  
7 have been surveyed and no accessible polling place is available, nor is  
8 the municipality able to make one temporarily accessible in or near the  
9 election district involved. Temporary waivers shall be granted no  
10 more than twice for any polling place following the effective date of  
11 P.L. , c. (now pending before the Legislature as this bill), and  
12 each waiver shall be granted for no more than one year. Before the  
13 expiration of the waiver, the board shall formulate a plan to establish  
14 an accessible location for the polling place in or near the election  
15 district. A copy of the waiver and the plan shall be filed with the  
16 Voting Accessibility Advisory Committee, established pursuant to  
17 section 11 of P.L.1991, c.429 (C.19:8-3.7).

18 (cf: P.L.1991, c.429, s.1)

19

20 <sup>1</sup>[3.] 4.<sup>1</sup> Section 2 of P.L.1991, c.429 (C.19:8-3.2) is amended  
21 to read as follows:

22 2. The [Secretary of State] Attorney General shall establish, in  
23 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
24 (C.52:14B-1 et seq.), the rules and regulations necessary to <sup>1</sup>[insure]  
25 ensure<sup>1</sup> that in any election [any elderly or physically disabled voter]  
26 <sup>1</sup>[voters] a voter<sup>1</sup> who <sup>1</sup>[are] is<sup>1</sup> elderly or <sup>1</sup>[have] has<sup>1</sup> a disability  
27 and <sup>1</sup>[are] is<sup>1</sup> assigned to an inaccessible polling place will, upon  
28 advance request of that voter, either be permitted to vote at the  
29 alternative, accessible polling place nearest to that voter's residence  
30 which has a common ballot or be provided with a civilian absentee  
31 ballot, pursuant to section 4 of P.L.1953, c.211 (C.19:57-4), as an  
32 alternative means of casting a ballot on the day of the election.

33 (cf: P.L.1991, c.429, s.2)

34

35 <sup>1</sup>[4.] 5.<sup>1</sup> Section 3 of P.L.1991, c.429 (C.19:8-3.3) is amended  
36 to read as follows:

37 3. The [Secretary of State] Attorney General shall [use the  
38 barrier free sub-code of the State building code to determine the  
39 standards of accessibility for polling places] be responsible for  
40 ensuring that each polling place is in compliance with <sup>1</sup>["The  
41 Americans] the federal "Americans<sup>1</sup> with Disabilities Act of 1990"  
42 (<sup>1</sup>[42 U.S.C.A. 12102] 42 U.S.C. 12101<sup>1</sup> et seq.) and shall exercise  
43 oversight authority over the county boards of elections to <sup>1</sup>[assure]  
44 ensure<sup>1</sup> that each polling place is in compliance with that <sup>1</sup>federal<sup>1</sup> act.

45 (cf: P.L.1991, c.429, s.3)

1       <sup>1</sup>[5.] 6.<sup>1</sup> Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended  
2 to read as follows:

3       4. No later than May 15th of each year, beginning with May 15  
4 next following the enactment of P.L. , c. (now pending before the  
5 Legislature as this bill), each [county board of elections] Voting  
6 Accessibility Advisory Committee, established pursuant to section 11  
7 of P.L.1991, c.429 (C.19:8-3.7) shall report to the [Secretary of  
8 State] Attorney General and the county board of elections, on the  
9 form provided by the [Secretary of State] Attorney General, a list of  
10 all polling places in the county, specifying any found inaccessible. The  
11 [county board of elections] committee shall indicate the reasons for  
12 inaccessibility, according to guidelines established in <sup>1</sup>["The  
13 Americans] the federal "Americans<sup>1</sup> with Disabilities Act of  
14 1990<sup>1</sup>[.]<sup>1</sup>" (42 U.S.C. 12101 et seq.)<sup>1</sup> and shall consult with the  
15 county board of elections to determine the efforts made pursuant to  
16 [this act] P.L.1991, c.429 (C.19:8-3.1 et seq.) to locate alternative  
17 polling places or the actions needed to make the existing facilities  
18 accessible. Each county board of elections shall notify the [Secretary  
19 of State] Attorney General and the committee of any changes in  
20 polling place locations before the next general election, including any  
21 changes required due to the alteration of district boundaries.

