

SENATE, No. 2355

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1997

By Senator ADLER

1 AN ACT concerning the mailing of sample ballots and amending
2 various parts of Title 19 of the Revised Statutes.

3

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

6

7 1. R.S.19:14-21 is amended to read as follows:

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

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

29 b. In counties having a superintendent of elections, and in other
30 counties where the county board of elections may have the equipment
31 or facilities to prepare a properly stamped envelope addressed to each
32 [registered voter] residence address where at least one resident thereof
33 is a registered voter in the county for mailing, the county clerk, not
34 later than the thirtieth day preceding the general election, shall furnish

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

19 c. The county clerk in counties having a superintendent of elections
20 shall also deliver to the county board not later than the twelfth day
21 preceding the general election 10 such sample ballots of each election
22 district of each municipality in the county.
23 (cf: P.L.1974, c.30, s.2)

24

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

26 19:14-25. In counties not having a superintendent of elections
27 where the county board of elections does not have the equipment or
28 facilities to address and mail sample ballot envelopes, all the members
29 of each of the district boards shall prepare and deposit in the post
30 office, on or before 12 noon on Wednesday preceding the general
31 election day, a properly stamped envelope containing a copy of the
32 sample ballot printed in English, addressed to each [registered voter]
33 residence address where at least one resident thereof is a registered
34 voter in the district of such board at the address shown on the register,
35 except that for districts in which the primary language of 10% or more
36 of the registered voters is Spanish, a properly stamped envelope
37 containing a copy of the bilingual sample ballot, addressed to each
38 [registered voter] residence address where at least one resident thereof
39 is a registered voter in the district of such board at the address shown
40 on the register shall be prepared and deposited. The board shall also
41 post the appropriate sample ballots in the polling place in its district.

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

46 In counties having a superintendent of elections, and in other

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

19 The county board of elections, in all counties having a
20 superintendent of elections, and in other counties where the county
21 board of elections shall elect to operate under the provisions of
22 subsection b. of [section 19:14-21 of this Title] R.S.19:14-21, shall,
23 not later than noon of the second Monday preceding the election,
24 deliver or mail to the members of the district board three appropriate
25 sample ballots for their respective election district. The board shall
26 post the appropriate sample ballots in the polling place in its district.
27 (cf: P.L.1974, c.30, s.3)

28

29 3. R.S.19:14-27 is amended to read as follows:

30 19:14-27. Except as provided by [section 19:14-33 of this Title]
31 R.S.19:14-33, when any question or proposition shall be submitted to
32 the people of the State at any general election or at any election held
33 to vote on a constitutional amendment, there shall be mailed to each
34 [registered voter] residence address where at least one resident thereof
35 is a registered voter in the same envelope with the sample ballot a
36 printed copy of the act of the Legislature or constitutional amendment
37 which is so submitted; provided, however, in counties where sample
38 ballots are so folded that they can be mailed to [the registrants] each
39 such residence address without being inserted in envelopes, as
40 permitted by [section 19:49-4 of this Title] R.S.19:49-4, the
41 commissioner of registration shall make such arrangements for mailing
42 the printed copy of the act of the Legislature or constitutional
43 amendment as are practical to enable each [registrant] such residence

1 address to receive a copy thereof.

2 (cf: P.L.1947, c.53, s.1)

3

4 4. R.S.19:14-33 is amended to read as follows:

5 19:14-33. It shall not be necessary for the secretary of state, or any
6 other official, to cause notice to be published of any state-wide
7 proposition directed by the legislature to be submitted to the people,
8 nor shall it be necessary for the secretary of state, or any other official,
9 to cause to be printed and mailed to the [registered voters] residence
10 addresses where at least one resident is a registered voter copies of the
11 act or acts to be voted upon.

12 (cf: R.S.19:14-33)

13

14 5. R.S.19:23-30 is amended to read as follows:

15 R.S.19:23-30. a. In counties not having a superintendent of
16 elections where the county board of elections does not have the
17 equipment or facilities to address and mail sample ballot envelopes, the
18 municipal clerk shall cause to be printed as herewith prescribed a
19 sufficient number of official primary sample ballots of each political
20 party in each election district and shall furnish a sufficient number of
21 stamped envelopes to enable every district board to mail one copy of
22 such ballot of each political party to each [voter who is registered]
23 residence address where at least one resident thereof is a registered
24 voter in the district for the primary election. The municipal clerk shall
25 deliver to the county clerk in all counties and the county board in
26 counties having a superintendent of elections one official primary
27 sample ballot of each political party for each district in his
28 municipality. The costs of printing the official primary sample ballots
29 and the stamped envelopes therefor shall be paid by the respective
30 municipalities.

