forth pharmacist in charge and pharmacy personnel requirements. Subchapter 7 sets forth requirements for drug dispensing and prescription records. Subchapter 8 is reserved. Subchapter 9 sets forth requirements for pharmaceutical services for health care facilities. Subchapter 10 sets forth requirements for automated medication systems. Subchapter 11 sets forth requirements for sterile compounding. Subchapter 11A sets forth requirements for nonsterile compounding. Subchapter 11B sets forth requirements for compounding antineoplastic agents and other hazardous substances. Subchapter 12 sets forth requirements for nuclear pharmacies. Subchapter 13 sets forth requirements for collaborative practice.

The Board of Pharmacy has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 5:8-6, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

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STATE

(a)

DIVISION OF ELECTIONS
Elections
Adopted New Rules: N.J.A.C. 15:10

Proposed: December 18, 2023, at 55 N.J.R. 2462(a).
Adopted: March 14, 2024, by Tahesha Way, Lieutenant
   Governor/Secretary of State.
Filed: March 15, 2024, as R.2024 d.032, **with non-substantial
   changes** not requiring additional public notice and comment (see
   N.J.A.C. 1:30-6.3).
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.
Effective Date: April 15, 2024.
Expiration Date: April 15, 2031.

Summary of Public Comment and Agency Response:
   Comments were received from Nuzhat Chowdhury, Senior Counsel for New Jersey Institute for Social Justice.
   COMMENT: We strongly urge broadening the translation requirement at N.J.A.C. 15:10-1.3 to require the Secretary of State to print and distribute paper voter registration applications and provide online voter registration in at least the 10 most populous languages spoken in the State per the latest American Community Survey, and to allow voters to fill out voter registration forms in the form's respective language.
   RESPONSE: The Division of Elections (Division) thanks the commenter for their comment, however, the Division has determined that no change to the regulations is needed, as the Division has been proactive in providing the voter registration and vote by mail applications to New Jersey residents in a variety of languages. Currently, the voter registration application is available in the following languages: Arabic, Brazilian Portuguese, English, Spanish, European Portuguese, Gujarati, Haitian Creole, Hindi, Korean, Punjabi, Simplified Chinese, and lastly, Traditional Chinese. The vote by mail application is available in the following languages: English, Spanish, Gujarati, Hindi, Korean, Punjabi, Simplified Chinese, and Traditional Chinese. Lastly, the voter registration application allows a voter to indicate their request to have material in an alternative language. The Division of Elections has ensured, and will continue to ensure, that its forms are in compliance with Federal and State language requirements, including P.L. 2023, c. 263.
   COMMENT: N.J.A.C. 15:10-1.3 should be amended to require each public agency to display voting instructions in at least the 10 most populous languages at each public office.
   RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change to the regulations is needed. Requiring counties to produce and display voter registrations and voting instructions, other than those provided by the Division of Elections, in additional languages beyond those required by Federal and State law could be an unfunded State mandate, pursuant to

N.J.S.A. 52:13H-1 et seq. The Division of Elections has ensured, and will continue to ensure, that its distributed voter materials are in compliance with Federal and State language requirements, including P.L. 2023, c. 263.
   COMMENT: N.J.A.C. 15:10-1.9 should be amended to ensure that voters are made aware of the complaint procedure for voter registration, and that this information is translated and that the complaint itself can be submitted in other languages. The voter registration complaint system should be streamlined for organizations, candidates, and individuals, and include strong notification safeguards for individuals whose voter registration has been rejected.
   RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change to the regulations is needed. Notwithstanding the above, the Division of Elections will make additions to voter information materials to incorporate information, where appropriate, regarding the complaint procedure for voter registration and anticipates developing a complaint form to be posted on the Division of Elections' website.
   COMMENT: N.J.A.C. 15:10-2.1 should be amended to reflect the new deadlines and procedures for unaffiliated mail-in voters.
   RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change to the regulations is needed as P.L. 2023, c. 281, sets forth the deadlines and procedures, as well as the required notice by the Commissioner of Registration delineating such deadlines and procedures as a requirement to vote in a primary election.
   COMMENT: N.J.A.C. 15:10-2.3 should also be amended to align with new State law, including by adding references to online voting.
   RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change to the regulations is needed. The rule is not inconsistent with new State law. N.J.A.C. 15:10-2.3 sets forth the responsibilities of municipal clerks to make available voter registration materials, and to document and appropriately forward voter registration materials to ensure timely registration or changes from materials filed with their offices. Online voter registration materials are received and processed by the county Commissioner of Registration.
   COMMENT: The Division should amend N.J.A.C. 15:10-2.4 to require county election officials to translate and distribute translated party declaration forms, and N.J.A.C. 15:10-2.8 to require party declaration forms be translated not only to Spanish, but also to the 10 most populous languages spoken in New Jersey, pursuant to the most recent American Community Survey.
   RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change to the regulations is needed as the Division has been proactive in providing the party declaration forms to New Jersey residents in a variety of languages. Currently, the party declaration form is available in the following languages: English, Spanish, Gujarati, Hindi, Korean, and Punjabi. The Division of Elections has ensured, and will continue to ensure, that its forms are in compliance with Federal and State language requirements, including P.L. 2023, c. 263.
   COMMENT: The Division of Elections should follow recently passed P.L. 2022, c. 67, and adopt regulations to allow submitting mail-in ballot applications online.
   RESPONSE: The requirement to allow submission of mail-in ballot applications online is set forth at P.L. 2022, c. 67, with the effective date of January 1, 2026. As such, no regulatory change is needed at this time.
   COMMENT: The Division of Elections should require, through regulation, that all counties accept party declaration forms both through paper and through electronic means.
   RESPONSE: N.J.S.A. 19:23-45 permits a voter to indicate on a voter registration form the voter's choice of political party affiliation and submit the form either on a paper form or an electronic form using the online voter registration form in the online voter registration system. As such, no regulatory change is needed at this time.
   COMMENT: Election district maps pursuant to Subchapter 3 should be made available to the public online within seven days of approval by the Secretary of State.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change is needed, as Election District Maps are required at N.J.A.C. 15:10-3.1(b) and N.J.S.A. 19:4-16 to be filed with the county clerk, the municipal clerk (in affected municipalities), and the Secretary of State within 30 days of any changes made to election districts. The maps are also filed with the county Board of Elections.

