

P U B L I C   H E A R I N G  
before  
SENATE JUDICIARY COMMITTEE  
on  
SENATE CONCURRENT RESOLUTION NO. 96  
(Residency requirement for voting)

Held:  
June 22, 1972  
Assembly Chamber  
State House  
Trenton, New Jersey

COMMITTEE MEMBER PRESENT:

Senator Joseph C. Woodcock, Jr. (Chairman)

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THE STATE OF NEW YORK

SENATE

COMMITTEE ON GOVERNMENT

REPORT

ON THE PROCEEDINGS OF THE SENATE  
IN CONNECTION WITH THE  
ELECTIONS FOR SENATORS

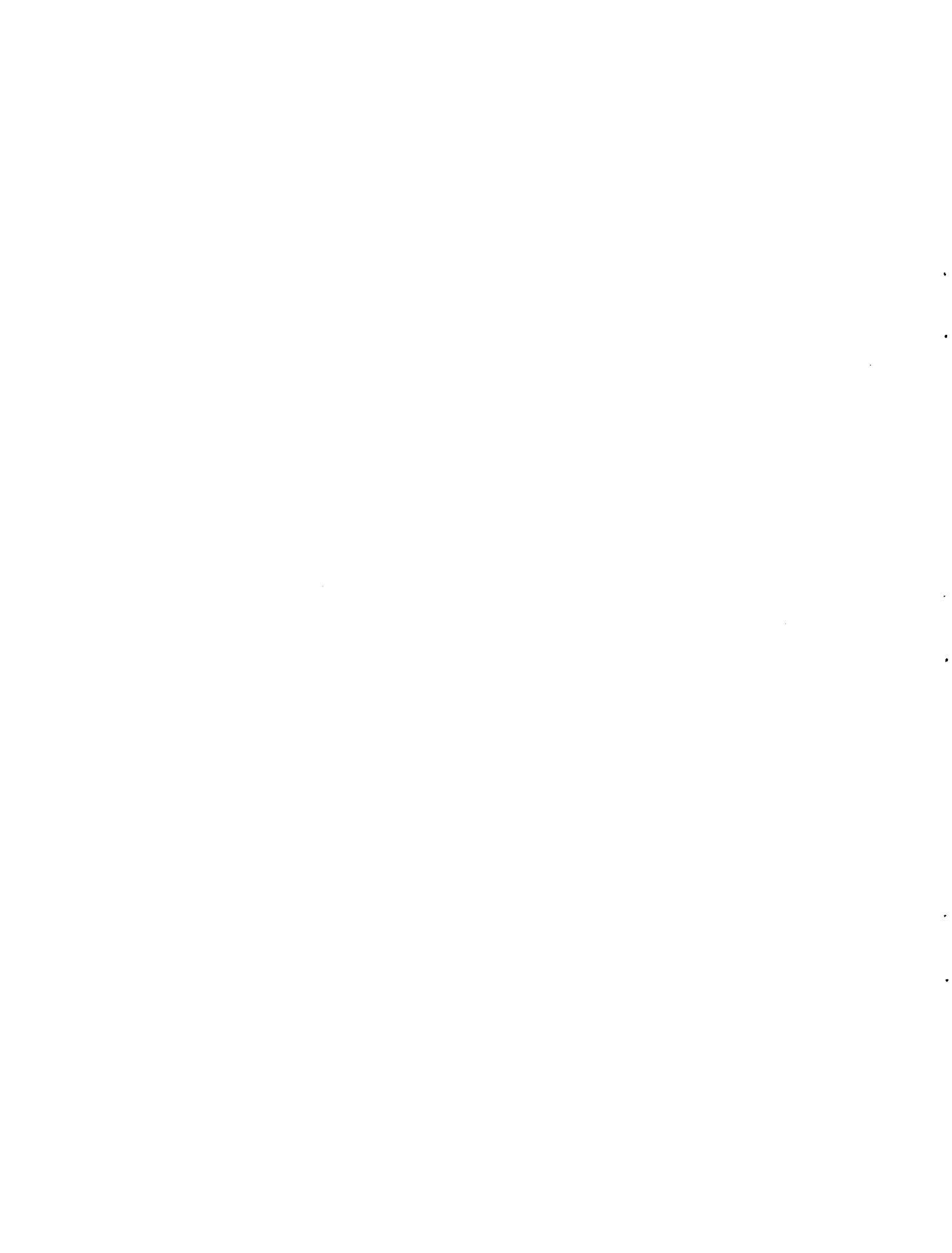
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COMMITTEE ON GOVERNMENT