22 (cf: P.L.1991, c.429, s.4)

23

24       <sup>1</sup>[6.] 7.<sup>1</sup> Section 5 of P.L.1991, c.429 (C.19:8-3.5) is amended  
25 to read as follows:

26       5. No later than July 1st of each year, beginning with July 1 next  
27 following the enactment of P.L. , c. (now pending before the  
28 Legislature as this bill) <sup>1</sup>,<sup>1</sup> the [Secretary of State] Attorney General  
29 shall review the reports of the [county boards of elections] Voting  
30 Accessibility Advisory Committee and shall ensure that every possible  
31 effort has been made to comply with the provisions of this act <sup>1</sup>, as  
32 amended<sup>1</sup> .

33 (cf: P.L.1991, c.429, s.5)

34

35       <sup>1</sup>[7.] 8.<sup>1</sup> Section 11 of P.L.1991, c.429 (C.19:8-3.7) is amended  
36 to read as follows:

37       11. a. [In order to assist and advise county election officers in  
38 implementing the provisions of this 1991 amendatory and  
39 supplementary act, the] The county executive in each county in which  
40 that office is established, or the governing body of the county in any  
41 other county, shall establish a Voting Accessibility Advisory  
42 Committee, which shall [be] consist of at least seven and not more  
43 than 11 members as follows:

44       (1) The four members of the county board of elections; and

45       (2) Three or more public members, to be appointed by the county

1 executive or county governing body as follows:

2 (a) A representative of the county executive or a member of the  
3 county governing body, as appropriate;

4 (b) At least one [elderly and handicapped] individual with a  
5 disability [representing one or more organizations of such  
6 individuals];

7 (c) At least one [person] individual trained in the provisions of  
8 [the barrier free sub-code] <sup>1</sup>["The Americans] the federal  
9 "Americans<sup>1</sup> with Disabilities Act of 1990" (<sup>1</sup>[42 U.S.C.A. 12102] 42  
10 U.S.C. 12101<sup>1</sup> et seq.); and

11 (d) If the county executive or governing body so elects, any other  
12 person deemed able by the executive or governing body to be of  
13 assistance [in the implementation of the act].

14 b. In order to accurately evaluate the accessibility of all polling  
15 locations, the Voting Accessibility Advisory Committee shall  
16 undertake a ["walking tour"] physical inspection of each polling  
17 [location] place in the county. [Any elderly and handicapped] A  
18 committee member who has a disability should participate in any such  
19 [tour] inspection. The results shall be used in completing the list of  
20 any polling places found inaccessible, pursuant to section 4 of  
21 P.L.1991, c.429 (C.19:8-3.4).

22 c. [On and after January 1, 1994, the continuance in any county  
23 of a Voting Accessibility Advisory Committee for that county shall be  
24 optional] The committee shall receive notice of complaints filed from  
25 <sup>1</sup>[their] its<sup>1</sup> county with the Division of Elections in the Department  
26 of Law and Public Safety pursuant to section 6 of P.L.2004, c.88  
27 (C.19:61-6) that concern the accessibility of polling places to  
28 individuals with disabilities and the elderly.

29 (cf: P.L.1991, c.429, s.11)

30

31 <sup>1</sup>9. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read  
32 as follows:

33 16. a. The Attorney General shall cause to be prepared and shall  
34 provide to each county commissioner of registration forms of size and  
35 weight suitable for mailing, which shall require the information  
36 required by R.S.19:31-3 in substantially the following form:

37 VOTER REGISTRATION APPLICATION

38 Print clearly in ink. Use ballpoint pen or marker.

39 (1) This form is being used as (check one):

40  New registration

41  Address change

42  Name change

43 (2) Name:.....