COMMENT: Pursuant to Subchapter 5, the Secretary of State should require counties to pay postage for mail-in ballots for voters during any election. The county would then be reimbursed by the State.

RESPONSE: The Division of Elections has no authority to make this change through adoption of a rule.

COMMENT: The State should prepay for the postage of mail-in ballot applications and political party declaration forms for primary elections.

RESPONSE: The Division of Elections has no authority to make this change through adoption of a rule.

COMMENT: The Secretary of State's office should amend N.J.A.C. 15:10-6.2 to provide, at a minimum, annual training to county boards of elections and poll workers to ensure cultural competency and accessibility for individuals with disabilities and seniors at polling places. Such training should be led by qualified members or organizations from the impacted communities and the training materials should be updated, at a minimum, on a biannual basis, so as to keep current with developments.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, this comment is beyond the scope of the proposed rulemaking. Notwithstanding the above, the Division is working to develop additional training for county election boards regarding accessibility for individuals with disabilities.

COMMENT: The Division of Elections should strengthen regulations at N.J.A.C. 15:10-6.9, by permitting voters—such as those with disabilities or seniors—who are determined to be eligible for electronic returns, to return their mail-in ballot by electronic means.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, this comment is beyond the scope of the proposed rulemaking.

COMMENT: The Division of Elections should continue better language accessibility by ensuring that the signs listed as voting aids for older individuals and those with disabilities are translated into multiple languages.

RESPONSE: The Division of Elections thanks the commenter for their comment; however, the Division determined that no change is needed, as the Division has been proactive in providing signs and other voting aids to New Jersey residents in a variety of languages in compliance with State and Federal law.

COMMENT: The Secretary of State's office should promulgate new rules to increase poll worker training, specifically, around electronic poll books and other new voting and election technologies. The Division of Elections should take the opportunity to create new rules for training and auditing of new technologies, as they continue to be integrated into the voting infrastructure.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, this comment is outside the scope of this rulemaking. Notwithstanding the above, the Secretary of State establishes guidelines for the design of training manuals for members of district boards of election, pursuant to N.J.S.A. 19:50-1, and makes a training manual template available on the Division of Elections' website. County boards of elections may acquire voting technologies certified by the Secretary of State. Poll worker training regarding a county's specific equipment is conducted by each county board of elections. No member of any district board shall serve in any election unless the member shall have received such instruction, as provided in this chapter, and is fully qualified to perform the duties in connection with the election and has received a certificate to that effect from the county board of election. As new technologies emerge, the Division may evaluate the need for additional rules for technology certification.

COMMENT: There should be created a new subchapter to promulgate regulations and rules for early voting. Early voting, which was passed by State law in 2021, is largely governed by Chapter 19:15A of the New Jersey Statutes. However, the statute leaves room for the Secretary of State to pass regulations to better run the process Statewide.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, this comment is outside the scope of this rulemaking. Notwithstanding the above, the Division produced a Guideline for the Conduct of Early Voting (September 28, 2021; updated October 18, 2022) which is provided to county election officials to assist them in administering early voting in New Jersey.

COMMENT: The Division of Elections should create a new subchapter to establish election and voting-related communication and public education plans for counties in order to standardize how election issues are addressed.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, this comment is outside the scope of this rulemaking.

COMMENT: Regulations should be amended establishing guidelines for public voter education campaigns, as required pursuant to N.J.S.A. 19:63-6.1. The guidelines should require public voter education campaigns to go beyond simple snail mail efforts and include, at a minimum, a campaign about early voting, rights restoration for those on probation and parole, and unaffiliated mail-in voters and their party declaration dates pursuant to newly amended N.J.S.A. 19:23-45.

