

CHAPTER 17 ELECTIONS

Authority

N.J.S.A. 19:4-10, 19:23-45.3, 19:31-6.4a through 6.9, and 19:31-30.

Source and Effective Date

R.2006 d.402, effective October 7, 2006.
See: 38 N.J.R. 2621(a), 38 N.J.R. 5169(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 17, Elections, expires on October 7, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 17, Elections, was originally codified as N.J.A.C. 15:10, Elections. Chapter 10, Elections, was adopted as R.1974 d.270, effective September 25, 1974. See: 6 N.J.R. 356(a), 6 N.J.R. 412(b).

Chapter 10, Elections, was repealed and Chapter 10, Elections, was adopted as new rules by R.1986 d.32, effective February 18, 1986. See: 17 N.J.R. 2381(a), 18 N.J.R. 422(a).

Subchapter 6, Voting Accessibility for the Elderly and Handicapped, was adopted as R.1988 d.450, effective September 19, 1988. See: 20 N.J.R. 1527(a), 20 N.J.R. 2378(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Elections, expired on February 18, 1991.

Chapter 10, Elections, was adopted as new rules by R.1991 d.191, effective April 15, 1991. See: 23 N.J.R. 288(b), 23 N.J.R. 1145(a).

Subchapter 7, Distribution of State Voter Registration Forms Through Public Agencies, was adopted as R.1993 d.54, effective January 19, 1993. See: 24 N.J.R. 736(a), 24 N.J.R. 1688(a), 24 N.J.R. 2531(a), 25 N.J.R. 320(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Elections, was readopted as R.1996 d.211, effective April 10, 1996, and Subchapter 1, Voter Registration By Mail, was repealed. Subchapter 1, Voter Registration, was adopted as new rules and Subchapter 7, Distribution of State Voter Registration Forms Through Public Agencies, was repealed by R.1996 d.211, effective May 6, 1996. See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

Pursuant to Reorganization Plan 004-1998, Chapter 10, Elections, was recodified as N.J.A.C. 13:17, effective February 16, 1999. See: 30 N.J.R. 1351(a), 31 N.J.R. 547(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Elections, was readopted as R.2001 d.149, effective April 10, 2001. See: 33 N.J.R. 759(a), 33 N.J.R. 1405(a).

Chapter 17, Elections, was readopted as R.2006 d.402, effective October 7, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. VOTER REGISTRATION

13:17-1.1 Purpose and scope

This subchapter identifies the responsibilities of the Attorney General to provide voter registration applications to the offices of voter registration agencies, public agencies and other sources for forms availability as directed under N.J.S.A. 19:31-1 et seq., and those agencies' responsibilities to provide voter registration applications to their clients and collect com-

pleted forms. This section also provides definitions for terms that are utilized in this subchapter and N.J.S.A. 19:31-1 et seq., and delineates the procedures for citizens to file a complaint on voter registration activity and obtain an appropriate response from the Attorney General's office.

Repeal and New Rule, R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

Section was "Availability of forms; reasonable quantity defined".

13:17-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Applicant" means a person applying to register to vote, or a person applying for participation in Federal or State programs, or renewing participation in said programs, administered by State and county agencies designated as voter registration agencies.

"Application" means the voter registration form described in N.J.S.A. 19:31-6.4.

"Attorney General" means the State officer designated as the chief Election Official of this State under the Voter Registration Act, the National Voter Registration Act of 1993, 42 U.S.C. §1973gg, and the Help America Vote Act of 2002, 42 U.S.C. §15301, and who has further specific regulatory authority under N.J.S.A. Title 19. The Division of Elections in the Department of Law and Public Safety shall perform the activities listed in this chapter on behalf of the Attorney General.

"Public agency" means those agencies and their offices explicitly named in N.J.S.A. 19:31-6.3.

"Registered voter" means a person who has completed a voter registration which has been accepted by the appropriate county commissioner of registration and has not been removed from the registry list for any reason.

"Voter registration agencies" means those agencies and their offices, explicitly named or which administer programs specified in N.J.S.A. 19:31-6.11.

Repeal and New Rule, R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

Section was "Reordering forms; notification".

Amended by R.2006 d.402, effective December 4, 2006.

See: 38 N.J.R. 2621(a), 38 N.J.R. 5169(a).

In definition "Attorney General", inserted "the National Voter Registration Act of 1993, 42 U.S.C. §1973gg, and the Help America Vote Act of 2002, 42 U.S.C. §15301".

13:17-1.3 Voter registration applications; availability, printing, distribution and reporting

(a) The Attorney General shall cause to be printed a sufficient supply of voter registration applications in English and Spanish languages and in any other language the Attorney General deems appropriate for utilization by voter registration

agencies and public agencies. The return address shall not be changed by any person or entity. The application shall bear a postage paid return address of the Attorney General's office in Trenton, except those applications which are printed for the county commissioners of registration and municipal clerks within their jurisdiction which bear the return address of the appropriate county commissioner of registration.

(b) Each public agency shall prominently display voter registration applications and voting instructions at each public office, make applications readily available to their applicants for benefits or customer service and collect completed applications if the applicant so chooses.

(c) Each voter registration agency shall offer a notice of the opportunity to register to vote with each application, recertification, renewal of service, or change of address; provide assistance where necessary; collect completed voter applications for transmittal to the Attorney General or County Commissioners of Registration; and maintain a record of the number of clients who accept or reject the opportunity to register to vote and related information on a form provided by the Division of Elections and forward a copy of said completed form on a quarterly basis to the Attorney General by filing same with the Division of Elections.

(d) Each voter registration agency and public agency shall prepare and maintain a list of the public offices where voter registration services are offered and provide an updated list to the Attorney General as changes occur. The agency office address, street location if different, and telephone number shall be listed.

(e) Through coordination with each State department and the offices of the county commissioners of registration, the Attorney General shall distribute a sufficient supply of applications, including Spanish language applications, and in any other language the Attorney General deems appropriate, to the coordinating office or individual offices of each department.

(f) The coordinating office of each department and the superintendents/commissioners of registration shall notify the Attorney General when their applications inventory needs to be restocked.

(g) When the supply of voter registration applications has reached a level of 25 percent of the amount of such applications previously allocated to a county, the county voter registration official shall notify the Office of the Attorney General, which shall then take appropriate steps to supply the county with an adequate number of applications to meet reasonably expected needs.

Repeal and New Rule, R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

Section was "Acceptance of photocopies and reproductions of form".

Amended by R.1999 d.179, effective June 7, 1999.

See: 31 N.J.R. 836(a), 31 N.J.R. 1495(b).

Rewrote (c).

Amended by R.2006 d.402, effective December 4, 2006.

See: 38 N.J.R. 2621(a), 38 N.J.R. 5169(a).