

Election Statute Navigator: New Jersey

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/new-jersey/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day – [§ 19:31-6](#)
 - On or before the 21st day preceding the election
- Online registration available
 - [§ 19:31-6\(i\)](#) – General
 - [§ 19:31-6.4c](#) – A person who is qualified to register to vote may submit a voter registration form electronically on a secure Internet website maintained by the Secretary of State, if the applicant has an email address and provides a valid New Jersey driver's license number, a valid New Jersey nondriver identification card number, or the last four digits of the applicant's Social Security number. The voter registration form shall contain substantively the same information required to be contained on a paper voter registration form pursuant to section 16 of P.L.1974, c. 30 ([§ 19:31-6.4](#)).
- Registration via mail available – [§ 19:31-6](#)
- In-Person registration available
 - [§ 19:31-6](#) – General
 - [§ 19:31-6.3](#) – Public agencies
 - [§ 19:31-6.11](#) – Voter registration agencies
- Automatic Voter Registration [AB 2014](#)
- Preregistration allowed – [§ 19:31-5](#)
 - Each person, who is at least 17 years of age at the time he or she applies for registration, who resides in the district in which he or she expects to vote, who will be of the age of 18 years or more on or before the first election in which he or she expects to vote, who is a citizen of the United States, and who, if he or she continues to reside in the district until that election, will at the time have fulfilled all the requirements as to length of residence to qualify him or her as a legal voter, shall, unless otherwise disqualified, be entitled to be registered in such district. Each 17-year-old registrant shall be designated in the Statewide voter registration system as temporarily ineligible to vote until the registrant's 18th birthday.
- Residency requirement
 - [§ 19:31-11](#) – Change of residence notice
- Prior conviction eligibility – [§ 19:4-1](#)
 - No person shall have the right of suffrage:

- (6) Who has been convicted of a violation of any of the provisions of this Title, for which criminal penalties were imposed, if such person was deprived of such right as part of the punishment therefor while serving a sentence of incarceration according to law unless pardoned or restored by law to the right of suffrage; or
 - (7) Who shall be convicted of the violation of any of the provisions of this Title, for which criminal penalties are imposed, if such person shall be deprived of such right as part of the punishment therefor while serving a sentence of incarceration according to law, unless pardoned or restored by law to the right of suffrage; or
 - (8) Who is serving a sentence of incarceration as the result of a conviction of any indictable offense under the laws of this or another state or of the United States.
- Voters judged mentally incompetent cannot vote – [§ 19:4-1](#)
 - No person shall have the right of suffrage who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting
- Voter list maintenance guidelines
 - [§ 19:31-18](#) – Lists of registered voters; numbers; form
 - [§ 19:31A-7](#) – Signature comparison record and duplicate permanent registration and voting form
- Other:
 - [§ 19:31-3.2](#) – Registration by certain victims of domestic violence; nondisclosure of street address
 - [§ 19:31-6.4b](#) – No State or county government employee shall be subject to any penalty, liability or disciplinary action for failure to fulfill any responsibility under the provisions of this act except if the employee engages in the fraudulent registration of a voter.
 - [§ 19:31-16](#) – Death of voter

State Absentee, Early, and Mail Voting

- No-excuse absentee voting – [§ 19:63-3](#)
 - A qualified voter shall be entitled to vote using a mail-in ballot in all future elections, including general elections, held in this State, in which the voter is eligible to vote; or in any single election held in this State
- Absentee ballot application is verified – [§ 19:63-8](#)
- Copy of Voter ID required with absentee ballot
 - [§ 19:63-3\(e\)](#) – A person voting by mail-in ballot who registered by mail after January 1, 2003, who did not provide personal identification information when registering pursuant to section 16 of P.L.1974, c. 30 ([§ 19:31-6.4](#)) and is voting for the first time in his or her current county of residence following registration shall include copies of the required identification information with the mail-in ballot. Failure to include such information with the mail-in ballot shall result in its rejection.
- Absentee ballot verification details – [§ 19:63-17](#)
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter

- [§ 19:63-9](#) – Hand delivery of a mail-in ballot shall be made by the county clerk or the clerk’s designee only to the voter, or the voter’s authorized messenger, who must appear in person. No person shall serve as an authorized messenger for more than three qualified voters in an election. Ballots that have not been hand delivered shall be addressed to the voter at the forwarding address given in the application.
- [§ 19:63-16](#) – No person shall serve as an authorized messenger or as a bearer for more than three qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot shall be permitted to serve as an authorized messenger or bearer. The bearer, by signing the certification provided for in section 12 of P.L.2009, c.79 ([§ 19:63-12](#)), certifies that he or she received a mail-in ballot directly from the voter, and no other person, and is authorized to deliver the ballot to the appropriate board of election or designee on behalf of the voter.
- Deadline by which election official must receive absentee/mailed ballots – [§ 19:63-22](#)
 - Forty-eight hours after polls close if postmarked on or before Election Day.
- State accepts postmarked ballots that arrive after election day – [§ 19:63-22](#)
 - Postmarked on or before Election Day.
- State is required to provide secrecy sleeve for absentee/mail ballot – [§ 19:63-12](#)
- Absentee/Mail ballot processing and counting procedures
 - [§ 19:63-17](#) – Signature verification conducted upon receipt.
 - [§ 19:63-22](#) – Counting begins on election day
- Spoiling/Replacement/Correction ballot restrictions
 - [§ 19:12-7.1](#) – A notice shall be posted in a conspicuous location that explains: a voter has a right to a provisional ballot, and a right to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received
 - [§ 19:15-29](#) – Should any voter to whom any official ballot has been handed spoil or render the same unfit for use, he may return it and obtain another from the district board, but no more than two official ballots shall be furnished to any voter, except at the discretion of the board. The board shall preserve all the ballots, with their coupons attached, returned by a voter as spoiled or unfit for use, and after the proper correction has been made in the poll book and signature copy register or register of voters such ballot or ballots shall be placed upon the same string with the coupons.
 - [§ 19:53C-9](#) – If any voter to whom a provisional ballot and envelope with an affirmation statement has been handed spoils or renders any of the same unfit for use, the voter shall return the ballot and the envelope with affirmation statement to a district board member. The voter shall be furnished with another provisional ballot and envelope with affirmation statement. No more than two provisional ballots and envelopes with affirmation statements shall be furnished to a voter, except at the discretion of the board members.
- Other:
 - [§ 19:62-1](#) – Certain small jurisdictions may conduct election by mail

In-Person Voter ID

- No document required to vote
 - [§ 19:15-17](#) – Unless voter is voting for the first time.
- Photo ID requirements for first time voter – [§ 19:15-17\(b\)](#)
- Other:
 - [§ 19:63-16\(d\)\(2\)](#) – Whenever a person delivers a ballot to the county board, that person shall provide proof of the person’s identity in the form of a New Jersey driver’s license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person. The person shall sign a record maintained by the county of all mail-in ballots personally delivered to it.

Provisional Voting

- Provisional ballot availability – [§ 19:53C-1](#)
- Time allotted to determine the status of provisional ballot – [§ 19:19-1](#)
 - Before the Monday following the election when the Board of County Canvassers meets.
- Provisional ballot rejection reasons:
 - [§ 19:53C-17](#) – Already casted a provisional ballot or if the name, signature, or address does not match the voter registration record and cannot be verified
 - [§ 19:53C-13](#) – If a provisional ballot voter votes a ballot in a district other than the one in which the voter is qualified to vote, the votes for those offices and questions for which the voter would be otherwise qualified to vote are counted. All other votes are not counted.
- Method for informing voters whether provisional vote was counted
 - Call 1-877-NJVoter
 - [See official New Jersey Vote by Mail and Provisional Ballot website](#)