RESPONSE: The Division of Elections thanks the commenter for their comment, however, the Division determined that no change is necessary. The public voter education campaign required pursuant to N.J.S.A. 19:63-6.1 is specific to informing mail-in ballot voters of the potential to be removed from permanent vote-by-mail lists and potential changes to where their mail-in ballot will be mailed, as provided at P.L. 2022, c. 68. The statute allows for communication "through existing media such as television or newspapers, through online platforms or by mail." Further, the Division of Elections provides a Voter Restoration Handbook, available on the Division website.

Summary of Agency-Initiated Change:

A non-substantial change to is made to correct a Federal statute cross-reference in a definition of the term "Secretary of State."

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 adopted 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).

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

Full text of the adopted amendments follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1.   VOTER REGISTRATION APPLICATIONS

15:10-1.2   Definitions

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

. . .

"Secretary of State" means the State officer designated as the Chief Election Official of this State *[under]* ***pursuant to*** the Voter Registration Act, the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, and the Help America Vote Act of 2002, 52 U.S.C. § *[15301]* ***20901,*** and who has further specific regulatory authority *[under]* ***pursuant to*** N.J.S.A. Title 19. The Division of Elections in the Department of State shall perform the activities listed in this chapter on behalf of the Secretary of State.

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SUBCHAPTER 1 -. VOTER REGISTRATION APPLICATIONS

§ 15:10-1.1 Purpose and scope

This subchapter identifies the responsibilities of the Secretary of State, as the State Chief Election Official, 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 completed 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 Secretary of State's office.

§ 15:10-1.2 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.

"County commissioner of registration" means either the superintendent of elections in a county where there is a superintendent, or the county board of election member who is the secretary-commissioner of registration in all other counties.

"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.

…

"'Secretary of State'" means the State officer designated as the Chief Election Official of this State *[under]* *pursuant to* the Voter Registration Act, the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, and the Help America Vote Act of 2002, 52 U.S.C. § *[15301]*

20901, and who has further specific regulatory authority *[under]* *pursuant to* N.J.S.A. Title 19. The Division of Elections in the Department of State shall perform the activities listed in this chapter on behalf of the Secretary of State.

…

"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.

§ 15:10-1.3 Voter registration applications; availability, printing, distribution and reporting

(a)   The Secretary of State shall cause to be printed a sufficient supply of voter registration applications in English, Korean, and Spanish languages and in any other language the Secretary of State 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 Secretary of State'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 Secretary of State 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 Secretary of State 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 Secretary of State, 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 Secretary of State shall distribute a sufficient supply of applications, including Korean and Spanish language applications, and in any other language the Secretary of State deems appropriate, to the coordinating office or individual offices of each department.

(f)   The coordinating office of each department and the county commissioners of registration shall notify the Secretary of State 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 Secretary of State, which shall then take appropriate steps to supply the county with an adequate number of applications to meet reasonably expected needs.

§ 15:10-1.4 Availability of voter registration applications; reasonable quantity defined; reorder notification

(a)   An organization or candidate for public office may request a reasonable quantity of voter registration applications from the county commissioners of registration or the Secretary of State. The number of applications requested may be limited to two percent of the total number of voter registration applications which the county commissioners of registration has available at the time of the request, or 2,500 forms if request is made to the Secretary of State. There shall be no limit to the number of requests an organization or candidate may make. The county commissioner of registration shall maintain a record of all organizations and candidates requesting more than 100 applications. Requests will be met at an agreed upon time at the office of the county commissioner of registration or the Secretary of State.

(b)   An individual may request in person up to 25 voter registration applications from the county commissioners of registration or the Secretary of State. There shall be no limit to the number of requests an individual may make. An individual making a telephone request shall be entitled to at least two application forms.

(c)   The county commissioners of registration may adopt a method of identifying a supply of voter registration applications provided to any organization, candidate, or individual for the sole purpose of reporting any deficiencies in returned registrations.

§ 15:10-1.5 Photocopies and reproduction of voter registration application

(a)   The voter registration application may be photocopied or reproduced except that the return address portion of the voter registration application shall not be photocopied or reproduced. Any completed voter registration application form which includes a reproduced return address portion shall be rejected. Any photocopies or reproductions to be utilized by individuals completing the form or soliciting other individuals to register to vote must be true facsimiles of the application.

(b)   Any completed voter registration which is entirely unintelligible will be rejected. A voter registration application which is distorted or altered in such a manner that all the required information is not provided will be deemed incomplete. In the case of an incomplete application, the applicant will be notified to provide the missing information as long as the application contains a name and mailing address.

§ 15:10-1.6 Completion of application

(a)   An applicant shall complete all required portions of the voter registration application. If an applicant is unable to personally complete the form, another individual may complete the form for the applicant. The individual who completed the form for the applicant shall enter his or her name in the appropriate section of the voter registration application. If possible, the applicant shall sign or make his or her mark on the signature line of the application. If applicant cannot sign or make his or her mark, the assisting individual shall write "unable to mark" on the signature line.

(b)   The county commissioner of registration may reject an application if the applicant has failed to sign the voter registration application and/or if applicant's name and street address are not properly completed or are unintelligible. Failure to properly complete other portions of the application may cause the county commissioner of registration to return the form for proper completion. Prior to rejection, a commissioner of registration shall take all steps necessary to provide the voter with the opportunity to complete his or her voter registration application.