Senator Joseph P. Woodcock, Jr. (Chairman)

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SENATOR JOSEPH C. WOODCOCK, JR. (Chairman): Good morning. This public hearing on Senate Concurrent Resolution No. 96, proposing an amendment to the State Constitution is being held by the Senate Judiciary Committee by direction of the Senate, in accordance with procedure for consideration of proposed amendments to the Constitution directed by the Constitution and the Rules of the Senate.

Let me first apologize for the delay but the weather outside is bad and it's getting worse.

I see Senator Schluter here who is principal sponsor of SCR-96. Senator Schluter, would you be kind enough to address the Committee with respect to the proposal made by you in the form of Senate Concurrent Resolution No. 96.

W I L L I A M E. S C H L U T E R: Yes. Thank you, Mr. Chairman. May I say, you were lucky to get down here and I hope you get back.

Senate Concurrent Resolution No. 96, which was introduced and put on second reading on June 15, represents what I believe to be a refinement in the several resolutions in both Houses on this matter of standardizing on a 30 day residency requirement for voting. And I do feel, Mr. Chairman, that this represents the best solution to the problem because it has had the benefit of reviewing the testimony and dialogue on the other bills and it has incorporated another concept which is embodied in Section D.

First, let me preface my remarks by saying that I am the Senate Representative on the Election Law Revision Commission and have served on that Commission for several years, and I can attest to the urgency of this problem.

I would also like to refer your Committee to remarks I made on June 7 at the public hearing on SCR-84 which I would like to incorporate by reference herewith.

Now the urgency for establishing a 30 day standard registration condition in New Jersey comes about from several sources. There have been court decisions on the Federal level which indicate that a residency requirement within a



state of six months is unconstitutional. We saw just recently in the New Jersey Primary where the Attorney General of the State of New Jersey ordered all County Clerks to allow crossover voting and he thereby voided the intent of New Jersey law which would require a two year hiatus for anyone wanting to change parties when voting in a primary.

I would like to refer your Committee to the recent edition of State Government News, it was published May, 1972, Volume 15, No. 5, and on page 2 it has an article dealing with this particular problem. And I will read from this article. It says: "State durational residency laws for voting continue to be voided by the United States Supreme Court." They go on to refer to the March 21st Dunn vs. Blumstein decision. In the Dunn case the Court abolished all durational residency requirements when it struck down Tennessee's one-year state and three-month county residency period for voter eligibility. The Court did say that a state may close registration some time prior to an election to accomplish administrative tasks and check for fraud. It commented that 30 days was sufficient time for these tasks.

The article goes on to say, "A detailed set of guidelines to assist the state in complying with the United States Supreme Court decision and with the Voting Rights Act Amendment of 1970 have been prepared by the National Municipal League. League President, William W. Scranton, former Governor of Pennsylvania, pointed out that the United States Supreme Court appears to have abolished durational residence requirements for all elections, going further than the Voting Rights Act amendments which eliminated length of residence as a barrier to voting in presidential elections only."

I call these comments to your attention because it illustrates better than I can the trend in court decisions.

The Mercer County Superintendent of Elections has reviewed SCR-96 and is in full accord with its provisions.

I do think that the Election Law Revision Com-



mission, although I cannot speak officially for them, believes that action must be taken to standardize on the residency requirement, and when I say "standardize" I mean standardize with Supreme Court decisions and other states.

Now, SCR-96 will do this and it will also refine the provision on the presidential elector absentee ballot procedure which is set forth in Section C of the portion of the Constitution which is contemplated to be amended. This Section would allow the Legislature to develop laws so that persons who move to another state will not be denied the right to vote in a presidential election, or that persons who move to another county will not be denied this right. But it only applies to presidential elections. And in Section 58 of Title 19 we have the procedures whereby persons who move, even less than the 30 days, can go back to their county of registration and can vote by presidential elector absentee ballot.