Polling Place

- Polling Place availability and requirements
 - [§ 19:8-1](#) – A polling place or room shall be within a building wherein a district board is directed as hereinafter provided to meet for the purpose of registering voters or conducting elections.
 - [§ 19:8-2](#) – Selection of suitable places; accessibility to individuals with disabilities and the elderly
 - [§ 19:8-3](#) – Schoolhouses and public buildings
 - [§ 19:8-3.1](#) – Waivers for accessibility to individuals with disabilities and the elderly
 - [§ 19:8-3.2](#) – Alternatives available to the elderly and disabled assigned to inaccessible polling place
- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place [§ 19:34-6](#) and [§ 19:34-15](#)

- Poll watcher qualifications
 - [§ 19:7-2](#) – Appointment of challengers
- Police presence
 - [§ 19:6-16](#) – The commission, committee, board or official having charge of the police department in any municipality may assign one or more police officers to any district board in such municipality whenever the said commission, committee, board or official deems it necessary to do so.
 - [§ 19:6-30](#) – The district board in each election district, the county board, and the clerk thereof, the board of county canvassers and the board of State canvassers and the Superior Court shall, respectively, possess full power and authority to direct the police on duty to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions respectively.
 - [§ 19:32-22](#) – The superintendent and his chief deputy and assistants are hereby authorized and empowered and without warrant, to arrest any person violating any provision of this title.
- Other:
 - [§ 19:8-5](#) – An American flag, approximately 3 feet by 5 feet in size, shall be displayed at the outside entrance of each polling place in this State by the district boards during the hours when the boards are in session; except that, when more than one polling place is located in the same building the prominent display of one such flag at the outside entrance used in common to reach more than one polling place shall constitute compliance with the provisions of this section. Such flag shall be furnished by the clerk of the county and delivered to the municipal clerks for distribution.

State Emergency Rules and How Elections are Affected

- The Election Law Enforcement Commission shall have the authority to issue such advisory opinions that relate to candidates for the office of Lieutenant Governor and regulations – [§ 19:44A-6.1](#)
- Explicit remedies in election statute
 - [§ 19:53B](#) – Emergency ballots
- Other:
 - [§ 19:8-3.1](#) – Polling places must be accessible to those with disabilities unless an emergency causes such a polling place to be unavailable.

Counting Rules

- Voting system requirements
 - [§ 19:31-36](#) – Electronic poll book technology; capability and standards
 - [§ 19:53A-3](#) – Electronic Voting Systems Requirements
- Counting procedures
 - [§ 19:16-2](#) – Counted publicly without adjournment
 - [§ 19:16-3](#) – Distinguishing marks

Contest/Protest, Recount Rules

- Challengers
 - [§ 19:7-2](#) – Appointment of challengers
 - [§ 19:7-5](#) – Powers of challengers
- Challenging a voter
 - [§ 19:15-18](#) – Right to make
 - [§ 19:15-19](#) – On ground of conviction of crime
 - [§ 19:15-20](#) – On ground of alienage
 - [§ 19:15-21](#) – On ground of disqualification
- Contest/Protest recount
 - [§ 19:28-1](#) – When any candidate at any election shall have reason to believe that an error has been made in counting the votes of that election, the candidate may, within a period of 15 days following such election, apply to a judge of the Superior Court assigned to the county wherein such district or districts are located, for a recount of the votes cast at the election in any district or districts.
 - [§ 19:28-1](#) – When ten voters at any election shall have reason to believe that an error has been so made in counting the votes upon any public question at any election, such voters may, within a period of 15 days following such election, apply to a judge of the Superior Court assigned to the county wherein such district or districts are located, for a recount of the votes cast at the election in any district or districts on such public question.
- Other:
 - [§ 19:28-2](#) – The candidate must pay for the recount unless it changes the result, or the difference in votes between any two candidates is altered in any district by more than 10 votes, or 10% of the total votes, whichever is greater
 - [§ 19:6-15.1](#) – No person who is employed as a police officer, either full-time or part-time, by the State or an instrumentality thereof, or by a political subdivision of the State or an instrumentality thereof, and who is a member of a district board of elections or serves as a duly authorized challenger for a political party or a candidate or on a public question, shall wear a police officer's uniform or carry an exposed weapon while serving as a board member or a challenger, as the case may be, at a polling place on an election day. Any person who violates this section is guilty of a crime of the fourth degree