31 b. In counties having a superintendent of elections, and in other
32 counties where the county board of elections may have the equipment
33 or facilities to prepare a properly stamped envelope addressed to each
34 [registered voter] residence address where at least one resident thereof
35 is a registered voter in the county for mailing, the municipal clerk shall
36 cause to [the] be printed as herewith prescribed a sufficient number of
37 official primary sample ballots of each political party for each election
38 district and shall furnish a sufficient number of stamped envelopes to
39 enable the commissioner of registration of the county to mail one copy
40 of such ballot of each political party to each [voter who is registered]
41 residence address where at least one resident thereof is a registered
42 voter in the district for the primary election. The municipal clerk shall
43 also deliver to the county board ten official primary sample ballots of
44 each political party for each district in his municipality. The cost of
45 printing of the official primary sample ballots and stamped envelopes
46 therefor shall be paid for by the respective municipalities. County

1 boards of elections which elect to operate under the provisions of this
2 paragraph shall notify their respective municipal clerks in sufficient
3 time to enable them to make the necessary arrangements the first year.
4 (cf: P.L.1947, c.168, s.8)

5
6 6. R.S.19:23-33 is amended to read as follows:

7 19:23-33. In counties not having a superintendent of elections
8 where the county board of elections does not have the equipment or
9 facilities to address and mail sample ballot envelopes, the municipal
10 clerk in each municipality shall furnish to a member of each district
11 board in his municipality, at his office, or in any other way that he sees
12 fit, on or before Tuesday preceding the primary election in each year,
13 sufficient sample ballots and sufficient stamped envelopes to enable the
14 board to mail sample ballots to the [voters] residence addresses where
15 at least one resident is a registered voter as hereinbefore provided.
16 Each of the boards shall give the municipal clerk a receipt for such
17 sample ballots and envelopes signed by one of its members.

18 In counties having a superintendent of elections, and in other
19 counties where the county board of elections shall elect to operate
20 under the provisions of subsection [b] b. of [section 19:23-30 of this
21 Title] R.S.19:23-30, the municipal clerk in each municipality shall
22 furnish to the commissioner of registration of his county not later than
23 thirty days preceding the primary election of each year, sufficient
24 stamped envelopes to enable the commissioner of registration to mail
25 sample ballots to each [voter who is registered] residence address
26 where at least one resident thereof is a registered voter in the county
27 and shall, not later than noon of the twelfth day preceding the primary
28 election furnish sufficient sample ballots to the commissioner of
29 registration of his county for that purpose. The commissioner of
30 registration shall give the municipal clerk a receipt for such sample
31 ballots and envelopes.

32 (cf: P.L.1947, c.168, s.10)

33
34 7. R.S.19:23-34 is amended to read as follows:

35 19:23-34. Each of such district boards, in counties not having a
36 superintendent of elections where the county board of elections does
37 not have the equipment or facilities to address and mail sample ballot
38 envelopes, and the commissioner of registration in all other counties,
39 shall prepare and deposit in the post office, on or before twelve
40 o'clock noon on Wednesday preceding the primary day, the stamped
41 envelopes containing a copy of the sample primary ballot of each
42 political party addressed to each [voter whose name] residence
43 address where the name of at least one resident thereof appears in the
44 primary election registry book.

45 (cf: P.L.1947, c.168, s.11)

46 8. Section 12 of P.L.1974, c.26 (C.19:44A-37) is amended to read

1 as follows:

2 12. The Election Law Enforcement Commission shall, on or before
3 the forty-fifth day prior to the date on which the general election is to
4 be held, supply each county clerk with the text of statements from
5 each candidate for election to the office of Governor. Each candidate
6 for the office of Governor who wishes a statement mailed on his behalf
7 shall submit to the commission, on forms provided by it, his proposed
8 statement which shall not exceed 500 words in length. Each county
9 clerk shall cause the statements submitted by all such candidates to be
10 printed and mailed with the sample ballot for the general election to
11 each [registered voter] residence address where at least one resident
12 thereof is a registered voter in the county with a short explanation
13 prepared by the commission that such statements are provided
14 pursuant to this law to assist the voters of this State in making their
15 determination among the candidates for the office of Governor. The
16 cost of printing and mailing such statements shall be paid for by the
17 counties; except that any cost to the counties resulting from the
18 printing and mailing of such statements shall be reimbursed from State
19 funds appropriated to the commission for that purpose on claim
20 therefor made by the county clerk to the commission.

21 (cf: P.L.1980, c.74, s.12)

22

23 9. R.S.19:49-4 is amended to read as follows:

24 19:49-4. a. (1) The officer or officers whose duty it may be under
25 this subtitle to provide and furnish official ballots for any polling place
26 where a voting machine is to be used shall also provide 2 sample
27 ballots or more, or instruction ballots, which sample or instruction
28 ballot shall be arranged in the form of a diagram showing such portion
29 of the face of the voting machine as it will appear after the official
30 ballots are arranged thereon or therein for voting on election day.
31 Such sample or instruction ballots shall be open to the inspection of all
32 voters on election day, in all elections where voting machines are used.