My contention is that if this principle holds for the presidential election it should also hold for primary elections particularly when delegates are elected to represent a state at national conventions.

So, by the adding of Section D to this provision of our Constitution, we will allow persons who move in New Jersey from one county to another county in a period of time less than 30 days before an election to be able to vote by an absentee ballot procedure, as the Legislature shall designate, in the previous county of their residence. But it would only allow them to vote on statewide offices, such as statewide delegates to a convention in a primary; it would allow them to vote for the Governor of our State on a statewide basis, or in the primary for a gubernatorial nominee. It would also allow the residents of New Jersey to vote for any other statewide office, such as United States Senator, and for public questions.

So, in summary then, Mr. Chairman, I see this as carrying out the basic intent of the presidential elector



absentee ballot procedure, which is currently in our Constitution, and it will protect the citizens of New Jersey in allowing them to vote reasonably for statewide office when they move within the state, which I believe is only reasonable.

Thank you.

SENATOR WOODCOCK: Thank you very much, Senator Schluter. I think that we have the benefit of your remarks at the last meeting and I don't think we need detain you any further, sir. And I just want to say, for myself, that I am in complete agreement with the spirit, the content of Senate Concurrent Resolution 96 and I would hope that the Judiciary Committee will be moving this Resolution forward. I would hope on Monday.

SENATOR SCHLUTER: Thank you.

SENATOR WOODCOCK: Mrs. Tanner, please.

M R S.     E A R L     T A N N E R: I am Mrs. Earl Tanner, a Director of the League of Women Voters of New Jersey. I would like to thank you for making it possible for me to testify this morning.

The League of Women Voters of New Jersey wishes to affirm its strong support for the principle of 30-day registration for voting in the State of New Jersey. We also believe that if a registered voter moves within the State in the 30-day period before the election, then he should be allowed to vote for state offices and state questions. However, we believe that the purposes of the constitutional amendment can be accomplished by statute and that the constitutional amendment procedures should not be utilized to accomplish this purpose.

The League, of course, is desirous of avoiding the confusion and the problems attendant upon having two sets of books in this presidential election year, with the state cutoff date of 40 days for registration for state and local elections and the new 30-day requirement for federal elections. This matter of correlating the two cutoff



dates should be decided in time for the general election in November. We believe that it could be more easily accomplished by statute in the manner suggested by the National Municipal League.

