

**STATE**

**DIVISION OF ELECTIONS**

**Elections**

**Proposed New Rules: N.J.A.C. 15:10**

Authorized By: Tahesha Way, Lieutenant Governor/Secretary of State.

Authority: N.J.S.A. 19:23-45.3, 19:31-6.4a through 6.9, 19:31-30, 19:31-38, and 19:59-13.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2023-123.

Submit comments by February 16, 2024, to:

New Jersey Division of Elections

ATTN: Donna Barber

PO Box 304

Trenton, NJ 08625-0304

Email: [donna.barber@sos.nj.gov](mailto:donna.barber@sos.nj.gov)

The agency proposal follows:

**Summary**

N.J.A.C. 15:10 expired on March 31, 2021, and the Department of State (Department) proposes to adopt the expired rules as new rules without change. The expired rules proposed herein as new rules augment and clarify Title 19 of the New Jersey Statutes providing a positive impact on election administration for all interested properties. Moreover, the expired rules proposed herein as new rules have a beneficial impact on the citizens of New Jersey in that they will be apprised of the specific procedures for voter registration, receipt of voter registration forms, and the procedures for declaring party affiliation. The expired rules proposed herein as new rules

will also have a beneficial impact on people with disabilities in that specific guidelines are set forth on the accessibility of polling places, including providing for the establishment of a “Voting Accessibility Advisory Committee” in each county whose responsibilities will include, but are not limited to, inspection of all polling places and reporting to the Secretary of State regarding the status of polling places and present a plan to the Secretary of State that will specifically outline all measures that will be undertaken in order to comply with the mandates of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and P.L. 2005, c. 146.

Subchapter 1 sets forth the purpose and scope of Chapter 10, the definitions used throughout Subchapter 1, the rules governing voter registration applications, the Federal standards governing voter registration applications, and the voter registration complaint procedure.

Subchapter 2 sets forth the rules governing voter declaration of a political party, the responsibilities of municipal clerks, county of election officials, method of filing declaring a political party affiliation, and the effect of political party declaration.

Subchapter 3 sets forth the rules governing the development of election district maps, the responsibility of county boards of election, the delineation of election district boundaries, and the specifications of maps for the county, municipalities, and congressional, legislative, and commissioner districts.

Subchapter 4 governs the reproduction of vote by mail applications, the responsibilities of county clerks, the requirements of the Secretary of State and the completion requirements of vote by mail applications.

Subchapter 5 defines the county voter registration official.

Subchapter 6 governs voting accessibility for the elderly and people with disabilities, the definitions used in the subchapter, the establishment of the Voting Accessibility Advisory Committee, sets forth polling place accessibility standards, including the use of voting aids, and requires reporting by the county boards of elections.

Subchapter 7 sets forth the purpose and scope of the electronic poll book rules, the definitions used throughout Subchapter 7, the requirements for electronic poll book systems to receive Department approval, Secretary of State's authority to examine and test e-poll book systems, technical requirements for e-poll book systems, requirements for e-poll book review and approval by the New Jersey Cybersecurity and Communications and Division of Gaming Enforcement, and requirements for e-poll book system pilot program.

As the Division of Elections has provided a 60-day comment period on this notice of proposal, this notice excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The expired rules proposed herein as new rules will have a beneficial social impact on the citizens of New Jersey in that the expired rules proposed herein as new rules provide guidance to county election officials in administering the registration process; provide specifics on registration requirements, forms availability, and procedures for declaring party affiliation; and how to become unaffiliated. The expired rules proposed as new rules will also have a positive social impact on people with disabilities because the expired rules proposed herein as new rules set forth accessibility standards for polling locations, including the establishment of "Voting Accessibility Committees" throughout the various counties to inspect and report to the Secretary of State, not only a list of those polling places that are presently not accessible, but also to

present a plan designed to correct any polling place that is inaccessible. The expired rules proposed herein as new rules also provide additional guidance for the use of electronic poll books for elections. Electronic poll books have a beneficial impact on the State's elections by converting many elections processes from paper to electronic format, thereby increasing efficiency of elections and ease-of-use for both poll workers and voters.

### **Economic Impact**

The expired rules proposed herein as new rules will have little to no economic impact on the general public or businesses.

### **Federal Standards Statement**

State law generally governs the administering of elections and registration in New Jersey. To the extent that Federal laws apply to the registration of voters, the laws are referenced in this chapter. The expired rules proposed herein as new rules do not exceed applicable Federal laws, 42 U.S.C. §§ 12101, as it pertains to the American with Disabilities Act, 52 U.S.C. § 20501, as it pertains to the National Voter Registration Act (NVRA), and 52 U.S.C. § 20901, as it pertains to the Help America Vote Act (HAVA).

### **Jobs Impact**

Jobs will not be generated or lost by the expired rules proposed herein as new rules.

### **Agriculture Industry Impact**

The expired rules proposed herein as new rules will have no impact on the agriculture industry in the State of New Jersey.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the expired rules proposed herein as new rules will impose no reporting, recordkeeping, or other requirements on small businesses,

as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The expired rules proposed herein as new rules will impose requirements on individuals and State and local agencies concerning voter registration and elections.

### **Housing Affordability Impact Analysis**

The Department does not anticipate that the expired rules proposed herein as new rules will have any impact on the average cost of housing, as the expired rules proposed herein as new rules set forth requirements concerning voter registration, voter declaration of political party, election district maps, absentee ballots, voting accessibility for the elderly and people with disabilities, and e-poll books.

### **Smart Growth Development Impact Analysis**

The Department does not anticipate that the expired rules proposed herein as new rules will have any impact on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, as the expired rules proposed as new rules set forth requirements concerning voter registration, voter declaration of political party, election district maps, absentee ballots, voting accessibility for the elderly and people with disabilities, and e-poll books.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the expired rules proposed herein as new rules may be found in the New Jersey Administrative Code at N.J.A.C. 15:10.