44 Last First Middle

45 (3) Are you a citizen of the United States of America?  Yes  No

1 (4) Will you be 18 years of age on or before election  
2 day?  Yes  No

3 If you checked 'No' in response to either of these questions, do not  
4 complete this form.

5 (5) Street Address where you live:

6 .....

7 Street Address Apt. No.

8 .....

9 (6) City or Town County Zip Code

10 (7) Address Where You Receive Your Mail (if different from  
11 above):

12 .....

13 (8) Date of Birth:

14 .....

15 Month Day Year

16 (9) Telephone Number (optional) .....

17 (10) Name and address of Your Last Voter Registration

18 .....

19 .....

20 .....

21 (11) If you are registering by mail to vote and will be voting for the  
22 first time in your current county of residence, please provide one of  
23 the following:

24 (a) your New Jersey driver's license number:.....

25 (b) the last four digits of your Social Security  
26 Number.....

27 OR submit with this form a copy of any one of the following  
28 documents: a current and valid photo identification card; a current  
29 utility bill, bank statement, government check, pay check or any other  
30 government or other identifying document that shows your name and  
31 current address. If you do not provide either your New Jersey driver's  
32 license number or the last four digits of your Social Security Number,  
33 or enclose a copy of one of the documents listed above, you will be  
34 asked for identification when voting for the first time, unless you are  
35 exempt from doing so under federal or State law.

36 (12) Declaration - I swear or affirm that:

37 I am a U.S. citizen.

38 I live at the above address.

39 I will be at least 18 years old on or before the day of the next  
40 election.

41 I am not on parole, probation or serving a sentence due to a  
42 conviction for an indictable offense under any federal or State laws.

43 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT  
44 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO  
45 \$1,000.00, IMPRISONMENT UP TO FIVE YEARS, OR BOTH  
46 PURSUANT TO R.S.19:34-1.

1 .....

2 Signature or mark of the registrant Date

3 (13) If applicant is unable to complete this form, print the name  
4 and address of individual who completed this form.

5 .....

6 Name

7 .....

8 Address

9 In addition, the form may include notice to the applicant of  
10 information and options relating to the registration and voting process,  
11 including but not limited to notice of qualifications required of a  
12 registered voter; notice of the final day by which a person must be  
13 registered to be eligible to vote in an election; notice of the effect of  
14 a failure to provide required identification information; a place at  
15 which the applicant may indicate availability for service as a member  
16 of the district board of elections; a place at which the applicant may  
17 indicate whether he or she requires a polling place which is accessible  
18 to [elderly and physically disabled voters] individuals with disabilities  
19 and the elderly or whether he or she is legally blind; and a place at  
20 which the applicant may indicate a desire to receive information  
21 concerning absentee voting. The form may also include a space for the  
22 voter registration agency to record whether the applicant registered in  
23 person, by mail or by other means.

24 b. The reverse side of the registration form shall bear the address  
25 of the Attorney General or the commissioner of registration to whom  
26 such form is supplied, and a United States postal permit the charges  
27 upon which shall be paid by the State.

28 c. The Attorney General shall cause to be prepared registration  
29 forms of the size, weight and form described in subsection a. of this  
30 section in both the English and Spanish language and shall provide  
31 such forms to each commissioner of registration of any county in  
32 which there is at least one election district in which bilingual sample  
33 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or  
34 section 2 of P.L.1965, c.29 (C.19:23-22.4).

35 d. The commissioner of registration shall furnish such registration  
36 forms upon request in person to any person or organization in such  
37 reasonable quantities as such person or organization shall request.  
38 The commissioner shall furnish no fewer than two such forms to any  
39 person upon request by mail or by telephone.

40 e. Each such registration form shall have annexed thereto  
41 instructions specifying the manner and method of registration and  
42 stating the qualifications for an eligible voter.

