

**SENATE, No. 1873**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MAY 10, 2010

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Changes way electors for President and Vice President of the United States are selected in State.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning electors of the President and Vice President of  
2 the United States and amending and supplementing various parts  
3 of the statutory law.

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

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

9 19:1-1. As used in this Title:

10 "Election" means the procedure whereby the electors of this  
11 State or any political subdivision thereof elect persons to fill public  
12 office or pass on public questions.

13 "General election" means the annual election to be held on the  
14 first Tuesday after the first Monday in November.

15 "Primary election for the general election" means the procedure  
16 whereby the members of a political party in this State or any  
17 political subdivision thereof nominate candidates to be voted for at  
18 general elections, or elect persons to fill party offices.

19 "Presidential primary election" means the procedure whereby the  
20 members of a political party in this State or any political  
21 subdivision thereof elect persons to serve as delegates and  
22 alternates to national conventions.

23 "Municipal election" means an election to be held in and for a  
24 single municipality only, at regular intervals.

25 "Special election" means an election which is not provided for by  
26 law to be held at stated intervals.

27 "Any election" includes all primary, general, municipal, school  
28 and special elections, as defined herein.

29 "Municipality" includes any city, town, borough, village, or  
30 township.

31 "School election" means any annual or special election to be held  
32 in and for a local or regional school district established pursuant to  
33 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

34 "Public office" includes any office in the government of this  
35 State or any of its political subdivisions filled at elections by the  
36 electors of the State or political subdivision.

37 "Public question" includes any question, proposition or  
38 referendum required by the legislative or governing body of this  
39 State or any of its political subdivisions to be submitted by  
40 referendum procedure to the voters of the State or political  
41 subdivision for decision at elections.

42 "Political party" means a party which, at the election held for all  
43 of the members of the General Assembly next preceding the holding  
44 of any primary election held pursuant to this Title, polled for  
45 members of the General Assembly at least 10% of the total vote cast

**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.**

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1 in this State.

2 "Party office" means the office of delegate or alternate to the  
3 national convention of a political party or member of the State,  
4 county or municipal committees of a political party.

5 "Masculine" includes the feminine, and the masculine pronoun  
6 wherever used in this Title shall be construed to include the  
7 feminine.

8 "Presidential year" means the year in which electors and at large  
9 electors of President and Vice-President of the United States are  
10 voted for at the general election.

11 "Election district" means the territory within which or for which  
12 there is a polling place or room for all voters in the territory to cast  
13 their ballots at any election.

14 "District board" means the district board of registry and election  
15 in an election district.

16 "County board" means the county board of elections in a county.

17 "Superintendent" means the superintendent of elections in  
18 counties wherein the same shall have been appointed.

19 "Commissioner" means the commissioner of registration in  
20 counties.

21 "File" or "filed" means deposited in the regularly maintained  
22 office of the public official wherever said regularly maintained  
23 office is designated by statute, ordinance or resolution.

24 (cf: P.L.2005, c.136, s.1)

25

26 2. R.S.19:3-5 is amended to read as follows:

27 19:3-5. No person shall hold at the same time more than one of  
28 the following offices: elector or at large elector of President and  
29 Vice-President of the United States, member of the United States  
30 Senate, member of the House of Representatives of the United  
31 States, member of the Senate or of the General Assembly of this  
32 State, county clerk, register, surrogate or sheriff.

33 No person shall hold the office of member of the Senate or the  
34 General Assembly of this State and, at the same time, hold any  
35 other elective public office in this State, except that any person who  
36 holds the office of member of the Senate or the General Assembly  
37 and, at the same time, holds any other elective public office on the  
38 effective date of P.L.2007, c.161 may continue to hold that office of  
39 member of the Senate or that office of member of the General  
40 Assembly, and may hold that other elective public office at the  
41 same time if service in the Senate or the General Assembly and the  
42 other elective office are continuous following the effective date of  
43 P.L.2007, c.161.

44 No person shall be elected an elector or at large elector of  
45 President and Vice-President of the United States unless **[he]** that  
46 person shall possess the qualifications of a legal voter of the State,  
47 shall be of the age of 25 years or upwards and shall have been a  
48 citizen of the United States **[seven]** 7 years next preceding such

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1 election.

2 Each elector shall be a registered voter in the congressional  
3 district in which the elector resides for at least one year prior to the  
4 day of the general election at which the elector is elected and shall  
5 continue as such while the elector is in office. Each at large elector  
6 shall be a registered voter in the State for at least one year prior to  
7 the day of the general election at which the elector is elected and  
8 shall continue as such while the elector is in office.

9 No person shall be elected a member of the House of  
10 Representatives, or an elector or at large elector of President and  
11 Vice-President who shall hold any office of trust or profit under the  
12 United States.

13 (cf: P.L.2007, c.161, s.1)

14

15 3. R.S.19:12-1 is amended to read as follows:

16 19:12-1. The Secretary of State shall within thirty days after the  
17 completion of the canvass by the board of State canvassers, certify  
18 to each county clerk and county board the fact that at the next  
19 preceding general election held for the election of all of the  
20 members of the General Assembly ten per centum (10%) of the total  
21 vote cast in the State for members of the General Assembly had  
22 been cast for candidates having the same designation, thereby  
23 creating, within the meaning of this Title, a political party, to be  
24 known and recognized as such under the same designation as used  
25 by the candidates for whom the required number of votes were cast.

26 The Secretary of State shall also not later than the sixtieth day  
27 preceding the presidential primary election in each presidential year  
28 in which electors and at large electors of President and Vice-  
29 President of the United States are to be selected, and not later than  
30 the sixtieth day preceding the primary election for the general  
31 election in which a representative of the United States Senate,  
32 members of the House of Representatives, a Governor, a Lieutenant  
33 Governor, or Senator, or member or members of the General  
34 Assembly for any county, or any of them, are to be elected or any  
35 public question is to be submitted to the voters of the entire State,  
36 direct and cause to be delivered to the clerk of the county and the  
37 county board wherein any such election is to be held, a notice  
38 stating that such officer or officers are to be elected and that such  
39 public question is to be submitted to the voters of the entire State at  
40 the ensuing general election.

41 (cf: P.L.2009, c.66, s.2)

42

43 4. R.S.19:13-1 is amended to read as follows:

44 19:13-1. Candidates for all public offices to be voted for at the  
45 general election in this state or in any political division thereof,  
46 except electors and at large electors of president and vice president  
47 of the United States nominated by the political parties at state  
48 conventions, shall be nominated directly by petition as hereinafter

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1 provided, or at the primary for the general election held pursuant to  
2 this title.

3 (cf: R.S.19:13-1)

4

5 5. R.S.19:13-2 is amended to read as follows:

6 19:13-2. In presidential years the state conventions shall  
7 severally nominate for their respective parties such number of  
8 candidates for electors and at large electors of president and vice  
9 president of the United States as this state shall be entitled to elect  
10 or appoint.

11 (cf: R.S.19:13-2)

12

13 6. R.S.19:13-9 is amended to read as follows:

14 19:13-9. All such petitions and acceptances thereof shall be filed  
15 with the officer or officers to whom they are addressed before 4:00  
16 p.m. of the day of the holding of the primary election for the  
17 general election in this Title provided. All petitions when filed  
18 shall be open under proper regulations for public inspection.

19 Notwithstanding the above provision, all petitions and  
20 acceptances thereof nominating electors and at large electors of  
21 candidates for President and Vice President of the United States,  
22 which candidates have not been nominated at a convention of a  
23 political party as defined by this Title, shall be filed with the  
24 Secretary of State before 4:00 p.m. of the 99th day preceding the  
25 general election in this Title provided. All petitions when filed  
26 shall be opened under proper regulations for public inspection.

27 The officer or officers shall transmit to the Election Law  
28 Enforcement Commission the names of all candidates, other than  
29 candidates for federal office, nominated by petition and any other  
30 information required by the commission in the form and manner  
31 prescribed by the commission and shall notify the commission  
32 immediately upon the withdrawal of a petition of nomination.

