

TABLE OF CONTENTS

I. VOTER REGISTRATION

A. QUALIFICATIONS AND DISQUALIFICATIONS

- 1. Who can register to vote?4
- 2. What are the criminal disqualifications?.....4
- 3. What are the mental disqualifications?.....4

B. DEADLINE

- 1. Is there a voter registration deadline?4

C. REGISTRATION PROCESS

- 1. How does a person register to vote?4

D. IDENTIFICATION REQUIRED FOR VOTER REGISTRATION

- 1. Does a person have to provide identification for voter registration?5
- 2. What type of identifying document is acceptable?.....5

E. RESIDENCY ISSUES- VOTERS WHO MOVE-EFFECT ON VOTING

- 1. What effect does moving have on a voter’s eligibility to vote?.....5

F. MOVE WITHIN ELECTION DISTRICT

- 1. What if the voter moves before the close of registration to an address within the election district of registration?.....5
- 2. What if the voter moves after the close of registration to an address within the election district of registration?.....5

G. MOVE OUTSIDE OF ELECTION DISTRICT, BUT WITHIN COUNTY

- 1. What if the voter moves outside of his or her election district, but within the county, before the close of registration, and does not notify the county commissioner of registration before the election?6

H. MOVE BETWEEN COUNTIES

- 1. What if a voter moves between counties before the close of registration?6
- 2. What if a voter moves between counties after the close of registration?6

II. METHODS OF VOTING

A. VOTING MACHINE

- 1. What are the methods of voting in New Jersey?.....6
- 2. Is a voter entitled to have assistance in the voting booth?.....6
- 3. Are there any restrictions on who can be an assistor?6

B. EMERGENCY BALLOTS

- 1. What is an emergency ballot?7
- 2. Can an emergency ballot be given to a voter if there is a considerable delay in the polling place because a voter is using the voting machine audio kit? 7

C. PROVISIONAL BALLOTS

- 1. What is a provisional ballot?.....7
- 2. When is a voter to be given a provisional ballot?.....7
- 3. What is the provisional ballot process?7

D. MAIL-IN BALLOTS

- 1. Which voters are allowed to vote by mail-in ballot?8
- 2. How does a voter apply for a mail-in ballot?.....8
- 3. Are there any restrictions on who can be an “authorized messenger”?8

4.	Are there any other “candidate” restrictions regarding mail-in ballots?.....	8
5.	What is a “bearer” of a mail-in ballot?	8
6.	Which county election office counts the mail-in ballots?	8

III. CHALLENGERS

1.	What is a challenger?	8
2.	What is the appointment process?.....	9
3.	Are there any challenger restrictions?.....	9
4.	What is the challenge process in the polling place?	9
5.	Who is allowed in the polling place?	9

IV. ELECTIONEERING

1.	What is “electioneering”?	10
2.	Where is the protected zone?	10
3.	What if there is electioneering activity going on in the polling place?	10
4.	Is exit polling permitted?	10

VOTER REGISTRATION
Qualifications and Disqualifications

Q. Who can register to vote?

A. Any person who possesses the constitutional and statutory qualifications and none of the disqualifications.

The registrant must be a U.S. citizen, at least 17 years old but cannot vote until reaching the age of 18 and will have resided in his/her county 30 days by the time of the election. The registrant must not possess the requisite criminal or mental disqualifications. **N.J.S.A. 19:4-1.**

Q. What are the criminal disqualifications?

A. Any person who has been convicted of an indictable offense under any federal or state law and is serving a sentence, or is on probation or parole, is not allowed to register to vote. **N.J.S.A. 19:4-1.**

Q. What are the mental disqualifications?

A. The State Constitution bars any person who "...has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting..." **N.J. Const.** Art. 2, Section 1, Paragraph 6. No election official, family member or friend of the registrant can make such a determination. Caroll v. Cobb, 139 **N.J. Super.** 439 (App. Div. 1976).