43 f. The Attorney General shall also furnish such registration forms  
44 and such instructions to the Director of the Division of Worker's  
45 Compensation, the Director of the Division of Employment Services,  
46 and the Director of the Division of Unemployment and Temporary

1 Disability Insurance in the Department of Labor and Workforce  
2 Development; to the Director of the Division of Taxation in the  
3 Department of the Treasury; to the Executive Director of the New  
4 Jersey Transit Corporation; to the appropriate administrative officer  
5 of any other public agency, as defined by subsection a. of section 15  
6 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the  
7 Department of Military and Veterans' Affairs; and to the chief  
8 administrative officer of any voter registration agency, as defined in  
9 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

10 g. All registration forms received by the Attorney General in the  
11 mail or forwarded to the Attorney General shall be forwarded to the  
12 commissioner of registration in the county of the registrant.

13 h. An application to register to vote received from the New Jersey  
14 Motor Vehicle Commission or a voter registration agency, as defined  
15 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall  
16 be deemed to have been timely made for the purpose of qualifying an  
17 eligible applicant as registered to vote in an election if the date on  
18 which the commission or agency shall have received that document in  
19 completed form, as indicated in the lower right hand corner of the  
20 form, was not later than the 29th day preceding that election.

21 i. Each commissioner of registration shall make note in the  
22 permanent registration file of each voter who is required to provide the  
23 personal identification information required pursuant to this section,  
24 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42  
25 U.S.C. 15301 et seq.), to indicate the type of identification provided  
26 by the voter and the date on which it is provided. Prior to the June  
27 2004 primary election, when such a newly registered voter seeks to  
28 vote for the first time following his or her registration, the voter will  
29 be required to provide such personal identification information.  
30 Beginning with the June 2004 primary election, when such a newly  
31 registered voter seeks to vote for the first time following his or her  
32 registration, the voter will not be required to provide such information  
33 if he or she had previously provided the personal identification  
34 information required pursuant to this section. The required  
35 information shall be collected and stored for the time and in the  
36 manner required pursuant to regulations promulgated by the Attorney  
37 General.

38 j. The Attorney General shall amend the voter registration  
39 application form if necessary to conform to the requirements of  
40 applicable federal or state law.<sup>1</sup>

41 (cf: P.L.2004, c.88, s.12)

42

43 <sup>1</sup>[8.] 10.1 (New section) a. There shall be established in the  
44 Department of Law and Public Safety a non-lapsing fund to be known  
45 as the "Polling Place Accessibility Fund," hereinafter referred to as the  
46 fund, to be held separate from all other funds of the State. The money



1 in the fund shall be derived from funds provided by the federal  
2 government to improve accessibility to polling places pursuant to  
3 section 261 of the <sup>1</sup>federal<sup>1</sup> "Help America Vote Act of 2002,"  
4 Pub.L.107-252 (<sup>1</sup>[42 U.S.C. 15481] 42 U.S.C. 15421 <sup>1</sup>et seq.),  
5 appropriations by the Legislature, any funds donated to the State and  
6 designated for purposes prescribed by subsection b. of this section and  
7 such other sources as the Legislature shall designate. All earnings  
8 received from the investment or deposit of moneys in the fund shall be  
9 credited to the fund.

10 b. The money in the fund shall be made available by the Attorney  
11 General as grants to the county boards of elections for the purpose of  
12 ensuring polling place compliance with <sup>1</sup>["The Americans] the federal  
13 "Americans<sup>1</sup> with Disabilities Act of 1990" (<sup>1</sup> [42 U.S.C.A. 12102] 42  
14 U.S.C. 12101<sup>1</sup> et seq.), as provided for by P.L.1991, c.429 (C.19:8-  
15 3.1 et seq.), as amended and supplemented.

16 c. All grants from the fund shall be awarded pursuant to rules and  
17 regulations promulgated by the Attorney General. All monetary  
18 awards shall be granted at the discretion of the Attorney General,  
19 subject to available moneys in the fund.

20

21 <sup>1</sup>[9.] 11.<sup>1</sup> This act shall take effect immediately.

22

23

24

25

26 Promotes improved polling place accessibility for individuals with  
27 disabilities and the elderly.