33 (cf: P.L.1998, c.147, s.2)

34

35 7. R.S.19:13-11 is amended to read as follows:

36 19:13-11. The officer with whom the original petition was filed  
37 shall in the first instance pass upon the validity of such objection in  
38 a summary way unless an order shall be made in the matter by a  
39 court of competent jurisdiction and for this purpose such officer  
40 shall have power to subpoena witnesses and take testimony or  
41 depositions. He shall file his determination in writing in his office  
42 on or before the tenth day after the last day for the filing of  
43 petitions, which determination shall be open for public inspection.

44 In the case of petitions nominating electors and at large electors  
45 of candidates for President and Vice President of the United States,  
46 which candidates have not been nominated at a convention of a  
47 political party as defined by this Title, the Secretary of State shall  
48 file his or her determination in writing in his or her office on or

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1 before the 93rd day before the general election, which  
2 determination shall be open for public inspection.

3 (cf: P.L.1998, c.147, s.3)

4

5 8. R.S.19:13-12 is amended to read as follows:

6 19:13-12. Any judge of the Superior Court, in the case of  
7 candidates to be voted for by the electors of the entire State or of  
8 more than one county thereof, and in all other cases a judge of the  
9 Superior Court assigned to the county in which any petition of  
10 nomination shall be filed, on the application or complaint, duly  
11 verified, of any candidate, which application or complaint shall be  
12 made on or before the twelfth day after the last day for the filing of  
13 petitions, setting forth any invasion or threatened invasion of his  
14 rights under the petition of nomination filed with the Secretary of  
15 State or with any county clerk, shall hear such application or  
16 complaint in a summary way and make such order thereon as will  
17 protect and enforce the rights of such candidates, which order or  
18 determination shall be filed within three days after the filing of the  
19 application or complaint.

20 Notwithstanding the above provision, in the case of a nomination  
21 petition or petitions for electors and at large electors of candidates  
22 for President and Vice President of the United States, which  
23 candidates have not been nominated at a convention of a political  
24 party as defined by this Title, any judge of the Superior Court, on  
25 the application or complaint, duly verified, of any candidate, which  
26 application or complaint shall be made at least 95 days before the  
27 general election, setting forth any invasion or threatened invasion of  
28 his or her rights under the petition of nomination filed with the  
29 Secretary of State, shall hear such application or complaint in a  
30 summary way and make such order thereon as will protect and  
31 enforce the rights of such candidates, which order or determination  
32 shall be filed within three days after the filing of the application or  
33 complaint.

34 (cf: P.L.1998, c.147, s.4)

35

36 9. R.S.19:13-13 is amended to read as follows:

37 19:13-13. A candidate whose petition of nomination, or any  
38 affidavit or affidavits thereto, is defective may cause such petition,  
39 or the affidavit or affidavits thereto, to be amended in matters of  
40 substance or of form as may be necessary, but not to add signatures,  
41 or such amendment or amendments may be made by filing a new or  
42 substitute petition, or affidavit or affidavits, and the same when so  
43 amended shall be of the same effect as if originally filed in such  
44 amended form; but every amendment shall be made on or before the  
45 tenth day after the last day for the filing of petitions. This provision  
46 shall be liberally construed to protect the interest of candidates.

47 Notwithstanding the above provision, in the case of nomination  
48 petitions for electors and at large electors for candidates for

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1 President and Vice President of the United States, which candidates  
2 have not been nominated at a convention of a political party as  
3 defined by this Title, every statutorily authorized amendment shall  
4 be made on or before the 93rd day before the general election.  
5 (cf: P.L.1998, c.147, s.5)

6

7 10. R.S.19:13-15 is amended to read as follows:

8 19:13-15. In presidential years the State committee of a political  
9 party shall meet at the call of its chairman, within **[1]** one week  
10 following the closing of the party's national convention, for the  
11 purpose of nominating candidates for electors and at large electors  
12 of President and Vice-President of the United States and shall  
13 certify such nomination in a written or printed or partly written and  
14 partly printed certificate of nomination.

15 The certificate of nomination shall contain the name of each  
16 person nominated, his residence and post-office address, the  
17 congressional district in which he resides if he is to serve as an  
18 elector from a congressional district, the office for which he is  
19 named, and shall also contain in not more than **[3]** three words the  
20 designation of the party the nominating body represents. The  
21 names of the candidates for President and Vice-President for whom  
22 such electors are to vote may be included in the certificate. The  
23 State committee may also appoint a committee to whom shall be  
24 delegated the power to fill vacancies occurring prior to the election  
25 of the electors, howsoever caused prior to the general election at  
26 which the electors and at large electors are elected, and the names  
27 and addresses of such committee shall be included in the certificate.

28 The certificate shall be signed by the State chairman who shall  
29 make oath before an officer authorized to administer the same that  
30 he is the State chairman of the political party and that the certificate  
31 and statements therein contained are true to the best of his  
32 knowledge and belief. A certificate that such oath has been taken  
33 shall be made and signed by the officer administering the same and  
34 indorsed upon or attached to the certificate of nomination. Inclosed  
35 upon or attached to the certificate shall be statements in writing that  
36 the persons named therein accept such nominations and the oath of  
37 allegiance prescribed in section 41:1-1 of the Revised Statutes duly  
38 taken and subscribed by each or all of them before an officer or  
39 officers authorized to take oaths in this State.

40 The certificate of nomination and the acceptance thereof shall be  
41 filed with the Secretary of State not later than **[1]** one week after  
42 the nomination of such electors and at large electors of President  
43 and Vice-President of the United States.

44 The procedure for all objections to the certificates of nomination,  
45 the determination of the validity of such objections, the correction  
46 of defective certificates, and the presentation of such certificates  
47 and any documents attached thereto, shall be the same as herein

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1 provided for direct petitions of nominations.

2 (cf: P.L.2007, c.334, s.2.)

3

4 11. R.S.19:13-17 is amended to read as follows:

5 19:13-17. The officer to whom the notification of declination is  
6 given shall forthwith, by mail or otherwise, inform at least **[5] five**  
7 of the persons who signed the original petition that such nomination  
8 has been declined; except that in the case of the nomination of  
9 electors and at large electors of President and Vice-President of the  
10 United States by the State committee of a political party he shall  
11 inform the committee appointed by the State committee to fill  
12 vacancies, or if there be no such committee, the chairman of the  
13 State committee.

14 (cf: P.L.1968, c.87, s.2)

15

16 12. R.S.19:13-21 is amended to read as follows:

17 19:13-21. If the nomination vacated is that of a candidate for  
18 elector or at large elector of the President and Vice-President of the  
19 United States, the vacancy shall be filled by the committee to whom  
20 power shall have been delegated to fill vacancies if such there be,  
21 otherwise by the State committee of the political party which  
22 nominated the elector whose nomination is vacated. The chairman  
23 and secretary of the vacancy committee or State committee shall  
24 file with the Secretary of State on or before the **[48th]** day prior to  
25 the general election a certificate of nomination for filling the  
26 vacancy. This certificate shall be made and filed in the same  
27 manner and form as heretofore provided for filling vacancies among  
28 candidates nominated at the primary and there shall be annexed  
29 thereto the oath of allegiance prescribed in section 41:1-1 of the  
30 Revised Statutes duly taken and subscribed by the person so  
31 nominated before an officer authorized to take oaths in this State.

32 (cf: P.L.1985, c.92, s.15)

33

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

35 19:14-4. In the center of the ballot immediately below the  
36 perforated line shall be printed in bold-faced type the words  
37 "Official general election ballot." Below these words and extending  
38 across the ballot shall appear the words: "Name of (municipality),  
39 ..... ward, ..... election district, .....  
40 date of election, ..... John Doe, county clerk." The blank  
41 spaces shall be filled in with the name of the proper municipality,  
42 the ward and district numbers and the date of the election. For  
43 school elections the name of the school district and of the  
44 municipality or municipalities comprising the district shall also be  
45 indicated thereon. The name of the county clerk shall be a facsimile  
46 of his signature. Below the last stated words extending across the  
47 ballot and at the extreme left shall be printed the words  
48 "Instructions to the voter," and immediately to the right there shall



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1 be a bracket embracing the following instructions numbered  
2 consecutively:

3 (1) The only kind of a mark to be made on this ballot in voting  
4 shall be a cross x, plus + or check.