DEADLINE

Q. Is there a voter registration deadline?

A. Yes, a person must register to vote by the 21st day before an election. **N.J.S.A. 19:31-6.1.**

REGISTRATION PROCESS

Q. How does a person register to vote?

A. One can register by mail. Forms are available online at Elections.NJ.gov or they can be picked up at a voter registration agency or other public agency. **N.J.S.A. 19:31-6.3.**

In-person voter registration is also available at a municipal clerk's office or county commissioner of registration's office. The location of these offices is listed on the above website. Additionally, pursuant to the National Voter Registration Act, 42 **U.S.C.** 1973gg, et. seq., and state conforming legislation (**N.J.S.A.** 19:31-6.3), any person appearing at a Motor Vehicle Commission ("MVC") agency for an initial driver's license or renewal must be asked if he or she wishes to register to vote. Such "active" registration activity by a governmental agency also applies to offices that serve the disabled and administer public assistance.

IDENTIFICATION REQUIRED FOR VOTER REGISTRATION

Q. Does a person have to provide identification for voter registration?

A. Mail-in Registrants from January 1, 2003 through December 31, 2005

Consistent with the “Help America Vote Act of 2002,” 42 U.S.C. §15301, et seq., (HAVA), mail-in registrants from January 1, 2003 through December 31, 2005, who never voted in a federal election in New Jersey, were required to provide some form of identification to complete his/her voter registration. The registrant had the option of providing a driver’s license number, the last four digits of his or her social security number or a copy of an identifying document. 42 U.S.C. §15483(b); N.J.S.A. 19:31-5.

All Registrants as of January 1, 2006

As of January 1, 2006, all registrants are required to provide identification information as follows. If a registrant has a driver’s license or an MVC non-driver identification, those numbers must be provided. Only if the registrant does not have a driver’s license or MVC non-driver identification, he or she is to provide the last four digits of his/her social security number. In the rare case where a registrant has no such identifying numbers, he or she is to so affirm in section 5 of the voter registration form.

Q. What type of identifying document is acceptable?

A. Any photo ID with or without an address (NJ driver’s license, student or employment id, military or other government id, store membership card, etc.); or any document that has the person’s name and current address on it (bank statement, car registration, government check or document, non-photo driver’s license, pay check, rent receipt, sample ballot or utility bill, etc.) is acceptable. N.J.S.A. 19:31-5.

RESIDENCY ISSUES -VOTERS WHO MOVE- EFFECT ON VOTING

Q. What effect does moving have on a voter’s eligibility to vote?

A. The two basic questions are:

1. When did the voter move in relation to the date of the close of registration?
2. Did the voter move within the county of registration or to another county?

MOVE WITHIN ELECTION DISTRICT

Q. What if the voter moves before the close of registration to an address within the election district of registration?

A. The voter signs an affirmation statement for the new address in the election district, signs the poll book and votes in the voting machine. N.J.S.A. 19:53C-3(a).

Q. What if the voter moves after the close of registration to an address within the election district of registration?

A. Same answer as above. If the move is in the election district of registration, it does not matter when the voter moved. N.J.S.A. 19:53C-3(a).

MOVE OUTSIDE OF ELECTION DISTRICT, BUT WITHIN COUNTY

- Q. What if the voter moves outside of his or her election district, but within the county, before the close of registration, and does not notify the county commissioner of registration before the election?**
- A.** The voter votes in the election district for his or her current residence by provisional ballot. Any move within a county, regardless of when or where does not affect the voter's right vote, although the method of voting may differ (machine or provisional). **N.J.S.A. 19:53C-3(b)**.

MOVE BETWEEN COUNTIES

- Q. What if a voter moves between counties before the close of registration?**
- A.** The voter must re-register in the new county. If the voter does not do so, he or she cannot vote in the election. **N.J.S.A. 19:53C-3(d)**.
- Q. What if a voter moves between counties after the close of registration?**
- A.** The voter is permitted to vote in the old county. **N.J.S.A. 19:53C-3(e)**.