(c)   The absence of an optional telephone number of the applicant or the absence of the applicant's last voter registration information shall not cause the application to be rejected.

(d)   The county commissioner of registration shall accept and process voter registration applications, including signatures that have been electronically transmitted by the Motor Vehicle Commission. Digitized signatures shall constitute the original signature of a registrant for voter registration purposes.

§ 15:10-1.7 Acceptance and transmittal of applications

(a)   Employees of a voter registration agency, charged with the responsibility to provide voter registration opportunity forms and assistance to the applicant, shall accept the application from the applicant when the applicant has determined it is complete. Those applicants who have agreed to the offer of assistance shall be advised if the application is not complete or is unintelligible. Employees of a public agency are required to provide the application, assistance if requested and acceptance of the completed application. Acceptance is for transmittal purposes only. The employee does not determine if the information is acceptable. An applicant may also choose to complete the application and personally mail the form.

(b)   Applications completed at a voter registration agency or public agency and given to an employee thereof shall be batched at each office on a weekly basis and sent to the Secretary of State or county commissioner of registration, except that batching shall be done on a daily basis during registration deadline dates.

(c)   Upon acceptance of an application, the employee shall mark or stamp the date of receipt on the application.

(d)   Any application returned to an employee of a voter registration agency or public agency up to close of business 21 days prior to an election covered under N.J.S.A. Title 19 shall be deemed timely for the purposes of qualifying an eligible applicant as registered for an ensuing election.

§ 15:10-1.8 Federal voter registration application forms

(a)   The Secretary of State and the county commissioners of registration shall accept the National Voter Registration Application form for registration purposes. Name, address, and date of birth information must be legibly completed and the form signed or marked in order to be accepted. ID number and race or ethnic group information, which appear on the form, shall not be recorded in this State.

(b)   The Motor Vehicle Commission (MVC) shall provide a voter registration opportunity to all individuals appearing in-person at an agency for a driver's license transaction, including new application, renewal, change of address, and identification card. Applicants who respond affirmatively to the voter registration opportunity shall be provided on an electronic signature pad the declaration statement in accordance with N.J.S.A. 19:31-6.4, the option to declare a political party affiliation, and a space for the voter's signature. All agency offices shall maintain a reasonable supply of abbreviated New Jersey voter registration application signature cards to be used in the absence of the electronic signature pad. The abbreviated New Jersey voter registration application signature cards shall list the declaration statement in accordance with N.J.S.A. 19:31-6.4 and information item lines for: county of residence, telephone (optional), date, signature, and printed name.

(c)   The Motor Vehicle Commission shall electronically transmit all required voter registration information, including signatures, to the Secretary of State periodically, but at least on a weekly basis. Completed voter registration application cards shall be forwarded from each MVC office to the Secretary of State within five days of receipt.

§ 15:10-1.9 Voter registration complaint procedure

(a)   Anyone who believes that he or she has been denied the opportunity to register to vote or remain a registered voter by a voter registration agency, or that someone has interfered with their rights to register or decline to register to vote, or choose a political party preference may file a written complaint with the Secretary of State as provided for in N.J.S.A. 19:31-6.11b(5) and 19:31-29. A written complaint may also be filed pursuant to the HAVA Administrative Grievance Procedure which is fully set forth in N.J.S.A. 19:61-6.

(b)   A notice of violation must be in writing, signed and dated by the person reporting a violation and/or seeking relief and certified by the complainant's signature. The notice must include as many of the particulars relative to the violation as the person can recount, the date of the occurrence, and what relief, if any, the person is seeking. The person shall also include his or her name and address, legibly written, in order that an acknowledgment of receipt be properly directed.

(c)   The Secretary of State shall prepare a written acknowledgment of complainant's notice within five days of receipt.

(d)   If a notice of violation is filed with the Secretary of State within 30 days of the occurrence, the Secretary of State shall forward the notice of violation to the appropriate office and require a written response from such office within seven days of receipt.

(e)   The voter registration agency office manager or coordinator shall determine if the statements of violation are correct, inaccurate, or false and provide a written description of the occurrence to the Secretary of State within seven days of receipt of notice. If the agency agrees that the outcome of the occurrence resulted in a failure to offer a voter registration opportunity or the right to privacy, it shall recommend a correction of the violation and a practice to avoid reoccurrence and submit same to the Secretary of State within seven days of receipt of the notice.

(f)   Where relief is required in the specific case and/or corrective action necessary, the Secretary of State shall act on the agency's recommendation or develop an alternative resolution to be effective within 20 days of receipt of the notice of violation.

(g)   The Secretary of State shall prepare a response to the individual, within 20 days of receipt of notice of violation, denoting comment or method of relief or correction whichever is applicable and what activity the individual must perform, or rejecting the claim of violation.

(h)   If a notice of violation is filed with the Secretary of State at a time greater than 30 days from the date of occurrence and the voter registration agency or office is unable to complete the violation review within seven days, the Secretary of State may respond to the individual within 20 days that the claim of violation is under review and shall be resolved when pertinent information becomes available. If the violation is not corrected within 90 days after receipt of notice or within 20 days if the violation occurred within 120 days before a Federal election, an individual may go to Federal district court. If the violation occurs within 30 days of a Federal election, an individual may file suit without first providing notice.