5 (2) To mark a cross x , plus +, check or when writing a name on  
6 this ballot use only ink or pencil.

7 (3) To vote for any candidates whose names are printed in any  
8 column, mark a cross x , plus + or check in the square at the left of  
9 the names of such candidates not in excess of the number to be  
10 elected to the office.

11 (4) To vote for any person whose name is not printed on this  
12 ballot, write or paste the name of such person under the proper title  
13 of office in the column designated personal choice and mark a cross  
14 x , plus + or check in the square to the left of the name so written or  
15 pasted.

16 (5) To vote upon any public question printed on this ballot if in  
17 favor thereof, mark a cross x , plus + or check in the square at the  
18 left of the word "Yes," and if opposed thereto, mark a cross x , plus  
19 + or check in the square at the left of the word "No."

20 (6) Do not mark this ballot in any other manner than above  
21 provided for and make no erasures. Should this ballot be wrongly  
22 marked, defaced, torn or any erasure made thereon or otherwise  
23 rendered unfit for use return it and obtain another. In presidential  
24 years, the following instructions shall be printed upon the general  
25 election ballot:

26 (7) To vote for all the electors and at large electors of any party,  
27 mark a cross x , plus + or check in ink or pencil in the square at the  
28 left of the surnames of the candidates for president and vice-  
29 president for whom you desire to vote.

30 Below the above-stated instructions and information and, except  
31 when compliance with section 19:14-15 of this Title as to Statewide  
32 propositions otherwise requires, three inches below the perforated  
33 line and parallel to it, there shall be printed a six-point diagram rule  
34 extending across the ballot to within not less than a half inch to the  
35 right and left edges of the paper.

36 (cf: P.L.1995, c.278, s.17)

37

38 14. R.S.19:14-6 is amended to read as follows:

39 19:14-6. In each column, immediately below the six-point rule,  
40 shall be printed the proper word or words to designate the column,  
41 to be known as the "column designation."

42 In the columns at the extreme left shall be printed the name of  
43 each of the political parties which made nominations at the next  
44 preceding presidential primary election, during the same year such  
45 an election is held, and the next preceding primary election for the  
46 general election every year, directly under which shall appear the  
47 words "to vote for any candidate whose name appears in the column  
48 below, mark a cross x, plus + or check in the square at the left of

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10

1 the name of such candidate. Do not vote for more candidates than  
2 are to be elected to any office." Such columns shall be three inches  
3 in width.

4 The column next to the right of such columns shall be designated  
5 "personal choice," under which shall appear the words "in the blank  
6 column below, under the proper title of office, the voter may write  
7 or paste the name of any person for whom he desires to vote, whose  
8 name is not printed on this ballot, and shall mark a cross x, plus +  
9 or check in the square at the left of such name. Do not vote for  
10 more candidates than are to be elected to any office." There shall  
11 also be the same instructions regarding electors and at large electors  
12 of president and vice-president which now appear at the head of all  
13 other columns. This column shall be four inches in width.

14 The remaining column or columns, as the case may be, shall each  
15 be designated "Nomination by Petition," under which shall be  
16 printed the words "to vote for any candidate whose name appears in  
17 the column below mark a cross x, plus + or check in the square at  
18 the left of the name of such candidate. Do not vote for more  
19 candidates than are to be elected to any office." These columns  
20 shall be four inches in width.

21 Below the column designations and accompanying instructions  
22 and not more than one and one-half inches below the six-point  
23 diagram rule and parallel thereto, shall be printed a six-point  
24 diagram rule extending across the entire ballot from one four point  
25 rule to the other.

26 (cf: P.L.2005, c.136, s.22)

27

28 15. R.S.19:14-8 is amended to read as follows:

29 19:14-8. In the columns of each of the political parties which  
30 made nominations at the next preceding primary election to the  
31 general election and in the personal choice column, within the space  
32 between the two-point hair line rules, there shall be printed the title  
33 of each office to be filled at such election, except as hereinafter  
34 provided.

35 Such titles of office shall be arranged in the following order:  
36 member of the United States Senate; Governor; member of the  
37 House of Representatives; member of the State Senate; members of  
38 the General Assembly; county executive, in counties that have  
39 adopted the county executive plan of the "Optional County Charter  
40 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;  
41 surrogate; register of deeds and mortgages; county supervisor;  
42 members of the board of chosen freeholders; coroners; mayor and  
43 members of municipal governing bodies, and any other titles of  
44 office. Above each of such titles of office, except the one at the  
45 top, shall be printed a two-point diagram rule in place of the two-  
46 point hair line rule. Below the titles of such offices shall be printed  
47 the names of the candidates for the offices.

48 In the columns of each of the political parties which made

1 nominations at the next preceding presidential primary election and  
2 in the personal choice column, within the space between the two-  
3 point hair line rules, there shall be printed the title of office for  
4 electors and at large electors of President and Vice President of the  
5 United States.

6 The arrangement of the names of candidates for any office for  
7 which more than one are to be elected shall be determined in the  
8 manner hereinafter provided, as in the case of candidates nominated  
9 by petition.

10 When no nomination for an office has been made the words "No  
11 Nomination Made" in type large enough to fill the entire space or  
12 spaces below the title of office shall be printed upon the ballot.

13 Immediately to the left of the name of each candidate, at the  
14 extreme left of each column, including the personal choice column,  
15 shall be printed a square, one-quarter of an inch in size, formed by  
16 two-point diagram rules. In the personal choice column no names  
17 of candidates shall be printed.

18 To the right of the title of each office in the party columns and  
19 the personal choice column shall be printed the words "Vote for,"  
20 inserting in words the number of persons to be elected to such  
21 office.

22 (cf: P.L.2005, c.136, s.23)

23

24 16. Section 1 of P.L.1944, c.16 (C.19:14-8.1) is amended to read  
25 as follows:

26 1. When **【Presidential Electors】** electors and at large electors  
27 for President and Vice-President of the United States are to be  
28 elected, their names shall not be printed upon the ballot, either  
29 paper or voting machine, but in lieu thereof, the names of the  
30 candidates of their respective parties or political bodies for  
31 President and Vice-President of the United States shall be printed  
32 together in pairs under the title "Presidential Electors for." All  
33 ballots marked for the candidates for President and Vice-President  
34 of a party or political body, shall be counted as votes for each  
35 candidate for **【Presidential Elector】** elector and at large elector of  
36 such party or political body.

37 (cf: P.L.1944, c.16, s.1)

38

39 17. R.S.19:14-10 is amended to read as follows:

40 19:14-10. In the column or columns designated as nominations  
41 by petition, within the space between the two-point hair line rules,  
42 there shall be printed the title of each office for which nominations  
43 by petition have been made.

44 Such titles of office shall be arranged in the following order:  
45 electors and at large electors of President and Vice-President of the  
46 United States; member of the United States Senate; Governor and  
47 Lieutenant Governor; member of the House of Representatives;  
48 member of the State Senate; members of the General Assembly;

1 county executive, in counties that have adopted the county  
2 executive plan of the "Optional County Charter Law," P.L.1972,  
3 c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register  
4 of deeds and mortgages; county supervisor; members of the board  
5 of chosen freeholders; coroners; mayor and members of municipal  
6 governing bodies, and any other titles of office.

7 Above each of the titles of office, except the one on the top, shall  
8 be printed a two-point diagram rule in place of the two-point hair  
9 line rule. Below the titles of each of the offices shall be printed the  
10 names of each of the candidates for each of such offices followed  
11 by the designation or designations mentioned in the petitions filed.

12 Immediately to the left of the name of each candidate, at the  
13 extreme left of the column, shall be printed a square, one-quarter of  
14 an inch in size formed by two-point diagram rules.