METHODS OF VOTING

Voting Machine

- Q. What are the methods of voting in New Jersey?**
- A.** A voter votes by voting machine or by paper ballot, as applicable. The majority of the voters in the State go to their designated polling places and vote on the voting machine. The voter is to sign the poll book and also the "voting authority slip." The voting authority slip is a two-part document which is in a pad. One part is retained in the pad and the other part is to be handed to the voter to give to the district board worker stationed at the voting machine. This slip is part of the check and balance system to assure that only qualified voters enter the voting machine to vote.
- Q. Is a voter entitled to have assistance in the voting booth?**
- A.** Only those voters who are visually-impaired, unable to read the ballot, or disabled are permitted to have someone in the voting booth to assist them. **N.J.S.A. 19:50-3**.
- Q. Are there any restrictions on who can be an assistor?**
- A.** Yes. No person who is the employer, or representative thereof, or union representative of the voter can provide assistance in the voting machine. Otherwise, it is the privilege of the voter to choose his or her assistor. **42 U.S.C. § 1973aa-6; N.J.S.A. 19:50-3**.

EMERGENCY BALLOTS

Q. What is an emergency ballot?

A. An emergency ballot is a paper ballot that is used in the polling place if the machine malfunctions or is otherwise unavailable. The county clerk is charged with the responsibility for preparing an emergency ballot box packet including the ballots, envelopes and tally sheets. The custodian of the voting machines is to place an emergency ballot packet in each emergency ballot box. **N.J.S.A. 19:53B-1.**

Q. Can an emergency ballot be given to a voter if there is a considerable delay in the polling place because a voter is using the voting machine audio kit?

A. Yes.

PROVISIONAL BALLOTS

Q. What is a provisional ballot?

A. It is a paper ballot used in the polling place for persons whose eligibility is at issue and which must be resolved by the county election officials, not the district board workers at the polling place. **N.J.S.A. 19:53C-1 et.seq.**

Q. When is a voter to be given a provisional ballot?

A. There are four types of voters who are to vote by provisional ballot:

1. The voter whose name is not in the poll book or whose voter registration is deficient (e.g., the signature is missing).
2. The voter who moved outside of the election district of record, but within the county, and did not inform the county commissioner of registration before the election. Because voters generally are to vote in the election district in which they live on election day, that voter's name will not be in the proper poll book on election day. This voter will have to vote by provisional ballot because the district board will not know if the person is a registered voter in the county.
3. The voter who is classified as an "Active Need ID" or "Inactive Needs ID" and shows up at the polls without any ID.
4. The voter whose name in the poll book is marked with a "M" or "Mail-in" for mail-in ballot, but who claims he or she never applied for, received, or returned a mail-in ballot.

Q. What is the provisional ballot process?

A. The affected voter is to be given a provisional ballot and a provisional ballot envelope. Attached to the envelope is an affirmation statement. The voter is to vote the ballot, insert it in the envelope and complete the affirmation statement. N.J.S.A. 19:53C-5, N.J.S.A. 19:53C-6.

NOTE: No provisional ballot is to be counted at the polling place by the district board workers (unlike the emergency ballots). The provisional ballots are to be brought back to the county commissioner of registration for verification and counting by the county board of election. This process commences the day after the election. If the county commissioner of registration determines the person is not a registered voter, the provisional ballot is not counted, but the affirmation statement is processed as a voter registration form for future elections.

MAIL-IN BALLOTS

Q. Which voters are allowed to vote by mail-in ballot?

A. The law now provides that any voter can vote by mail-in ballot. The “no excuses” absentee ballot was signed into law on July 9, 2005. By way of P.L. 2009, c. 79, (Chapter 63 in Title 19) “absentee” ballots are now referred to as “mail-in” ballots.

Q. How does a voter apply for a mail-in ballot?

A. An application must be filed with the applicable county clerk. The voter can apply by mail no later than seven days before the election. Thereafter, the voter must apply in person up until 3:00 p.m. of the day before the election. After that period of time and on election day, application for an emergency mail-in ballot must be made to a court. N.J.S.A. 19:63-3.

Q. Are there any restrictions on who can be an “authorized messenger”?

A. Yes, the authorized messenger must be a family member of the voter or a registered voter of the county. Under no circumstances, however, can the authorized messenger be a candidate for any office in the election in which the voter is requesting a mail-in ballot. When appearing at the county clerk’s office, the authorized messenger must show a photo ID and sign a certification that he or she will deliver the ballot directly to the voter. N.J.S.A. 19:63-4.