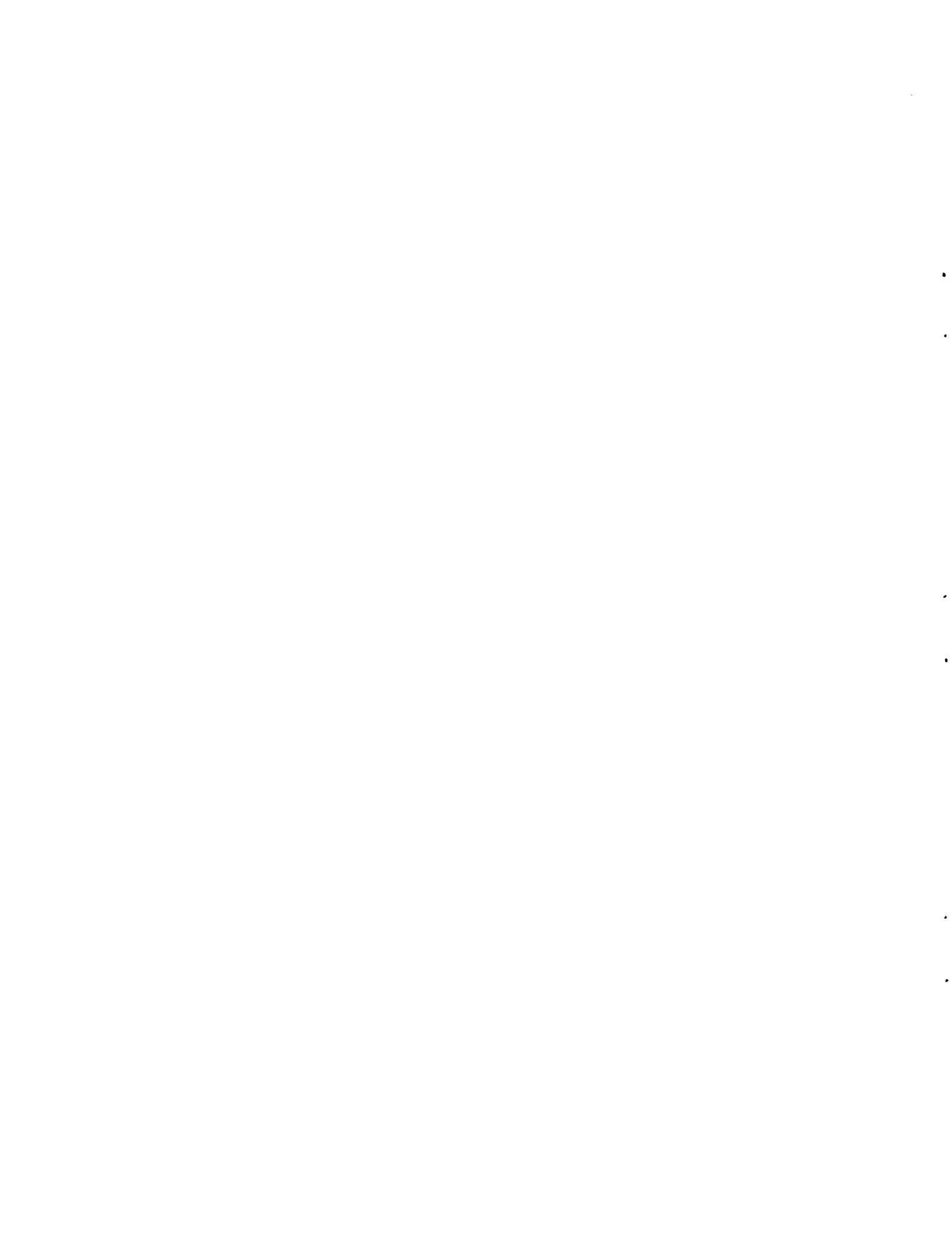
As we have indicated to the members of the Senate Judiciary Committee concerning SCR-84 in our recent letter to you, we believe that durational residence requirements for voting is purely an administrative decision and that the task of complying with Dunn vs. Blumstein Supreme Court decision of March 21, 1972, as well as the Voting Rights Amendments of 1970, can be accomplished by simple statute. We also believe that these questions of residence requirements have been amicably settled in other states by statute and that there is ample time to act by statute in the State of New Jersey before the general election in November.

On March 21, 1972, the Supreme Court ruled in Dunn vs. Blumstein that states may not impose durational residence requirements as a qualification for voting in any election. The decision implies that the deadline for registration to vote should be no more than thirty days prior to an election. The Court held that while bona fide residence is a legitimate qualification for voting, the length of such residence is not. Therefore, any prospective voter who is a bona fide resident of a community must be allowed to register to vote there regardless of the length of time he has lived in the community.

We believe that if a change in the wording of the Constitution is contemplated at this time, then the change should be worded in a general way to indicate that a citizen of New Jersey is a "bona fide resident" of the State of New Jersey.

Thank you very much.

SENATOR WOODCOCK: Mrs. Tanner, then I take it that it is not that you are in disagreement with the spirit of Senate Concurrent Resolution 96 but that it is your feeling and the feeling of the League that this can be done more



expeditiously and simply by means and method of a statute.

MRS. TANNER: That is correct. We are in complete agreement with the spirit and the intent and the provisions of SCR-96.