§ 15:10-1.10 (Reserved)

SUBCHAPTER 2 - VOTER DECLARATION OF POLITICAL PARTY

§ 15:10-2.1 General provisions

(a)   A voter becomes a member of a political party by either:

1.   Having voted in a previous primary of that party; or

2.   By filing a political party affiliation declaration form. The declaration must be signed and filed with the municipal clerk or appropriate county election officer no later than the 55th day preceding the primary. However, a voter who has not previously voted in a party primary may vote in any primary without filing any declaration form. However, such voter shall declare a political party affiliation at the polling place on primary election day.

i.   In the event such day falls on a Saturday, Sunday, or legal holiday, the county voter registration official shall accept as timely filed those political party affiliation declaration forms which he or she receives on the first regular business day following the 55th day before the primary election.

(b)   A member of a political party county committee and/or a public official or public "employee" who was elected or appointed to such office or employment as a member of a political party shall be deemed a member of such political party.

§ 15:10-2.2 Who must file declarations

(a)   To determine whether a voter must file a political party declaration affiliation form, four steps shall be followed:

1.   It must be determined whether the voter has ever voted in a primary election under the voter's current registration;

2.   If so, it must be determined in which political party primary the voter participated when the voter cast the most recent primary ballot;

3.   If the voter now wishes to participate in the primary election of a different political party, the voter must file a declaration.

4.   If a voter wishes to become unaffiliated.

(b)   A voter who has never previously participated in a primary election under the voter's current registration need not file a declaration of party preference.

(c)   If a voter cast a ballot in a primary several years ago, that voter must file a declaration in order to vote in the primary of another party. The passage of time has no effect on the status of the voter as a member of a political party.

§ 15:10-2.3 Responsibilities of municipal clerks

(a)   Municipal clerks should obtain and have available for distribution voter declaration forms.

(b)   Upon receipt of a signed declaration or written statement declaring political party membership, or unaffiliated status, the municipal clerk should mark on the form or statement the date on which it was filed with him or her.

(c)   The municipal clerk should accurately maintain a registry of declarations received showing the name and address of the voter, the political party declared, or unaffiliated status, and the date received.

(d)   Once it has been dated and recorded, the municipal clerk should submit the form or statement to the county voter registration official.

(e)   Appropriate measures should be taken to insure that the forms are properly delivered in the condition in which they were received. Immediately after the expiration of the deadline for the receipt of forms (that is, 55 days before the primary election), the municipal clerk should deliver those forms in his or her possession to the county voter registration official.

(f)   In the event that declaration forms or statements are lost or damaged in transit, the municipal clerk may rely upon the records maintained by him or her to advise the county voter registration official of the declarations received, but this measure should only be used after all reasonable means of locating or repairing the original forms or statements have been exhausted.

§ 15:10-2.4 Responsibilities of county election officials

(a)	The superintendent of elections in all counties having a superintendent of elections and the county board of elections in all other counties, shall serve as the county commissioner of registration. The commissioner has responsibility for the permanent registration of all eligible voters within their respective counties and for the enforcement of the provisions of N.J.S.A. 19:23-45 et seq.

(b)	The appropriate county commissioner of registration must distribute the declaration forms prepared by the Department of State to all municipal clerks and to other sources where, in the judgment of the officer, there is a substantial likelihood that such forms will be distributed to the voting public.

(c)	Upon receipt of a signed declaration form or statement, the election official shall immediately mail an acknowledgment to the voter indicating the political party declared. The acknowledgment must also indicate that, if the voter believes that he or she has not filed a declaration, or that an error has occurred, the voter must so advise the officer by either personally appearing, writing or telephoning within two weeks. The voter must be informed that, in the absence of any response, the voter will be deemed to be a member of the political party declared. In the event a voter submits a written, signed statement to the effect that he or she has not filed a declaration or that an error occurred, whatever the case may be, the records of the commissioner of registration shall reflect this action.

§ 15:10-2.5 Appearance at polls; declaration not required from excused voters

Voters who are not required to file a declaration card under N.J.S.A. 19:23-45 do not have to make a written declaration when appearing at the polls to participate in the primary election. It is sufficient that the voter proceeds to vote in the primary of one party and is thereby deemed to be a member of that party.

§ 15:10-2.6 Method of filing declaration of political party membership

(a)	The Department of State has prepared party declaration forms which may be obtained from the appropriate county voter registration official or municipal clerk. Upon filling out the

form the voter shall file the completed form with the county commissioner of registration in the county in which he or she resides. The voter may also file the party declaration form with the municipal clerk of the municipality wherein he or she resides.

(b)   Any voter wishing to file a declaration of political party membership is not required to use those forms provided by the Secretary of State. However, the voter should prepare a written statement indicating that he or she is a member of a political party. The statement should be signed by the voter. The name and full address should appear and the statement should be dated by the voter.