15 The names of candidates for any office for which more than one  
16 are to be elected shall be arranged in groups as presented in the  
17 several certificates of nominations or petitions, which groups shall  
18 be separated from other groups and candidates by two two-point  
19 hair line rules.

20 To the right of the title of each office shall be printed the words  
21 "Vote for " inserting in words the number of candidates to be  
22 elected to such office.

23 (cf: P.L.2009, c.66, s.3)

24

25 18. R.S.19:21-1 is amended to read as follows:

26 19:21-1. a. The Board of State Canvassers shall meet at Trenton  
27 as soon as practicable but no later than the 28th day after the day of  
28 election, for the purpose of canvassing and estimating the votes cast  
29 for each person for whom any vote or votes shall have been cast for  
30 one or more members of the United States senate or of the house of  
31 representatives, or for electors and at large electors of president and  
32 vice president, or for governor and lieutenant governor, or for  
33 members of the Legislature, and upon each public question voted  
34 upon by the voters of the entire state or political division thereof  
35 greater than a county and of determining and declaring the person  
36 or persons who shall, by the greatest number of votes, have been  
37 duly elected to such office or offices, and the result of the vote cast  
38 upon any public question setting forth that it was approved or  
39 rejected.

40 b. The canvas of votes for candidates for president and vice  
41 president shall be a canvas of the votes cast for the electors and at  
42 large electors of the same political party or political organization.  
43 Receipt by the candidates for at large electors for president and vice  
44 president of a political party or a political organization of the  
45 largest number of votes in the State shall constitute the election of  
46 those two at large electors of that political party or political  
47 organization. Receipt by the candidate for elector for president and  
48 vice president of a political party or a political organization of the

1 largest number of votes in a congressional district shall constitute  
2 the election of that elector of that political party or political  
3 organization from the congressional district.

4     **[b.] c.** For the purpose of canvassing and estimating the votes  
5 cast for each person for whom any vote or votes shall have been  
6 cast in any special election, the board shall meet in Trenton as soon  
7 as practicable but no later than the 28th day after the day of the  
8 special election.

9 (cf: P.L.2009, c.66, s.4)

10

11     19. R.S.19:22-8 is amended to read as follows:

12     19:22-8. a. The secretary shall prepare a general certificate of  
13 the election of such electors and at large electors, and lay the same  
14 before the Governor, who shall sign his name thereto, in the  
15 presence of such secretary, which the secretary shall attest by  
16 signing his name thereto, and shall thereupon affix the seal of the  
17 State thereto, and deliver the same to the president of the college of  
18 electors of this State, on the day and at the time and place appointed  
19 for the meeting of such college;

20     b. The secretary shall also prepare a general certificate or  
21 certificates, as the case may be, of the electors who were not  
22 elected, and lay the same before the Governor, who shall sign his  
23 name thereto, in the presence of such secretary, which the secretary  
24 shall attest by signing his name thereto, and shall thereupon affix  
25 the seal of the State thereto, and deliver the same to the president of  
26 the college of electors of this State, on the day and at the time and  
27 place appointed for the meeting of such college;

28     c. Only one general certificate shall be certified as the elector  
29 slate for the purpose of electing the president and vice president of  
30 the United States. In any year in which, on July 20, the "Agreement  
31 Among the States to Elect the President by National Popular Vote"  
32 is in effect in states cumulatively possessing a majority of the  
33 electoral votes, and the State of New Jersey remains a member of  
34 that agreement, the elector slate for the purpose of electing the  
35 president and vice president shall be certified in accordance with  
36 section 1 of this act, P.L.2007, c.334 (C.19:36-4).

37 (cf: P.L.2007, c.334, s.3)

38

39     20. R.S.19:23-27 is amended to read as follows:

40     19:23-27. Not later than twelve o'clock noon of the Saturday  
41 preceding a primary for the general election each municipal clerk  
42 shall have had printed and on hand in his office for the use of each  
43 of the political parties official primary ballots equal in number to  
44 one and one-tenth times the number of votes cast by such political  
45 party at the last preceding general election at which electors and at  
46 large electors for president and vice president of the United States  
47 were voted for in such election district.

48     When an election district shall have been divided or the

1 boundaries thereof changed, or a new district created, the municipal  
2 clerk shall ascertain as nearly as may be possible the number of  
3 voters in the new or rearranged or divided district, and provide  
4 therefor a sufficient number of official primary ballots in the above  
5 proportion.

6 The cost of printing the official primary ballots shall be paid by  
7 the respective municipalities.

8 (cf: R.S.19:23-27)

9

10 21. R.S.19:34-25 is amended to read as follows:

11 19:34-25. a. If a person shall, directly or indirectly, by himself or  
12 by any other person in his behalf, give, lend or agree to give or  
13 lend, or shall offer, promise or promise to procure, or endeavor to  
14 procure, any money or other valuable consideration or thing to or  
15 for any voter, or to or for any person, in order to induce any voter to  
16 vote or refrain from registering for any election, or shall corruptly  
17 do or commit any of the acts in this section mentioned because of  
18 any such voter having voted or refrained from voting at an election,  
19 or registered or refrained from registering at an election, he shall be  
20 guilty of a crime of the third degree.

21 Bribery of member of election board; acceptance. b. Whosoever  
22 shall, directly or indirectly, make or give any money or other thing  
23 of value to any member of the district board because of his  
24 membership on such board, or when it shall appear that such money  
25 or other thing of value is made or given to such member because of  
26 his membership on the board, except as hereinbefore provided as  
27 his legal compensation for service on the board, shall be guilty of a  
28 crime of the third degree.

29 Any member of a district board who shall, by himself, or by any  
30 other person in his behalf, receive any money or other thing of  
31 value because of his membership on such board, or when it shall  
32 appear that such money or other thing of value is accepted or  
33 received by such member because of his membership on the board,  
34 except as hereinbefore provided as his legal compensation for  
35 service on the board, shall be guilty of a crime of the third degree.

36 Promising office or employment. c. A person who shall directly  
37 or indirectly, by himself or by any other person in his behalf, give  
38 or procure, or agree to give or procure or offer or promise to  
39 procure, or endeavor to procure any office, place or employment to  
40 or for any voter, or to or for any person on behalf of such voter, or  
41 to or for any other person, in order to induce such voter to vote or  
42 refrain from voting, or to register or refrain from registering, or  
43 shall corruptly do any act as above because of any voter having  
44 voted or refrained from voting, or having registered or refrained  
45 from registering for any election, shall be guilty of a crime of the  
46 third degree.

47 Acceptance of bribe by voter. d. Any voter who shall directly or  
48 indirectly, by himself or by any other person on his behalf, receive,

1 agree or contract for any money, gift, loan or valuable  
2 consideration, office, place or employment for himself or for any  
3 other person for voting or agreeing to vote, or for refraining or  
4 agreeing to refrain from voting at any election, or for registering or  
5 agreeing to register, or for refraining or for agreeing to refrain from  
6 registering for any election, shall be guilty of a crime of the third  
7 degree.

8 Bribery of delegates. e. If a person shall, directly or indirectly,  
9 give, offer or promise to give any sum or sums of money or any  
10 valuable thing in action, victuals, drink or preferment or other  
11 considerations, by way of fee, reward, gift or gratuity, or other  
12 valuable present or reward to obtain, procure or influence the  
13 opinion, behavior, vote or abstaining from voting for the election of  
14 any delegate to any convention of any political party, to nominate  
15 any candidate for member of the legislature, for member of  
16 congress, for electors or at large electors for president and vice  
17 president of the United States, for governor, or for any candidate for  
18 any office in any county or municipality; or if any person being a  
19 delegate to any political convention to nominate candidates for any  
20 of the offices named in this title shall directly or indirectly, ask for,  
21 accept, receive or take any sum or sums of money, or other valuable  
22 consideration by way of fee, reward, gift or gratuity, or other  
23 valuable consideration for the giving or refusing to give his vote at  
24 any such convention, the person so offering, asking, or receiving  
25 shall be guilty of a crime of the third degree.