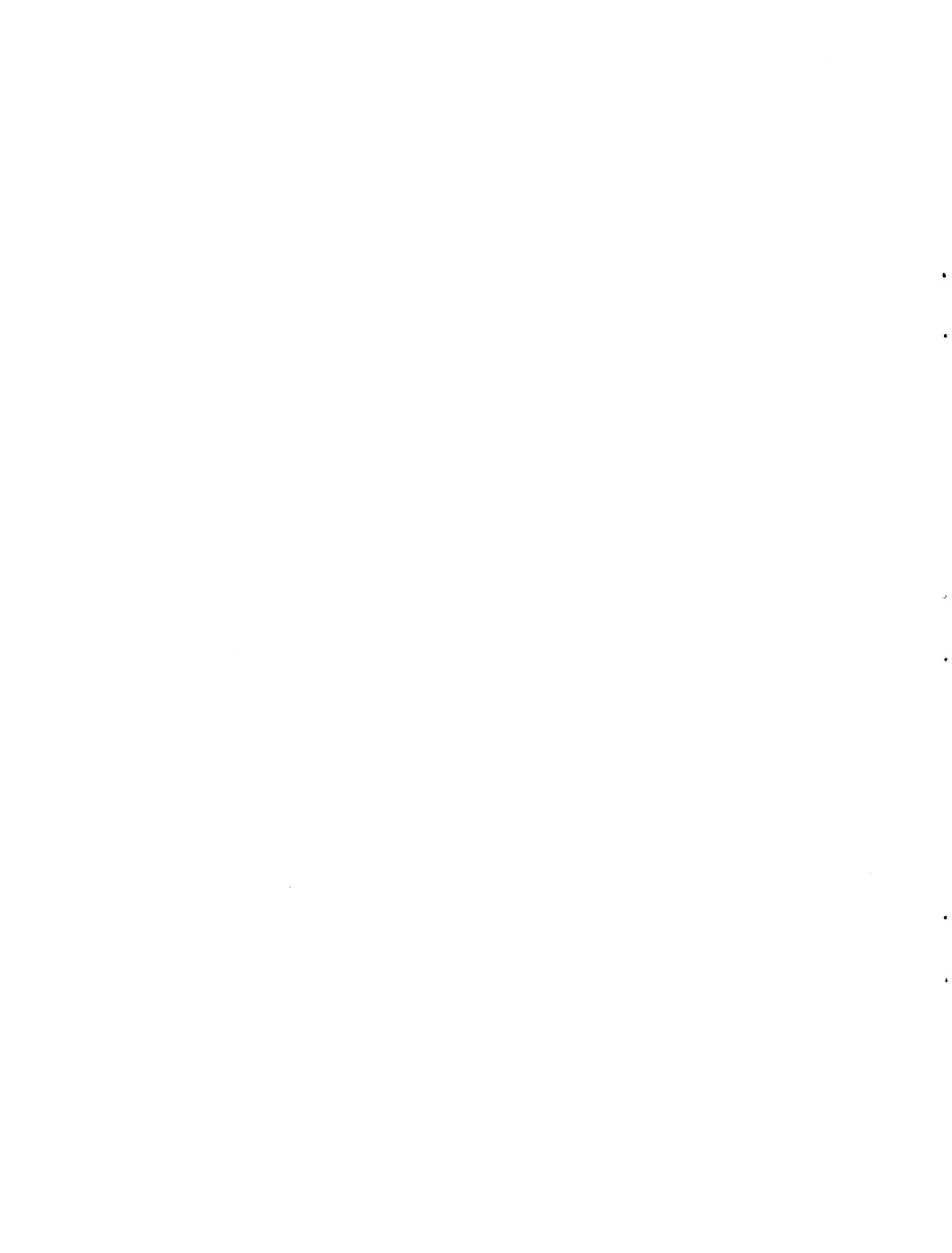
SENATOR WOODCOCK: All right. Thank you very much, Mrs. Tanner. I think I will take that point which you make up with the Committee and with Senator Schluter and if the feeling is that it can be accomplished in that fashion then I think we might do it that way because certainly that seems a lot faster than submitting it to the voters and having them approve it. And I want to thank you for taking time to come down here on a very, very bad day. Thank you.

MRS. TANNER: That's all right. Thank you. It's not so far for me as it is for you.

SENATOR WOODCOCK: Is there anyone else wishing to be heard in connection with the public hearing on Senate Concurrent Resolution 96?

There being no one else wishing to be heard, I will conclude the hearing.

(Hearing concluded)



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