

SENATE, No. 2216

STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1997

By Senators BASSANO and CONNORS

1 AN ACT concerning absentee ballots and amending P.L.1953, c.211.

2

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

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6 1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as
7 follows:

8 2. Whenever used in this act, the following terms shall, unless the
9 context indicates otherwise, be construed to have the following
10 meanings:

11 "Absentee ballot" means any military service ballot or civilian
12 absentee ballot as herein defined.

13 "Absentee voter" means any person qualified to vote a military
14 service ballot or a civilian absentee ballot under the provisions of this
15 act.

16 "Armed Forces of the United States" means any branch or
17 department of the United States Army, Navy, Air Force, Coast Guard
18 or Marine Corps.

19 "Civilian absentee ballot" means a ballot for use by a civilian
20 absentee voter as prescribed by this act.

21 "Civilian absentee voter" means any qualified and registered voter
22 of the State who expects to be absent from the State on the day of any
23 election and any qualified and registered voter who will be within the
24 State on the day of any election but because of illness or physical
25 disability, including blindness or pregnancy, or because of the
26 observance of a religious holiday pursuant to the tenets of his religion,
27 or because of resident attendance at a school, college or university, or
28 because of the nature and hours of his employment, or because of
29 personal business, including caring for an ailing family member,
30 relative or friend, vacationing in another part of the State or attending
31 a special event, ceremony or meeting, will be unable to cast his ballot
32 at the polling place in his election district on the day of the election.

33 "Election," "general election," "primary election for the general
34 election," "municipal election," "school election," and "special

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 election" shall mean, respectively, such elections as defined in the Title
2 to which this is a supplement (R.S.19:1-1 et seq.).

3 "Family member" means an adult who is a spouse, parent, child,
4 grandparent, grandchild or sibling of a voter, whether by adoption or
5 natural relationship. It shall also include any adult occupant regularly
6 living with a voter in any residential building or part of a building
7 intended for the use of no more than one family.

8 "Incapacitated absentee voter" means a voter who, due to
9 incapacity, is unable to complete his ballot.

10 "Military service" means active service by any person, as a member
11 of any branch or department of the United States Army, Navy, Air
12 Force, Coast Guard or Marine Corps, or as a member of the maritime
13 or merchant marine service, or as a reservist absent from his place of
14 residence and undergoing training under Army, Navy, Air Force, Coast
15 Guard or Marine Corps direction, at a place other than that of such
16 person's residence.

17 "Military service voter" means a qualified elector under the
18 Constitution and the laws of this State who comes within one of the
19 following categories:

20 (a) Persons in the military service and their spouses and
21 dependents.

22 (b) Patients in a veterans' hospital located in any place other than
23 the place of their residences who have been in the military service in
24 any war in which the United States has been engaged and have been
25 discharged or released from such service.

26 (c) Civilians attached to or serving with the Armed Forces of the
27 United States without this State and their spouses and dependents
28 when residing with or accompanying them.

29 "Military service ballot" means a ballot for use by a military service
30 voter as prescribed by this act.

31 "Member of the maritime or merchant marine service" means any
32 person employed as an officer or crew member of a vessel documented
33 under the laws of the United States, or a vessel owned by the United
34 States, or a vessel of foreign-flag registry under charter to or control
35 of the United States or enrolled with the United States for employment
36 or training for employment, or maintained by the United States for
37 emergency relief service as an officer or crew member of any such
38 vessel or any such person as otherwise defined in section 107 of
39 Pub.L.99-410, the "Uniformed and Overseas Citizens Absentee Voting
40 Act," (42 U.S.C.1973ff-6).

41 (cf: P.L.1995, c.278, s.22)

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43 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as
44 follows:

45 3. The following persons shall be entitled to vote by absentee ballot
46 in any election to be held in this State, in the manner hereinafter

1 provided:

2 A military service voter who may be absent on the day on which
3 such election is held from the election district in which he resides,
4 whether such person is within or without this State in the case of a
5 military service voter as defined in paragraph (a) or (b) of section 2,
6 or without this State and within or without the United States in the
7 case of any military service voter as defined in section 2, provided he
8 has resided in this State at least 30 days and in the county in which he
9 claims the right to vote at least 30 days counting the time he has been
10 absent from the election district in which he resides because of the
11 service, work, status or relationship entitling him to a military service
12 ballot;

13 A military service voter who is stationed and resident in any
14 garrison, barrack or military or naval place or station within this State,
15 or who resides therein as spouse or dependent of a person in the
16 military, naval or marine service so stationed, and who claims his vote
17 in the municipality wherein such residence is located, shall be entitled
18 to vote by military absentee ballot in any election for which he is duly
19 registered to cast his vote in the election district of his residence in
20 said municipality, but not otherwise;

21 A civilian absentee voter who expects to be or may be absent
22 outside the State or the United States on the day on which an election
23 is held or who may be within the State on the day of any election but
24 because of permanent and total disability, or because of illness or
25 temporary physical disability, or because of the observance of a
26 religious holiday pursuant to the tenets of his religion, or because of
27 resident attendance at a school, college or university, or because of
28 the nature and hours of his employment, or because of personal
29 business, including caring for an ailing family member, relative or
30 friend, vacationing in another part of the State or attending a special
31 event, ceremony or meeting, will be unable to cast his ballot at the
32 polling place in his election district on the day of the election,
33 provided he is a registered voter, and is not otherwise disqualified by
34 law from voting in such election.