26 Bribery at election. f. Whoever shall, directly or indirectly, give,  
27 furnish, supply or promise, or cause to be given, furnished,  
28 supplied, offered or promised, to any person or persons, any money,  
29 service, preferment or valuable thing with the intent that such  
30 money or valuable thing or any other money, service, preferment or  
31 valuable thing shall be given, offered, promised or used, by any  
32 person or persons, by way of fee, reward, gift or gratuity, for giving  
33 or refusing to give any vote of any citizen, at any election of any  
34 public officer, state, county or municipal, to be held therein, or of  
35 any member of congress, of electors or at large electors for  
36 president and vice president of the United States, or at any election  
37 of any delegate or delegates to any political convention to be held  
38 for the nomination of any of the officers above, or by way of gift,  
39 gratuity or reward, for giving or withholding the vote of any  
40 delegate at any such convention, shall be guilty of a crime of the  
41 third degree.

42 Inducing voters. g. A person who shall, directly or indirectly, by  
43 himself or by any other person in his behalf, give, lend, or agree to  
44 give or lend, or procure, or agree to procure or offer or promise to  
45 procure, or endeavor to procure, any money or other valuable  
46 consideration or thing, or any office, place or employment to or for  
47 any voter, or to or for any person, in order to induce such voter to  
48 vote or refrain from registering or voting at any election, or shall

1 corruptly do or commit any of the acts in this section mentioned,  
2 because of any voter having voted or refrained from voting or  
3 having registered or refrained from registering for any election,  
4 shall be guilty of a crime of the third degree.

5 Contributions for use in bribing. h. A person who shall give,  
6 advance or pay, or cause to be given, advanced or paid, any money  
7 or other valuable thing to any person, or to the use of any person,  
8 with the intent that such money or other valuable thing, or any part  
9 thereof, shall be expended, or used for bribery of voters, or for any  
10 other unlawful purpose at any election, or who shall knowingly pay,  
11 or cause to be paid money to any person wholly or in part expended  
12 in bribery of a voter at any election, shall be guilty of a crime of the  
13 third degree.

14 Receiving rewards. i. A person who shall, directly or indirectly,  
15 by himself, or by any other person on his behalf, receive, agree or  
16 contract for any money, gift, loan or valuable consideration, office,  
17 place or employment for himself or for any other person for voting  
18 or agreeing to vote, or for refraining or agreeing to refrain from  
19 voting at any election, or for registering or agreeing to register, or  
20 for refraining or for agreeing to refrain from registering for any  
21 election, shall be guilty of a crime of the third degree.

22 Gift, or promise of, for certain purposes. j. No person shall give  
23 or agree to give for the purpose of promoting or procuring or for the  
24 purpose of opposing or preventing the election of a candidate for  
25 public office, or for the purpose of promoting or procuring or for  
26 the purpose of opposing or preventing the nomination of any person  
27 as a candidate for public office, any money or any valuable thing to  
28 be used for any of the following purposes:

29 1. To provide or give or to pay, wholly or in part, the expense  
30 of giving or providing any meat, drink, entertainment or provision  
31 to or for any person for the purpose of influencing that person or  
32 any other person to give or refrain from giving his vote at any  
33 election, or because of any such person or any other person having  
34 voted or refrained from voting.

35 2. To provide for the payment of rent for or for the purpose of  
36 providing and fitting up any clubroom for social or recreative  
37 purposes, or providing for uniforms for any organized club.

38 3. To provide for the payment for the insertion in any  
39 newspaper or magazine of any article tending to influence any  
40 person to give or refrain from giving his vote to any candidate or  
41 candidates at any election; or to provide for payment for the  
42 distribution of any newspaper or magazine wherein any such article  
43 is printed; or to provide for payment of the printing or of the  
44 distribution of any circular, handbill, card, pamphlet or statement  
45 tending to influence any person to give or refrain from giving his  
46 vote to any candidate at any election; but this prohibition shall not  
47 be construed to prohibit the printing and distribution of paid  
48 advertisements, which advertisements shall be indicated by the



1 words "This advertisement has been paid for by " (inserting the  
2 true name and address of the person or persons paying for the  
3 same); nor shall it be construed to prohibit the printing and  
4 distribution of circulars, handbills, cards, pamphlets or statements  
5 which shall have printed on the face thereof the true name and  
6 address of the person or persons paying for the printing and  
7 distribution thereof, which fact shall be indicated by the words "The  
8 cost of the printing and distribution of this circular (or as the case  
9 may be) has been paid by " (inserting the true name and address of  
10 the person or persons paying for the same).

11 Accepting gifts. k. No person shall accept any money or other  
12 valuable thing, the payment of which is prohibited by paragraph "j"  
13 of this section.

14 Penalty. l. Any person who shall violate any of the provisions of  
15 paragraphs "j" and "k" of this section shall be guilty of a crime of  
16 the third degree, and shall for the first offense be disfranchised for a  
17 period of five years from the date of conviction, and for any  
18 subsequent offense shall be perpetually disfranchised, and in  
19 addition thereto the court in which such conviction is obtained, may  
20 in case of a subsequent conviction, impose upon the person so  
21 convicted the punishment now prescribed by law for a crime of the  
22 second degree.

23 (cf: P.L.2005, c.154, s.43)

24

25 22. R.S.19:34-38 is amended to read as follows:

26 19:34-38. No person shall pay, lend or contribute, or offer or  
27 agree to pay, lend or contribute, any money or other valuable  
28 consideration to or for any person for any of the following:

29 a. The doing or procuring to be done of any act forbidden to be  
30 done by the laws relating to primary or general elections; or

31 b. The commission of any crime or offense against the elective  
32 franchise, or the encouragement or assistance of a person in the  
33 commission of a crime or offense against the elective franchise, or  
34 aiding or assisting any person charged with the commission of a  
35 crime against the elective franchise to evade arrest or to escape  
36 conviction and punishment; or

37 c. Providing, wholly or in part, directly or indirectly, for the  
38 expense of boarding, lodging or maintaining a person in any place  
39 of domicile in any election precinct or ward or district, with the  
40 purpose of securing the vote of such person, or of inducing such  
41 person to vote for himself, or any other person at an election; or

42 d. The hiring or employment of a person to take or maintain a  
43 place in, or to otherwise obstruct or hinder, or to prevent the  
44 forming of the line of voters awaiting their opportunity or time to  
45 enter the polling place or election booth of an election precinct; or

46 e. In consideration of any person withdrawing as a candidate for  
47 public office or **[presidential]** elector or at large elector for  
48 president and vice president, at any election; or

1 f. To pay any person for loss or damage due to attendance at the  
2 polls at any primary or general or charter election, or any registry  
3 therefor, or for the purpose of such registration; or

4 g. For any purpose in contravention of the provisions of this  
5 Title; or

6 h. Making any payment except in the manner provided by this  
7 Title.

8 (cf: P.L.1963, c.57, s.1)

9

10 23. R.S.19:36-1 is amended to read as follows:

11 19:36-1. The electors and at large electors of president and vice  
12 president shall convene at the State House at Trenton, or in another  
13 State building within the State House Complex at Trenton, or the  
14 War Memorial at Trenton, on the day appointed by congress for  
15 that purpose, at the hour of three o'clock in the afternoon of that  
16 day, and constitute an electoral college. In any year in which, on  
17 July 20, the "Agreement Among the States to Elect the President by  
18 National Popular Vote" is in effect in states cumulatively  
19 possessing a majority of the electoral votes, and the State of New  
20 Jersey remains a member of that agreement, the electors for  
21 president and vice president shall be those electors certified as the  
22 elector slate in accordance with section 1 of P.L.2007, c.334  
23 (C.19:36-4).