33 (2) For election districts in which the primary language of 10% or
34 more of the registered voters is Spanish, the officer or officers whose
35 duty it may be under this subtitle to provide and furnish official ballots
36 for any polling place where a voting machine is to be used shall also
37 provide 2 sample ballots or more, or instruction ballots, printed
38 bilingually in English and Spanish. Such sample or instruction ballots
39 shall be open to the inspection of all voters on election day, in
40 appropriate election districts, in all elections where voting machines
41 are used.

42 b. There shall be furnished a sufficient number of sample ballots
43 printed entirely in black ink, a facsimile of the face of the machine, of
44 a reduced size, one of which sample ballots shall be mailed to each
45 [registered voter] residence address where at least one resident thereof
46 is a registered voter, except that for election districts in which the

1 primary language of 10% or more of the registered voters is Spanish,
2 sample ballots printed bilingually in English and Spanish shall be
3 mailed to each [registered voter] such residence address. Any
4 reference to sample ballot envelopes in any section of this Title to the
5 contrary notwithstanding, in all counties where voting machines are
6 used and wherein the commissioner of registration has the facilities to
7 mail out sample ballots direct to [the registrants of] each residence
8 address where at least one resident is a registered voter in such county
9 and has elected so to do, as otherwise in this Title provided, the
10 commissioner of registration in any such county may request the
11 county clerk of such county to have the sample ballots prepared in the
12 manner following:

13 (1) The county clerk shall have said sample ballots for all general
14 and special elections printed in such manner that, when folded, the
15 words "Official General Election Sample Ballot" or as the case may be,
16 shall appear on the reverse side thereof, together with the words "In
17 cases where the sample ballot is to be sent to [an addressee who] a
18 residence address which does not receive [his] mail by delivery to [his
19 home] the residence address or through rural free delivery 'if not
20 delivered within 5 days return to the commissioner of registration' and
21 in all other cases 'if not delivered within 2 days return to the
22 commissioner of registration.' Do not Forward. Return Postage
23 Guaranteed" over the return address of the commissioner of
24 registration. Such portion of the ballot may contain such additional
25 words that conform with United States Postal regulations that will
26 prevent such envelope from being forwarded to [the voter at] any
27 other address than that appearing on the envelope, and that will cause
28 such envelope to be returned to the commissioner of registration, with
29 information thereon from the post office showing the reason for
30 nondelivery.

31 (2) The county clerk in drawing the specifications for the printing
32 of the official primary ballots shall include the requirement that the
33 municipal clerks shall have primary sample ballots printed in such
34 manner that, when folded, the words "Official Primary Election
35 Sample Ballot" shall appear on the reverse side thereof, together with
36 the words "In cases where the sample ballot is to be sent to [an
37 addressee who] a residence address which does not receive [his] mail
38 by delivery to [his home] the residence address or through rural free
39 delivery 'if not delivered within 5 days return to the commissioner of
40 registration' and in all other cases 'if not delivered within 2 days return
41 to the commissioner of registration.' Do Not Forward. Return
42 Postage Guaranteed" over the return address of the commissioner of
43 registration. Such portion of the ballot may contain such additional
44 words that conform with United States Postal regulations that will
45 prevent such envelope from being forwarded to [the voter at] any
46 other address than that appearing on the envelope, and that will cause

1 such envelope to be returned to the commissioner of registration, with
2 information thereon from the post office showing the reason for
3 nondelivery.

4 (3) Five sample ballots shall be posted as now required by law.

5 c. For all general and special elections the county clerk, and for all
6 primary and municipal elections the municipal clerks, shall, at least 30
7 days preceding any such election, make the arrangements necessary to
8 be made with the postmaster or postmasters in their respective
9 counties and municipalities to have the said sample ballots mailed
10 under the postal laws and regulations, and forthwith notify the said
11 commissioner of registration in writing to that effect.

12 (cf: P.L.1974, c.30, s.14)

13

14 10. This act shall take effect on January 1 following enactment.

15

16

17

STATEMENT

18

19 This bill provides that whenever sample ballots are to be mailed
20 prior to an election, one sample ballot shall be delivered to each
21 residence address where at least one resident thereof is a registered
22 voter.

23 Under current law, one sample ballot for each election must be
24 delivered to each registered voter, even if several registered voters
25 reside at the same address.

26

27

28

29

30 Directs that one sample ballot shall be delivered to each residence
31 address where at least one resident thereof is registered to vote.