35 This act shall be liberally construed to effectuate these purposes.
36 (cf: P.L.1977, c.47, s.2)

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38 3. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as
39 follows:

40 7. The county clerk of the county, in the case of any Statewide
41 election, countywide election, or school election in a regional or other
42 school district comprising more than one municipality; the clerk of the
43 municipality, in the case of any municipal election or school election
44 in a school district comprising a single municipality; and the
45 commissioners or other governing or administrative body of the
46 district, in the case of any election to be held in any fire district, road

1 district, sewerage district, street lighting district, water supply district
2 or other special district, other than a municipality, created for specified
3 public purposes within one or more municipalities, shall publish or
4 cause to be published the following notices in substantially the
5 following forms:

6 NOTICE TO MILITARY SERVICE VOTERS AND
7 TO THEIR RELATIVES AND FRIENDS

8 If you are in the military service, or the spouse or dependent of a
9 person in military service or are a patient in a veterans' hospital or a
10 civilian attached to or serving with the Armed Forces of the United
11 States without the State of New Jersey, or the spouse or dependent of
12 and accompanying or residing with a civilian attached to or serving
13 with the Armed Forces of the United States, and desire to vote, or if
14 you are a relative or friend of any such person who, you believe, will
15 desire to vote in the (school, municipal,
16 primary, general or other) election to be held on
17 (date of election) kindly write to the undersigned at once making
18 application for a military service ballot to be voted in said election to
19 be forwarded to you, stating your name, age, serial number if you are
20 in military service, home address and the address at which you are
21 stationed or can be found, or if you desire the military service ballot
22 for a relative or friend then make application under oath for a military
23 service ballot to be forwarded to him, stating in your application that
24 he is over the age of 18 years and stating his name, serial number if he
25 is in military service, home address and the address at which he is
26 stationed or can be found.

27 Military service voters may also apply for a military service ballot
28 by sending a federal postcard application form to the undersigned.

29 On the application for a military service ballot, military service
30 voters may request that a military service ballot be sent for all
31 subsequent elections held during this calendar year.

32 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
33 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
34 NOT USE MILITARY ABSENTEE BALLOT UNLESS
35 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
36 STATION IS LOCATED.)

37 Forms of application other than federal postcard application forms
38 can be obtained from the undersigned. Dated
39

40 (signature and title of county clerk)

41
42 (address of county clerk)

43 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
44 BALLOTS

45 If you are a qualified and registered voter of the State who expects
46 to be absent outside the State on(date of election) or a

1 qualified and registered voter who will be within the State on
 2 (date of election) but because of permanent and
 3 total disability, or because of illness or temporary physical disability,
 4 or because of the observance of a religious holiday pursuant to the
 5 tenets of your religion, or because of resident attendance at a school,
 6 college, or university, or because of the nature and hours of
 7 employment, or because of personal business, including caring for an
 8 ailing family member, relative or friend, vacationing in another part of
 9 the State or attending a special event, ceremony or meeting, will be
 10 unable to cast your ballot at the polling place in your district on said
 11 date, and you desire to vote in the (school,
 12 municipal, primary, general, or other) election to be held on
 13 (date of election) kindly complete the application form
 14 below and send to the undersigned, or write or apply in person to the
 15 undersigned at once requesting that a civilian absentee ballot be
 16 forwarded to you. Such request must state your home address, and
 17 the address to which said ballot should be sent, and must be signed
 18 with your signature, and state the reason why you will not be able to
 19 vote at your usual polling place. No civilian absentee ballot will be
 20 furnished or forwarded to any applicant unless request therefor is
 21 received not less than seven days prior to the election, and contains the
 22 foregoing information.

23 Voters who are permanently and totally disabled shall, after their
 24 initial request and without further action on their part, be forwarded
 25 an absentee ballot application by the county clerk for all future
 26 elections in which they are eligible to vote. Application forms may be
 27 obtained by applying to the undersigned either in writing or by
 28 telephone, or the application form provided below may be completed
 29 and forwarded to the undersigned. Dated

30
 31 (signature and title of county clerk)

32

33 (address of county clerk)

34

35 (Telephone No. of county clerk)

36 APPLICATION FORM FOR CIVILIAN
 37 ABSENTEE BALLOT

38 (Form to be prepared by the Secretary of State pursuant
 39 to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

40 Such notices shall be separately published prior to the 50th day
 41 immediately preceding the holding of any election.

42 Notices relating to any Statewide or countywide election shall be
 43 published by the county clerk in at least two newspapers published in
 44 the county. All other officials charged with the duty of publishing
 45 such notices shall publish the same in at least one newspaper published
 46 in each municipality or district in which the election is to be held or if

1 no newspaper be published in said municipality or district, then in a
2 newspaper published in the county and circulating in such municipality,
3 municipalities or district. All such notices shall be display
4 advertisements.

5 (cf: P.L.1995, c.278, s.23)

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7 4. This act shall take effect immediately.

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10 STATEMENT

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12 The purpose of this bill is to expand the conditions under which a
13 registered voter may request and receive an absentee ballot on the day
14 of an election.

15 Specifically, the bill provides that in addition to the conditions
16 provided by current law, a registered voter could request and receive
17 an absentee ballot for any election because of personal business,
18 including caring for an ailing family member, relative or friend,
19 vacationing in another part of the State or attending a special event,
20 ceremony or meeting.

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25 Expands conditions under which a registered voter may request and
26 receive an absentee ballot.