§ 15:10-2.7 Effect of prior registration and voting

(a)   Any voter who has voted in a primary election under a current registration shall vote in the same party as he or she has previously voted, unless the voter has filed a party declaration form in accordance with these rules.

(b)   If a voter has registered to vote in a previous year, but has failed to vote in any primary election, then at the first primary election which the voter wishes to vote, he shall declare the party in whose primary he wishes to vote. The voter shall then be allowed to vote in the primary of the political party of his declared choice.

(c)   A previously affiliated voter who wishes to become unaffiliated must file a party affiliation form no later than 55 days prior to the primary election in order to have the option to vote in either political party's election.

§ 15:10-2.8 Availability of declaration forms

(a)   A bona fide organization or individual candidate for public office may request a reasonable number of declaration forms from the county voter registration official in each county in which the organization functions or where the candidate is seeking public office. The number requested may be limited to two percent of the total number of declaration forms which the appropriate election official has available at the time of such request. There shall be no limit as to the number of requests that such a candidate or organization may make. The appropriate election official shall maintain a record of all organizations and individual candidates requesting 100 or more forms.

(b)   Any individual who is not a candidate for public office, may request from the appropriate election official of each county up to 25 declaration forms and shall be entitled to those forms. There shall be no limit as to the number of requests such an individual may make. An individual making such a request by telephone shall be entitled to at least two such forms.

(c)   The term "organization" shall be defined as broadly as possible for the purposes of these rules.

(d)   Declaration forms shall be prepared in the Spanish language, and in any other language deemed appropriate by the Secretary of State, for use by individuals or organizations requesting them.

SUBCHAPTER 3 – ELECTION DISTRICT MAPS

§ 15:10-3.1 General provisions

(a)   The county board of elections shall cause to have prepared an up-to-date map of the county and of each constituent municipality clearly delineating the boundary of each election district (established in conformance with N.J.S.A. 19:4-16 et seq.), contained therein and of each ward contained therein. Maps shall also be maintained showing all legislative districts, freeholder districts, and congressional districts, or part thereof, which are within the county. A word description of said boundaries shall be attached to each such map.

(b)   The county board of elections shall file three copies of such maps and descriptions with the Secretary of State. One copy of each such map and description shall also be filed with the county clerk. A copy of the municipal map shall also be filed with the clerk of the appropriate municipality. Within 30 days of any changes in the boundaries of any of the aforementioned districts, the county board of elections shall file revised maps and descriptions in the same manner.

(c)   Election district boundaries shall follow visible, easily recognized features (for example, streets, railroad tracks, drainage features such as streams, creeks and lakes, and topographical features such as ridges) which are to be indicated on the various maps.

(d)   Election district boundaries shall be drawn in red. Where the boundary of an election district and the boundary of a constituent municipality or a county line are the same, the common boundary shall be shown as a single green line. The boundaries of wards shall be drawn as an orange line drawn adjacent to the election district boundary.

(e)   Where the election district boundary coincides with a county or municipal boundary which does not follow a physical feature, the first address number (in rural areas, the first rural route box number) on either side of the boundary shall be listed on the map next to the boundary. If there are no address numbers or box numbers near the respective sides, both sides shall be marked with a zero.

(f)   The number of each election district shall be clearly shown in red within its boundaries.

(g)   The accuracy of the election district boundaries shall be certified on each map sheet by the county board of elections, or by its designated agent, as follows: "I certify that, to the best of my knowledge, the election district boundaries shown on this map are those legally in effect and are accurate of this date." This statement shall be signed and dated, and the title of the signer shall be indicated.

(h)   No election district shall be divided during the period commencing 75 days before the primary or the general election. No election districts shall, except with the prior approval of the Secretary of State, be created, abolished, divided, or consolidated between January 1 of a year whose last digit is seven, and December 1 of any year whose last digit is zero.

(i)   Computer drawn maps shall be accepted by the Secretary of State provided they are in full compliance with the provisions of this subchapter and N.J.S.A. 19:4-10 et seq.

(j)   Failure to follow the color requirements for these maps shall cause rejection of them by the Secretary of State.

§ 15:10-3.2 Maps of counties; specifications

(a)   The county map shall clearly delineate the boundaries of the constituent municipalities.

(b)   The size of the map shall conform to the provisions of P.L. 2011, c. 217. These maps shall be one of six standard sizes; namely:

1.   Eight and one-half inches by 13 inches;

2.   Thirty inches by 42 inches;

3.   Twenty-four inches by 36 inches;

4.   Fifteen inches by 21 inches;

5.   Eleven inches by 17 inches; or

6.   Eighteen inches by 24 inches.

(c)   These dimensions shall be measured from cutting edges. The scale of the map shall be clearly indicated on the map. The date (month/year) of the map shall be indicated. If the map has been updated, the date (month/year) shall be shown.

§ 15:10-3.3 Maps of municipalities; specifications

(a)   The municipal map shall not exceed 30 inches by 42 inches. The scale shall not be so small that the information on the map is difficult to read. The scale should generally range between one inch = 800 feet and one inch = 1,600 feet. The scale should be clearly indicated on the map. Each municipal map shall, wherever practicable, be composed of one sheet and, where not practicable, of a series of sheets, in which event all maps of a series shall be of the same scale.