24 (cf: P.L.2008, c.103, s.1)

25

26 24. R.S.19:36-2 is amended to read as follows:

27 19:36-2. a. When a vacancy shall happen in the college of electors,  
28 or when an elector or at large elector shall fail to attend, by the hour  
29 of three o'clock in the afternoon of the day fixed by congress for the  
30 meeting of the college of electors, at the place of holding such  
31 meeting, **【those of such electors who shall be assembled at the hour  
32 and place】** the chairperson of the political party or political  
33 organization of the elector who vacated office shall 【immediately  
34 proceed to fill by a majority of votes such vacancy】 appoint as an  
35 elector an individual who has the qualifications to be an elector as  
36 established in R.S.19:3-5 and is from the same congressional  
37 district and political party or political organization as the elector  
38 who vacated office or appoint as an at large elector an individual  
39 who has the qualifications to be an at large elector as established in  
40 R.S.19:3-5 and is from the same political party or political  
41 organization as the at large elector who vacated office, as the case  
42 may be. The chairperson shall file with the Attorney General a  
43 certificate of appointment for filling the vacancy. The certificate  
44 shall be made and filed in a manner provided by the Attorney  
45 General and there shall be annexed thereto the oath of allegiance  
46 prescribed in R.S.41:1-1 duly taken and subscribed by the person so  
47 appointed before an officer authorized to take oaths in this State.

1        b. ~~【If the members of the electoral college shall have been~~  
2        nominated and elected as representing different political parties,  
3        any vacancy occurring shall be filled by the elector or electors  
4        representing the same political party as the absent elector; and if  
5        there shall be no elector present representing the same political  
6        party as the absent elector, then such vacancy shall be filled by a  
7        majority of the electors present, who shall choose some person of  
8        the political party which the absent elector represents】 (Deleted by  
9        amendment, P.L. , c. ) (pending before the Legislature as this  
10       bill).

11       c. Notwithstanding the provisions of subsections a. and b. of  
12       this section, in any year in which, on July 20, the "Agreement  
13       Among the States to Elect the President by National Popular Vote"  
14       is in effect in states cumulatively possessing a majority of the  
15       electoral votes, and the State of New Jersey remains a member of  
16       that agreement, any vacancy in the college of electors shall be filled  
17       in accordance with the provisions of section 1 of this act, P.L.2007,  
18       c.334 (C.19:36-4).  
19       (cf: P.L.2007, c.334, s.5)

20

21       25. R.S.19:36-3 is amended to read as follows:

22       19:36-3. After choosing a president and secretary from their  
23       own body, such electors shall proceed to perform the duties  
24       required of them by the constitution and laws of the United States,  
25       and in accordance with the provisions of section 1 of this act,  
26       P.L.2007, c.334 (C.19:36-4) in any year in which, on July 20, the  
27       "Agreement Among the States to Elect the President by National  
28       Popular Vote" is in effect in states cumulatively possessing a  
29       majority of the electoral votes, and the State of New Jersey remains  
30       a member of that agreement.

31       In the performance of their duties,

32       a. the electors shall cast separate ballots each for president and  
33       then vice president by means of a roll-call, conducted by the  
34       secretary;

35       b. an elector of each congressional district shall cast his or her  
36       ballot for the presidential and vice presidential candidates for whom  
37       the elector was elected by receiving the largest number of votes in  
38       the elector's congressional district; and

39       c. at large electors shall cast their ballots for the presidential and  
40       vice presidential candidates from whom the electors were elected by  
41       receiving the largest number of votes in the State.

42       In the event that an elector or at large elector fails to cast his or  
43       her ballot for the presidential and vice presidential candidates from  
44       whom the elector was elected by receiving the largest number of  
45       votes in the congressional district of the elector or in the State as a  
46       whole, as the case may be, the ballot of the elector or at large  
47       elector shall not be recorded and the office of that elector or at large  
48       elector shall be declared vacant by the president of the electoral

1 college. The vacancy shall be filled pursuant to the provisions of  
2 R.S.19:36-2.

3 (cf: 2007, c.334, s.6)

4

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

6 19:48-1. a. Any thoroughly tested and reliable voting machines  
7 may be adopted, rented, purchased or used, which shall be so  
8 constructed as to fulfill the following requirements:

9 (a) It shall secure to the voter secrecy in the act of voting;

10 (b) It shall provide facilities for such number of office columns,  
11 not less than 40 and not exceeding 60, as the purchasing authorities  
12 may specify and of as many political parties or organizations, not  
13 exceeding nine, as may make nominations, and for or against as  
14 many questions, not exceeding 30, as submitted;

15 (c) It shall, except at primary elections, permit the voter to vote  
16 for all the candidates of one party or in part for the candidates of  
17 one party or one or more parties;

18 (d) It shall permit the voter to vote for as many persons for an  
19 office as he is lawfully entitled to vote for, but no more;

20 (e) It shall prevent the voter from voting for the same person  
21 more than once for the same office;

22 (f) It shall permit the voter to vote for or against any question  
23 he may have the right to vote on, but no other;

24 (g) It shall for use in primary elections be so equipped that the  
25 election officials can stop a voter from voting for all candidates  
26 except those of the voter's party;

27 (h) It shall correctly register or record and accurately count all  
28 votes cast for any and all persons, and for or against any and all  
29 questions;

30 (i) It shall be provided with a "protective counter" or  
31 "protective device" whereby any operation of the machine before or  
32 after the election will be detected;

33 (j) It shall be so equipped with such protective devices as shall  
34 prevent the operation of the machine after the polls are closed;

35 (k) It shall be provided with a counter which shall show at all  
36 times during an election how many persons have voted;

37 (l) It shall be provided with a model, illustrating the manner of  
38 voting on the machine, suitable for the instruction of voters;

39 (m) It must permit a voter to vote for any person for any office,  
40 except delegates and alternates to national party conventions,  
41 whether or not nominated as a candidate by any party or  
42 organization by providing an opportunity to indicate such names or  
43 name;

44 (n) It shall be equipped with a permanently affixed box or  
45 container of sufficient strength, size and security to hold all  
46 emergency ballots and pre-punched single-hole envelopes and with  
47 a clipboard and a table-top privacy screen;

1 (o) It shall not use mechanical lever machines or punch cards to  
2 record votes.

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

6 It shall also be provided with one device for each party for  
7 voting for all the **【presidential】** electors and at large electors for  
8 President and Vice-President of that party by one operation, and a  
9 ballot therefor containing only the words "**【presidential】** electors  
10 and at large electors for," preceded by the name of that party and  
11 followed by the names of the candidates thereof for the offices of  
12 President and Vice-President and a registering device therefor  
13 which shall register the vote cast for such electors when thus voted  
14 collectively.

15 b. (1) By January 1, 2009, each voting machine shall produce an  
16 individual permanent paper record for each vote cast, which shall be  
17 made available for inspection and verification by the voter at the  
18 time the vote is cast, and preserved for later use in any manual  
19 audit. In the event of a recount of the results of an election, the  
20 voter-verified paper record shall be the official tally in that election.  
21 A waiver of the provisions of this paragraph shall be granted by the  
22 Secretary of State if the technology to produce a permanent voter-  
23 verified paper record for each vote cast is not commercially  
24 available.

25 (2) The provisions of paragraph (1) of this subsection shall be  
26 suspended until: (i) the Secretary of State and the State Treasurer  
27 certify in writing that sufficient funds have been provided by the  
28 federal government and received by the State to offset the entire  
29 cost of ensuring that each voting machine used in this State  
30 produces an individual permanent paper record for each vote cast;  
31 or (ii) the annual appropriation act contains an appropriation of  
32 sufficient funds to ensure that each voting machine used in this  
33 State produces an individual permanent paper record for each vote  
34 cast and such appropriated funds have not been reserved by the  
35 Governor under a spending reduction plan; or (iii) the Secretary of  
36 State and the State Treasurer certify in writing that sufficient funds  
37 have been provided by the federal government and received by the  
38 State, and the annual appropriation act contains an appropriation of  
39 sufficient unreserved funds, to ensure, when such funds are  
40 combined, that each voting machine used in this State produces an  
41 individual paper record for each vote cast.

