

ASSEMBLY, No. 2491

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

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1 AN ACT providing for assistance for certain voters, amending  
2 R.S.19:14-21, R.S.19:14-25, R.S.19:23-30, R.S.19:23-35 and  
3 R.S.19:48-1 and supplementing P.L.1973, c.82 (C.19:53A-1 et  
4 seq.).

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

8  
9 1. R.S.19:14-21 is amended to read as follows:  
10 19:14-21. The county clerk shall cause samples of the official  
11 general election ballot to be printed in English, but for each election  
12 district within the county in which the primary language of 10% or  
13 more of the registered voters is Spanish, shall cause samples of the  
14 official general election ballot to be printed bilingually in English and  
15 Spanish.

16 a. In counties not having a superintendent of elections where the  
17 county board of elections does not have the equipment or facilities to  
18 address and mail sample ballot envelopes, the county clerk not later  
19 than noon of the eighth day prior to the general election shall furnish  
20 to the municipal clerk of each municipality in his county one and  
21 one-tenth times as many such sample ballots and stamped envelopes  
22 as there are voters registered, to enable each district board in each  
23 municipality to mail one of such sample ballots to each voter who is  
24 registered in the municipality for such election and shall take a receipt  
25 for the same from each of the municipal clerks, which receipt shall  
26 indicate the number of such sample ballots and stamped envelopes  
27 delivered by the county clerk and the date and hour of their delivery.

28 b. In counties having a superintendent of elections, and in other  
29 counties where the county board of elections may have the equipment  
30 or facilities to prepare a properly stamped envelope addressed to each

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

Matter underlined thus is new matter.

1 registered voter in the county for mailing, the county clerk, not later  
2 than the thirtieth day preceding the general election, shall furnish to  
3 the commissioner of registration located in his county one and  
4 one-tenth times as many stamped envelopes as there are registered  
5 voters in the county and not later than noon of the twelfth day  
6 preceding the general election shall furnish to the commissioner of  
7 registration located in the county, one and one-tenth times as many  
8 sample ballots as there are registered voters in the county to enable the  
9 commissioner of registration of the county to mail one of such sample  
10 ballots to each voter registered in the county for such election and  
11 shall take a receipt for the same from the commissioner of  
12 registration, which receipt shall indicate the number of such sample  
13 ballots and stamped envelopes delivered by the county clerk and the  
14 date and hour of their delivery. County boards of elections which  
15 elect to operate under the provisions of this paragraph shall notify  
16 their county clerk in sufficient time to enable him to make the  
17 necessary arrangements the first year.

18 c. The county clerk in counties having a superintendent of elections  
19 shall also deliver to the county board not later than the twelfth day  
20 preceding the general election 10 such sample ballots of each election  
21 district of each municipality in the county.

22 d. Not later than the day preceding the general election, the county  
23 clerk of each county shall furnish to each district board a copy of the  
24 sample ballot for that election that is printed in braille and is otherwise  
25 identical to the ballot to be voted in the particular election district.

26 (cf: P.L.1974, c.30, s.2)

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28 2. R.S.19:14-25 is amended to read as follows:

29 19:14-25. In counties not having a superintendent of elections  
30 where the county board of elections does not have the equipment or  
31 facilities to address and mail sample ballot envelopes, all the members  
32 of each of the district boards shall prepare and deposit in the post  
33 office, on or before 12 noon on Wednesday preceding the general  
34 election day, a properly stamped envelope containing a copy of the  
35 sample ballot printed in English, addressed to each registered voter in  
36 the district of such board at the address shown on the register, except  
37 that for districts in which the primary language of 10% or more of the  
38 registered voters is Spanish, a properly stamped envelope containing  
39 a copy of the bilingual sample ballot, addressed to each registered  
40 voter in the district of such board at the address shown on the register  
41 shall be prepared and deposited. The board shall also post the  
42 appropriate sample ballots in the polling place in its district.

43 The board shall return to the municipal clerk all ballots and  
44 envelopes not mailed or posted by it, with a sworn statement in  
45 writing signed by a majority of the board that all the remainder of  
46 such ballots and envelopes had been mailed.

1 In counties having a superintendent of elections, and in other  
2 counties where the county board of elections shall elect to operate  
3 under the provisions of subsection b. of section 19:14-21 of this Title,  
4 the commissioner of registration shall prepare and deposit in the post  
5 office on or before 12:00 o'clock noon, on the Wednesday preceding  
6 the general election day, a properly stamped envelope containing a  
7 copy of the sample ballot printed in English addressed to each  
8 registered voter in the county at the address shown on the registry,  
9 except that for districts in which the primary language of 10% or  
10 more of the registered voters is Spanish, a properly stamped envelope  
11 containing a copy of the bilingual sample ballot, addressed to each  
12 registered voter in the district of such board at the address shown on  
13 the register shall be prepared and deposited. The commissioner of  
14 registration shall return to the county clerk all ballots and envelopes  
15 not mailed or posted by him, with a sworn statement in writing signed  
16 by him that all the remainder of such ballots and envelopes have been  
17 mailed.