(b)   Maps shall include all existing roads and streets. "Paper" or undeveloped streets or roads (that is, those for which no scraping or road bed has been taken) shall not be shown. Railroad tracks and major drainage features (for example, rivers, lakes, creeks, streams, etc.) shall be shown and the names of such features shall be indicated.

(c)   Other features or symbols (for example, churches, schools, factories, underground utility lines, land use and zoning symbols or shadings, symbols for vegetation cover, topographic contour lines, and similar items that obscure the basic street and road pattern and names) shall be excluded. All features, names, titles and symbols shall be clearly shown and legible.

(d)   The effective date (date/month/year) of the current municipal boundary, if different from that in effect on January 1, 1980, shall be specified on the map.

§ 15:10-3.4 Maps of congressional, legislative and freeholder districts

(a)   The boundaries of congressional districts shall be shown by a thin broken line (-- -- --) or yellow line drawn adjacent to the election district boundary line. The boundaries of legislative districts shall be shown by a thin dotted line (. . .) or blue line drawn adjacent to the election district boundary line. The boundaries of county freeholder districts, where such freeholder districts are established, shall be shown by a thin broken and dotted line (__. __. __. __.) or brown line drawn adjacent to the election district boundary.

SUBCHAPTER 4– VOTE BY MAIL BALLOTS

§ 15:10-4.1 Printing vote by mail ballot applications

(a)   The reproduction of vote by mail ballot applications, under the law (P.L. 2011, c. 79), is the responsibility of the county clerks at the cost and expense of the individual counties.

(b)   The requirements of the Secretary of State are that:

1.   There be no additions, deletions or changes from the prescribed text, except as incidental to the printing;

2.   Each county clerk shall print, type or stamp the clerk's name and address on the mailing panel and insert the name of the county on the mailing form in the space provided for the home address of the applicant; and

3.   The return address of any county clerk shall not be altered or changed by any person or entity.

§ 15:10-4.2 Completion requirements; vote by mail ballot application; authorized messenger

(a)   A mailed vote by mail ballot application must be received by the county clerk no later than seven days before the election. After that time, a vote by mail ballot must be applied for in person by the voter. A voter may apply for a vote by mail ballot by way of an authorized messenger.

(b)   An authorized messenger may deliver the application to the appropriate county clerk's office before 3:00 P.M. on the day prior to the election. Both the applicant and the authorized messenger must complete the application.

(c)   The standard text of the vote by mail ballot application is incorporated by reference herein as N.J.A.C. 15:10 Appendix A. The vote by mail ballot application form, prepared and required by N.J.S.A. 19:63-3, shall be in conformance with the standard form. Copies of the standard form may be obtained from the Division of Elections.

SUBCHAPTER 5- DEFINITIONS

§ 15:10-5.1 County voter registration official; defined

The county voter registration official is the county commissioner of registration, which is the superintendent of elections in a county where there is a superintendent or a county board of elections in all other counties.

SUBCHAPTER 6 - VOTING ACCESSIBILITY FOR THE ELDERLY AND PEOPLE WITH DISABILITIES

§ 15:10-6.1 Purpose and Scope

Public Law 98-435, the Voting Accessibility for the Elderly and Handicapped Act, was signed into law on September 28, 1984. The purpose of the Act is to improve access for the elderly and people with disabilities for Federal elections. P.L. 1991, c. 429 and P.L. 2005, c. 146, expanded this accessibility provision for the purposes of all elections held in the State and authorized the Secretary of State to promulgate regulations to effectuate this purpose.

§ 15:10-6.2 Responsibility

Pursuant to Federal and State statutes, the political subdivision of each state which is responsible for conducting elections must "assure" that all polling places are accessible to individuals with disabilities and the elderly. In New Jersey, it is the 21 county boards of elections which are responsible for the selection of polling places within their respective jurisdiction.

§ 15:10-6.3 Definitions

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

"Accessible" means the environment that will permit individuals with disabilities and the elderly to operate independently with comparative ease under normal circumstances and with little or no assistance.

"Accessible route" means a continuous, unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by an individual with a disability. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

"Act" means the Voting Accessibility for the Elderly and Handicapped Act, Public Law 98-435.

"Curb ramp" means a short ramp cutting through a curb or built up to it.

"Disability" means a temporary or permanent physical disability.

"Elderly" means 65 years of age or older.

"Election" means the procedures whereby the electors of this State or any political subdivision thereof elects persons to fill public office or pass on public questions.

"Election aids" means telecommunication devices, sample ballots, large print voting instructions, and vote by mail ballots.

"Physical disability" means a physical impairment which confines a person to a wheelchair, causes a person to walk with difficulty or insecurity, affects the sight or hearing to the extent that a person functioning in public areas is insecure, or reduces mobility, flexibility, coordination, and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

"Polling location" means the structure in which a polling place is located.

"Polling Place Accessibility Certification to Designate Polling Places Outside 1,000 Feet of an Election District and Lists of Polling Places Outside 1,000 Feet of an Election District" are worksheets developed by the Division of Elections, Secretary of State, to be used by the county board of election when a suitable polling place cannot be located within the election district or within 1,000 feet from the boundary line.