42 (cf: P.L.2009, c.17, s.1)

43

44 27. Section 3 of P.L.1973, c.82 (C.19:53A-3) is amended to read  
45 as follows:

46 3. Every electronic voting system, consisting of a voting device  
47 in combination with automatic tabulating equipment, acquired or  
48 used in accordance with this act, shall:

- 1 a. Provide for voting in secrecy, except in the case of voters  
2 who have received assistance as provided by law;
- 3 b. Permit each voter to vote at any election for all persons and  
4 offices for whom and for which he is lawfully entitled to vote; to  
5 vote for or against any question upon which he is entitled to vote;  
6 and the automatic tabulating equipment shall reject choices  
7 recorded on his ballot if the number of choices exceeds the number  
8 which he is entitled to vote for the office or on the measure;
- 9 c. Permit each voter, at presidential elections, by one mark to  
10 vote for the candidates of that party for president, vice president,  
11 and their **[presidential]** elector and at large electors;
- 12 d. Permit each voter, at other than primary elections, to vote for  
13 the nominees of one or more parties and for independent candidates;  
14 and personal choice or write-in candidates;
- 15 e. Permit each voter in primary elections to vote for candidates  
16 in the party primary in which he is qualified to vote, and the  
17 automatic tabulating equipment shall reject any votes cast for  
18 candidates of another party;
- 19 f. Prevent the voter from voting for the same person more than  
20 once for the same office;
- 21 g. Be suitably designed for the purpose used, of durable  
22 construction, and may be used safely, efficiently, and accurately in  
23 the conduct of elections and counting ballots;
- 24 h. When properly operated, record correctly and count  
25 accurately every vote cast, including all overvotes or undervotes  
26 and all affirmative votes or negative votes on all public questions or  
27 referenda;
- 28 i. (1) By January 1, 2009, each voting machine shall produce an  
29 individual permanent paper record for each vote cast, which shall be  
30 made available for inspection and verification by the voter at the  
31 time the vote is cast, and preserved for later use in any manual  
32 audit. In the event of a recount of the results of an election, the  
33 voter-verified paper record shall be the official tally in that election.  
34 A waiver of the provisions of this subsection shall be granted by the  
35 Secretary of State if the technology to produce a permanent voter-  
36 verified paper record for each vote cast is not commercially  
37 available.
- 38 (2) The provisions of paragraph (1) of this subsection shall be  
39 suspended until: (i) the Secretary of State and the State Treasurer  
40 certify in writing that sufficient funds have been provided by the  
41 federal government and received by the State to offset the entire  
42 cost of ensuring that each voting machine used in this State  
43 produces an individual permanent paper record for each vote cast;  
44 or (ii) the annual appropriation act contains an appropriation of  
45 sufficient funds to ensure that each voting machine used in this  
46 State produces an individual permanent paper record for each vote  
47 cast and such appropriated funds have not been reserved by the  
48 Governor under a spending reduction plan; or (iii) the Secretary of

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23

1 State and the State Treasurer certify in writing that sufficient funds  
2 have been provided by the federal government and received by the  
3 State, and the annual appropriation act contains an appropriation of  
4 sufficient unreserved funds, to ensure, when such funds are  
5 combined, that each voting machine used in this State produces an  
6 individual paper record for each vote cast.  
7 (cf: P.L.2009, c.17, s.2)

8  
9 28. Section 2 of P.L.1964, c.134 (C.19:58-2) is amended to read  
10 as follows:

11 2. As used in this act unless the context otherwise indicates the  
12 following terms shall have the following meaning:

13 "Removed resident" means a person, who was formerly a  
14 resident of one of the counties of this State but who has, or shall  
15 have, removed to another state, the District of Columbia, Puerto  
16 Rico, Guam, the Virgin Islands or to another county within this  
17 State, who has registered as a voter in the county of his former  
18 residence in this State at the time of his removal therefrom, and  
19 who by reason of an insufficient period of residence in the state or  
20 the county, to which he has or shall have removed, will not be able  
21 to qualify to vote at a Presidential Election to be held in such state  
22 or county or elsewhere, except as he may be qualified to vote in this  
23 State, or in such other county of this State, for the election of  
24 electors and at large electors for President and Vice-President of the  
25 United States, pursuant to this act.

26 "Presidential Election" means an election to be held for the  
27 election of electors and at large electors for President and Vice-  
28 President of the United States.

29 "Presidential ballot" means a ballot to be cast at a Presidential  
30 Election pursuant to this act.  
31 (cf: P.L.1976, c.24, s.1)

32  
33 29. Section 3 of P.L.1964, c.134 (C.19:58-3) is amended to read  
34 as follows:

35 3. Any removed resident shall be entitled to qualify and vote for  
36 electors and at large electors for President and Vice-President of the  
37 United States in any Presidential Election to be held in this State in  
38 the manner provided in this act.  
39 (cf: P.L.1976, c.24, s.2)

40  
41 30. Section 4 of P.L.1964, c.134 (C.19:58-4) is amended to read  
42 as follows:

43 4. Any certificate filed by an applicant for a Presidential ballot  
44 as to the disqualification of a removed resident, who does not reside  
45 in this State, to vote for electors and at large electors for President  
46 and Vice-President of the United States in the election district in  
47 which he resides shall be sufficient authority for said clerks and  
48 boards to make any determination in connection with the subject

1 matter of such certificate.

2 (cf: P.L.1976, c.24, s.3)

3

4 31. Section 8 of P.L.1964, c.134 (C.19:58-8) is amended to read  
5 as follows:

6 8. An application for a Presidential ballot to be made by a  
7 removed resident shall be in substantially the following form:

8 APPLICATION FOR PRESIDENTIAL BALLOT--  
9 REMOVED RESIDENT

10 I, the undersigned, do hereby apply for a Presidential ballot to be  
11 voted at the election to be held on and do hereby certify that:  
12 (date of election)

13 1. I am a citizen of the United States;

14 2. I was born on ; (date of birth)

15 3. I reside at (street and number or R.D. route) in in  
16 county in the (name of city or municipality) (name of county)  
17 State of and I have resided (name of state or, territory,  
18 commonwealth, or District of Columbia) at this address  
19 since my removal from my former address in New Jersey and  
20 expect to continue to reside there until and on the date of said  
21 election;

22 4. I formerly resided and was registered as a voter at (street  
23 and number or R.D. route) in in county in New  
24 (name of city or municipality) (name of county) Jersey and I  
25 continued to reside there until my removal to my present address;

26 5. I am unable to vote in said election at any place other than  
27 that of my former residence in New Jersey, where I believe that I  
28 am eligible to vote for electors and at large electors for President  
29 and Vice-President of the United States by a Presidential ballot.

30 Applicant (signature)

31 Applicant (print name here)

32 (cf: P.L.1976, c.24, s.7)

33

34 32. Section 9 of P.L.1964, c.134 (C.19:58-9) is amended to read  
35 as follows:

36 9. Applications for Presidential ballots shall be made, as  
37 prescribed by this act, to the clerk of the county, in which the ballot  
38 is to be voted, in person or by mail not later than **[7]** seven days  
39 preceding the date upon which the election, in which such ballots  
40 are to be voted, is to be held.

41 Each application for a Presidential ballot by a removed resident,  
42 who does not reside in this State shall be accompanied by a  
43 certificate of the commissioner of registration or other officer in  
44 charge of registration of voters in the election district in which the  
45 applicant resides, certifying that the applicant will not be entitled to  
46 vote for the electors and at large electors for President and Vice-  
47 President of the United States in such election district, at the  
48 election at which such ballot is to be voted, by reason of an



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1 insufficient period of residence in the state to which he has so  
2 removed.

3 (cf: P.L.1976, c.24, s.8)

4

5 33. Section 10 of P.L.1964, c.134 (C.19:58-10) is amended to  
6 read as follows:

7 10. The county clerk shall prescribe the form of the Presidential  
8 ballots, which shall in all respects conform with the provisions of  
9 this act and shall be of such character that they can be voted only  
10 for the election of electors and at large electors for President and  
11 Vice-President of the United States nominated in this State and  
12 shall be plainly marked "Presidential Ballot."