18 The county board of elections, in all counties having a  
19 superintendent of elections, and in other counties where the county  
20 board of elections shall elect to operate under the provisions of  
21 subsection b. of section 19:14-21 of this Title, shall, not later than  
22 noon of the second Monday preceding the election, deliver or mail to  
23 the members of the district board three appropriate sample ballots for  
24 their respective election district. The board shall post the appropriate  
25 sample ballots in the polling place in its district. There shall also be  
26 posted or otherwise readily available during polling hours on the day  
27 of the general election the copy of the sample ballot for that election  
28 that is printed in braille and supplied to the district board by the county  
29 clerk, pursuant to R.S.19:14-21.

30 (cf: P.L.1974, c.30, s.3)

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32 3. R.S.19:23-30 is amended to read as follows:

33 19:23-30. a. In counties not having a superintendent of elections  
34 where the county board of elections does not have the equipment or  
35 facilities to address and mail sample ballot envelopes, the municipal  
36 clerk shall cause to be printed as herewith prescribed a sufficient  
37 number of official primary sample ballots of each political party in each  
38 election district and shall furnish a sufficient number of stamped  
39 envelopes to enable every district board to mail one copy of such  
40 ballot of each political party to each voter who is registered in the  
41 district for the primary election. The municipal clerk shall deliver to  
42 the county clerk in all counties and the county board in counties  
43 having a superintendent of elections one official primary sample ballot  
44 of each political party for each district in his municipality. The costs  
45 of printing the official primary sample ballots and the stamped  
46 envelopes therefor shall be paid by the respective municipalities.

1       b. In counties having a superintendent of elections, and in other  
2 counties where the county board of elections may have the equipment  
3 or facilities to prepare a properly stamped envelope addressed to each  
4 registered voter in the county for mailing, the municipal clerk shall  
5 cause to be printed as herewith prescribed a sufficient number of  
6 official primary sample ballots of each political party for each election  
7 district and shall furnish a sufficient number of stamped envelopes to  
8 enable the commissioner of registration of the county to mail one  
9 copy of such ballot of each political party to each voter who is  
10 registered in the district for the primary election. The municipal clerk  
11 shall also deliver to the county board ten official primary sample  
12 ballots of each political party for each district in his municipality. The  
13 cost of printing of the official primary sample ballots and stamped  
14 envelopes therefor shall be paid for by the respective municipalities.  
15 County boards of elections which elect to operate under the  
16 provisions of this paragraph shall notify their respective municipal  
17 clerks in sufficient time to enable them to make the necessary  
18 arrangements the first year.

19       c. Not later than the day preceding the primary election, the  
20 municipal clerk of each municipality shall furnish to each district board  
21 a copy of the sample ballot for that election that is printed in braille  
22 and is otherwise identical to the ballot to be voted in the particular  
23 election district.

24 (cf: P.L.1947, c.168, s.8)

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26       4. R.S.19:23-35 is amended to read as follows:

27       19:23-35. In counties not having a superintendent of elections,  
28 where the county board of elections does not have the equipment or  
29 facilities to address and mail sample ballot envelopes, such district  
30 board shall also post three sample ballots in the polling place in its  
31 district.

32       The county board of elections in all counties of the first class, and  
33 in other counties where the county board of elections shall elect to  
34 operate under the provisions of subsection b of section 19:23-30 of  
35 this Title, shall, not later than noon of the second Monday preceding  
36 the primary election, deliver or mail to the members of the district  
37 board three sample ballots for their respective election district. The  
38 board shall post the sample ballots in the polling place in its district.  
39 There shall also be posted or otherwise readily available during polling  
40 hours on the day of the primary election the copy of the sample ballot  
41 for that election that is printed in braille and supplied to the district  
42 board by the municipal clerk, pursuant to R.S.19:23-30.

43 (cf: P.L.1952, c.61, s.2)

44

45       5. R.S.19:48-1 is amended to read as follows:

46       19:48-1. Any thoroughly tested and reliable voting machines may

1 be adopted, rented, purchased or used, which shall be so constructed  
2 as to fulfill the following requirements:

- 3 (a) It shall secure to the voter secrecy in the act of voting;
- 4 (b) It shall provide facilities for such number of office columns, not  
5 less than 40 and not exceeding 60, as the purchasing authorities may  
6 specify and of as many political parties or organizations, not exceeding  
7 nine, as may make nominations, and for or against as many questions,  
8 not exceeding 30, as submitted;
- 9 (c) It shall, except at primary elections, permit the voter to vote for  
10 all the candidates of one party or in part for the candidates of one  
11 party or one or more parties;
- 12 (d) It shall permit the voter to vote for as many persons for an  
13 office as he is lawfully entitled to vote for, but no more;
- 14 (e) It shall prevent the voter from voting for the same person more  
15 than once for the same office;
- 16 (f) It shall permit the voter to vote for or against any question he  
17 may have the right to vote on, but no other;
- 18 (g) It shall for use in primary elections be so equipped that the  
19 election officials can lock out all rows except those of the voter's party  
20 by a single adjustment on the outside of the machine;
- 21 (h) It shall correctly register or record and accurately count all  
22 votes cast for any and all persons, and for or against any and all  
23 questions;
- 24 (i) It shall be provided with a "protective counter" or "protective  
25 device" whereby any operation of the machine before or after the  
26 election will be detected;
- 27 (j) It shall be so equipped with such locks as shall prevent the  
28 operation of the machine after the polls are closed;
- 29 (k) It shall be provided with a counter which shall show at all times  
30 during an election how many persons have voted;
- 31 (l) It shall be provided with a mechanical model, illustrating the  
32 manner of voting on the machine, suitable for the instruction of voters;
- 33 (m) It must permit a voter to vote for any person for any office,  
34 except delegates and alternates to national party conventions, whether  
35 or not nominated as a candidate by any party or organization by  
36 providing space for writing in such names or name;
- 37 (n) It shall be equipped with a permanently affixed box or container  
38 of sufficient strength, size and security to hold all emergency ballots  
39 and pre-punched single-hole envelopes and with a clipboard and a  
40 table-top privacy screen.

41 All voting machines used in any election shall be provided with a  
42 screen, hood or curtain, which shall be so made and adjusted as to  
43 conceal the voter and his action while voting.

44 It shall also be provided with one device for each party for voting  
45 for all the presidential electors of that party by one operation, and a  
46 ballot therefor containing only the words "presidential electors for,"

1 preceded by the name of that party and followed by the names of the  
2 candidates thereof for the offices of President and Vice-President and  
3 a registering device therefor which shall register the vote cast for such  
4 electors when thus voted collectively.

5 At least one voting machine per election district shall be furnished  
6 with a template or other such device readily attachable to and  
7 detachable from the face of the machine as needed that conforms to  
8 the layout of the ballot to be voted by the machine and the position on  
9 the ballot of the offices for which elections are being held and any  
10 public questions that may be voted on, provides for each of these  
11 offices and questions braille indicators of the content of the ballot  
12 including instructions to the voter, and allows when attached to the  
13 machine for access by the voter to the mechanism for voting the ballot.

14 (cf: P.L.1992, c.3, s.3)

15  
16 6. (New section) During every election, each polling place shall  
17 have readily available for any voter who is blind or visually impaired:

18 a. The copy of the sample ballot for that election that is printed in  
19 braille, as provided by the county clerk pursuant to R.S.19:14-21 or  
20 by the municipal clerk pursuant to R.S.19:23-30, to identify the  
21 candidates in that election and any public questions that may be voted  
22 in favor of or against and the location of each on the ballot; and

23 b. A voting device that has been furnished with instructions to the  
24 voter in braille for the voting of the ballot, and a template or other  
25 such device that is readily attachable to and detachable from the  
26 mechanism on the voting device that the voter is to use to vote the  
27 ballot and allows when attached to the voting device for a means by  
28 which by the voter may use the voting device to vote the ballot.

29 Members of the district boards shall provide each blind or visually  
30 impaired voter the assistance necessary to locate and use the sample  
31 ballot and voting device as provided for by this section.

32  
33 7. The Legislature shall appropriate from the General Fund to the  
34 several county clerks and county boards of elections of each county  
35 and the municipal clerks of each municipality such funds as shall be  
36 deemed necessary to effectuate the purposes of this act.

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38 8. This act shall take effect on January 1 following enactment.

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41 STATEMENT

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43 The purpose of this bill is to enable blind or visually impaired voters  
44 to vote at a polling place on the day of an election with greater  
45 independence than is possible at present.

46 Under current law, such a voter may vote by absentee ballot with

1 the assistance of a family member or friend, or at in voting booth with  
2 the assistance of two members of the district board of elections from  
3 opposing political parties.

4 Under the bill, a blind or visually impaired voter would be able to  
5 go to the polling place for the voter's election district and consult a  
6 copy of the sample ballot for that election printed in braille to identify  
7 the candidates in that election and any public questions and the  
8 location of each on the ballot. Then the voter could vote in a voting  
9 booth using a voting machine or device which has a template or other  
10 device conforming to the layout of the ballot that contains braille  
11 indicators of any public questions and the offices for which elections  
12 are being held.

13 The bill provides for an appropriation to the several county clerks  
14 and the county boards of elections of each county and to the municipal  
15 clerks of each municipality of such amounts as shall be deemed  
16 necessary to effectuate the purposes of the bill.

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21 Provides that certain balloting materials be printed in braille to assist  
22 blind and visually impaired voters to vote; provides for an  
23 appropriation.