Q. Are there any other “candidate” restrictions regarding mail-in ballots?

A. Yes. The candidate cannot provide any assistance in voting the ballot and cannot be the “bearer” of the voted ballot. N.J.S.A. 19:63-16(d)(3).

Q. What is a “bearer” of a mail-in ballot?

A. A “bearer” is the person who assists in the mailing or the personal delivery of a voter’s mail-in ballot to the board of election. N.J.S.A. 19:63-16(d)(1).

Q. Which county election office counts the mail-in ballots?

A. The county board of election is mandated to canvass and count the mail-in ballots for every election, from fire district elections to general elections. N.J.S.A. 19-63-22.

CHALLENGERS

Q. What is a challenger?

A. A challenger is a person who is appointed by a candidate, political party chair (Democrat or Republican), or proponent or opponent of a public referendum. A candidate in the election may also act as a challenger on behalf of him or herself. A challenger is permitted by law to **observe the voting process** in a polling place or at the location where mail-in ballots are counted (the board of election office) and can **challenge a voter's right to vote or the validity of a mail-in ballot**. **N.J.S.A. 19:7-1, et seq.; N.J.S.A. 19:7-2; N.J.S.A. 19:7-3; N.J.S.A. 19:7-5.**

Q. What is the appointment process?

A. No later than two weeks before the election, appointment papers must be filed with the county board of election and must list the name of each challenger and the corresponding assigned election district(s). **N.J.S.A. 19:7-3.**

Q. Are there any challenger restrictions?

A. Yes, challengers cannot:

- challenge any voter on the basis of race, ethnicity, expected manner of voting, or the location of the voter's actual residence in a housing complex, ward or other part of town or county (**N.J.S.A. 19:15-18**);
- sit with the district board workers;
- stand over the district board workers;
- touch any election materials;
- go to the voting machine during the voting hours;
- challenge the voter directly;
- participate in the signature comparison process, which is the exclusive responsibility of the board worker;
- harass or intimidate voters or cause any disturbance in the polling place. **N.J.S.A. 19:34-29**;
- wear any campaign insignia whatsoever. This includes buttons or any clothing with indicia relating to any candidate, a political party or referendum. **N.J.S.A. 19:34-15**;
- decline, refuse or neglect to wear the challenger badge or fail to present the challenger credentials to the district board upon arrival at the polling place. **N.J.S.A. 19:7-6.**

Q. What is the challenge process in the polling place?

A. If a challenger knows, suspects or reasonably believes that a voter is not qualified to vote, the challenger must assert the challenge before the voter votes. The district board must ask the challenger why he or she is challenging the voter (for example, a challenger may claim that the voter moved out of State before election day) and require the challenger to sign a challenger affidavit. The voter must also sign an affidavit and may have to show the district board an identifying document. The board must then vote on the challenge. **A tie vote works in favor of the voter. N.J.S.A. 19:15-18.2 and N.J.S.A. 19:15-24.**

Q. Who is allowed in the polling place?

A. The polling place is a limited public forum. The only persons allowed therein are election officials, duly-credentialed challengers, the candidates, the voters and the voters' dependent children (regardless of age) and law enforcement officers present to preserve the peace and the enforcement of the election laws. **N.J.S.A. 19:15-8.**

ELECTIONEERING

Q. What is "electioneering"?

A. It is any activity or display of materials that is intended to advocate, solicit or suggest support for a candidate, political party or public referendum. **N.J.S.A. 19:34-15.**

Q. Where is the protected zone?

A. It extends 100 feet from the outside entrance(s) of the polling place up to and including the polling room. **N.J.S.A. 19:34-6 and N.J.S.A. 19:34-15.**

Q. What if there is electioneering activity going on in the polling place?

A. The first line of defense is the district board which should immediately restrain any such activity. For example, if a challenger is displaying a campaign button, he or she should be told to take it off. If the challenger is soliciting voters in the polling place to support his or her candidate, the district board should tell the challenger to stop. **N.J.S.A. 19:6-15.**

Q. Is exit polling permitted?

A. Pursuant to a federal consent decree, the media outlets represented by Edison-Mitosky Research (ABC, AP, CBS, CNN, Fox News, and NBC) may exit poll within one hundred feet of the outside entrance to the polling place. It is not considered to be electioneering.