13 (cf: P.L.1964, c.134, s.10)

14

15 34. Section 19 of P.L.1964, c.134 (C.19:58-19) is amended to  
16 read as follows:

17 19. Upon the said margin of said flap on the inner envelope to  
18 be sent to a removed resident there shall be printed a certificate in  
19 affidavit form substantially as follows:

20 State of .....

21 County of ....., or (if applicable)

22 Country of .....

23 I, the undersigned, do hereby certify that:

24 1. I am a citizen of the United States;

25 2. I was born on .....

26 (date of birth)

27 3. I reside at ..... in

28 (street and number or R.D. route)

29 ..... in .....

30 (name of city or municipality) (name of county)

31 County in the State of ..... and I have

32 (name of state, territory, commonwealth, or District of  
33 Columbia)

34 resided at this address since my removal from my former address in  
35 New Jersey and expect to continue to reside there until and on the  
36 date of said election;

37 4. I formerly resided at .....

38 (street and number or R.D. route)

39 in ..... in .....

40 (name of city or municipality) (name of county)

41 county in New Jersey and I was registered as a voter, and  
42 continued to reside at said address until my removal to my present  
43 address;

44 5. Because of the insufficient period of my residence at my  
45 present address, .....

46 I am unable to vote at the election to be held on .....

47 (date of election)

48 but I believe that I am eligible to vote at my former residence in the

1 State of New Jersey for electors and at large electors for President  
2 and Vice-President of the United States at such election.

3 ..... Applicant

4 (SIGNATURE)

5 ..... Applicant

6 (PRINT name here)

7 (cf: P.L.1994, c.77, s.15)

8

9 35. Section 28 of P.L.1964 c.134 (C.19:58-28) is amended to  
10 read as follows:

11 28. The inner envelopes containing the Presidential ballots shall  
12 be opened and the Presidential ballots shall be removed therefrom  
13 and counted, and the votes so cast canvassed, and the results thereof  
14 certified, by the county board of elections and the votes so counted  
15 and canvassed shall be counted, in determining the result of the  
16 election of such electors and at large electors, at the same time and  
17 in the same manner as is required by the act hereby supplemented in  
18 the case of absentee ballots, except that it shall only be necessary to  
19 count or canvass such votes on a county wide basis and not on a  
20 ward and district basis.

21 (cf: P.L.1972, c.86, s.1)

22

23 36. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read  
24 as follows:

25 2. As used in this act:

26 a. "United States" means each of the several states, the District  
27 of Columbia, Commonwealth of Puerto Rico, Guam, American  
28 Samoa and the Virgin Islands; the term does not mean or include  
29 the Canal Zone or any other territory or possession of the United  
30 States.

31 b. "Residing abroad" means residing outside the United States.

32 c. "Federal election" means any general, special or primary  
33 held for the purpose of nominating or electing any candidate for the  
34 office of President or Vice President of the United States,  
35 **【Presidential】** elector or at large elector for President and Vice  
36 President of the United States, United States Senator or member of  
37 the United States House of Representatives.

38 d. "Overseas voter" means any person in military service who,  
39 by reason of active duty or service, is absent on the date of an  
40 election from the place of residence in New Jersey where the person  
41 is or would be qualified to vote, and any citizen of the United States  
42 residing abroad who (1) immediately prior to his departure from the  
43 United States was domiciled in New Jersey and (a) was registered  
44 to vote, or had all the qualifications to register and vote, in New  
45 Jersey; or (b) had all the qualifications to register and vote in New  
46 Jersey other than having attained 18 years of age but has since  
47 attained that age; or (c) would, but for residence, have the  
48 qualifications to register and vote in New Jersey; (2) does not

1 maintain a residence in the United States and is not registered or  
2 qualified to vote elsewhere in the United States; and (3) holds a  
3 valid passport or card of identity and registration issued under  
4 authority of the Secretary of State of the United States.

5 e. "Electronic means" means any transmission made by an  
6 electronic telefacsimile machine or a similar device or by any other  
7 form of electronic transmission including, but not exclusive to  
8 electronic mail, that transports an authentic copy of a document  
9 from one user to another.

10 (cf: P.L.2008, c.61, s.2)

11

12 37. (New section) In addition to taking the oath prescribed in  
13 section R.S.41:1-1, each elector and at large elector shall swear or  
14 affirm that the elector pledges to cast his or her ballot in the  
15 electoral college for only the candidates for President and Vice  
16 President of the United States for whom the elector was elected by  
17 receiving the largest number of votes in the congressional district of  
18 the elector, or shall swear or affirm that the at large elector pledges  
19 to cast his or her ballot in the electoral college for only the  
20 candidates for President and Vice President of the United States for  
21 whom the at large elector was elected by receiving the largest  
22 number of votes in the State, as the case may be.

23

24 38. (New section) a. Whenever the at large electors for President  
25 and Vice President of the United States of two political parties or  
26 political organizations receive an equal number of votes in the  
27 entire State, one each of the two at large electors for the candidates  
28 of the two political parties or political organizations receiving the  
29 largest number of votes shall be selected to hold the office and  
30 perform the duties under R.S.19:36-3. The chairperson of each  
31 political party or political organization shall select which one of the  
32 two at large electors of that party or organization shall become a  
33 member of the electoral college.

34 b. Whenever the electors for President and Vice President of two  
35 political parties or political organizations receive an equal number  
36 of votes in a congressional district in this State, the Legislature shall  
37 determine by concurrent resolution adopted by a majority vote of  
38 each House which elector shall be selected to hold the office and  
39 perform the duties under R.S.19:36-3. Such a resolution shall be  
40 passed no later than one week prior to the date set by the Congress  
41 of the United States for the convening of the electoral college.

42 c. Whenever the candidates for president and vice president of  
43 two political parties or political organizations receive the vote of an  
44 equal number of electors in the electoral college, the tie shall be  
45 resolved by using the procedure for resolving a tie between electors  
46 from a congressional district established by subsection b. of this  
47 section.

1       39. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill changes the way in which electors for President and  
7 Vice President of the United States are selected in this State.

8       Currently, the presidential and vice presidential candidates who  
9 win the majority of the popular vote in the State receive the vote of  
10 all of the electors in the electoral college, which is convened several  
11 weeks after the general election.

12       The bill divides the State's electors into two types: electors and at  
13 large electors. Electors are elected from the congressional district  
14 in which they reside and must cast their ballots in the electoral  
15 college for the presidential and vice presidential candidates for  
16 whom the elector was elected by receiving the largest number of  
17 votes in that district. At large electors are elected State-wide and  
18 must cast their ballots for the presidential and vice presidential  
19 candidates for whom the elector was elected by receiving the largest  
20 number of votes in the State.

21       The bill requires each elector and at large elector to swear or  
22 affirm that he or she pledges to cast his or her vote for the  
23 presidential and vice presidential candidates who received the  
24 largest number of votes in the congressional district of the elector or  
25 the presidential or vice presidential candidates who received the  
26 largest number of votes in the State, as the case may be.

27       If an elector or at large elector fails to cast his or her ballot for  
28 the presidential and vice presidential candidates for whom the  
29 elector was elected by receiving the largest number of votes in the  
30 congressional district of the elector or in the State as a whole, as the  
31 case may be, the ballot of the elector or at large elector would not  
32 be recorded and the office of that elector or at large elector would  
33 be declared vacant by the president of the electoral college. Under  
34 current law, such a vacancy would be filled by the majority of the  
35 electors attending the meeting of the college. Under the bill, a  
36 vacancy among electors is filled by the chairperson of the political  
37 party or political organization of the elector or at large elector who  
38 vacated office.

39       Finally, the bill establishes procedures to be followed in the  
40 event the at large electors of presidential and vice presidential  
41 candidates receive an equal number of votes in the entire State, the  
42 electors of candidates receive an equal number of votes in a  
43 congressional district in this State, or there is a tie vote among  
44 electors casting ballots in the electoral college.

45       The provisions of this bill are similar to current statutory law in  
46 Maine and Nebraska.