"Polling Place Accessibility Checklist" means worksheets prepared by the Secretary of State submitted to each county board of elections for the purposes of evaluating the accessibility of polling sites within their jurisdiction.

"Polling Place Accessibility Report" means a worksheet prepared by the Secretary of State and submitted to each county board of elections for the purpose of compiling accessibility results from their Polling Place Accessibility Checklist.

"Polling Place Accessibility Waiver" means a written waiver granted by the Secretary of State to a county board of elections permitting the county to utilize an inaccessible polling site under certain circumstances.

"Polling Place Accessibility Waiver Request" means a worksheet developed by the Secretary of State, to be used by the county board of elections to request exemption(s) pursuant to applicable law, due to the inability to make an inaccessible polling site accessible, or to relocate such a site to an alternative accessible location. Only two such waivers shall be granted for such polling place and each waiver shall be one year in duration.

"Ramp" means a structure, either temporary or permanent, which has been constructed to bridge any change in level of five feet or less on an accessible route of travel to a polling place.

"Temporary" means a facility or structure that is not of permanent construction but is extensively used or essential for public use during Federal elections.

"Secretary of State" means the Secretary of State of New Jersey.

"Voting Accessibility Advisory Committee" means a group of individuals that shall be established by the county executive or the governing body to assist the board in interpreting and implementing the provisions of the Act.

§ 15:10-6.4 Exceptions

(a)   The accessibility requirements of this subchapter do not apply under the following circumstances:

1.   In the case of an emergency as determined by the Secretary of State; or

2.   If the Secretary of State determines, based on documents supplied by the county, the following:

i.   That all potential polling places in the election district have been surveyed and no accessible locations are available;

ii.   That it is not possible to temporarily convert an inaccessible location to an accessible one; and

iii.   That an alternative means for casting a ballot on the day of election is available upon request.

§ 15:10-6.5 (Reserved)

§ 15:10-6.6 Enforcement

The United States Attorney General or any individual who is personally aggrieved by any non-compliance with the accessibility requirements of the Federal laws and all other applicable State laws may institute an action for declaratory or injunctive relief in the United States District Court for the District of New Jersey.

§ 15:10-6.7 Implementation

(a)   The county executive in each county in which that office is established, or the governing body of the county in any other county, shall establish a Voting Accessibility Advisory Committee, which shall consist of at least seven and not more than 11 members as follows:

1.   The four members of the county board of elections; and

2.   Three or more public members; to be appointed by the county executive or county governing body as follows:

i.   A representative of the county executive or a member of the county governing body, as appropriate;

ii.   At least one individual with a disability;

iii.   At least one individual trained in the provisions of the Federal Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and

iv.   If the county executive or governing body so elects, any other person deemed able by the executive or the governing body to be of assistance. The Committee may not, however, delegate its powers or authority to any person who is not a designated member of the Committee.

(b)   In order to accurately evaluate the accessibility of all polling locations, the Voting Accessibility Advisory Committee shall undertake a physical inspection of each polling place in the county. A Committee member who has a disability should participate in any such inspection. The results shall be used in completing the list of any polling places found inaccessible, pursuant to section 4 of P.L. 1991, c. 429 (N.J.S.A. 19:8-3.4). The Committee does have the discretion to divide amongst its membership the duty to physically inspect all the polling places within its county.

(c)   The Committee shall receive notice from the Division of Elections of any complaints regarding inaccessible polling places within its county.

§ 15:10-6.8 Polling place accessibility standards

(a)   The polling place accessibility standards shall be based upon and be in compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b)   While accessible parking spaces for each polling location are desirable, the absence of such spaces is not a condition of accessibility. Where such spaces are required to be provided, such parking spaces shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

1.   Parking spaces for individuals with a disability shall be located as close as possible to elevators, ramps, walkways, and the accessible entrance they serve. Parking spaces shall be as level as possible. Each parking space shall be identified with an above grade sign displaying the International Symbol of Accessibility and appropriate wordage.

2.   In all configurations, to the degree feasible, accessible parking spaces shall be located so that individuals with a disability are not compelled to wheel or walk behind parked cars. Additionally, in all configurations, ramps or curb ramps shall be provided to permit individuals with a disability access from the parking lot level to the servicing walkway. A curb ramp shall never be located where it would be blocked by a parked vehicle. In all configurations, provisions such as curb or bumpers should be included to prevent parked vehicles from blocking accessible walkways.

3.   In the event that a polling location does not have permanent accessible parking spaces, temporary spaces can be designated for use by individuals with disabilities. All such temporary accessible spaces shall be clearly marked for use only by individuals with disabilities and all such spaces shall be located near an accessible polling place entrance.

4.   In the event that off street metered parking is provided, such accessible parking spaces shall be reserved for individuals with disabilities by installing a meter cap over the meter. Such spaces should also be clearly marked for use only by individuals with disabilities.

(c)   Accessible routes of travel are continuous, unobstructed paths connecting all accessible elements and spaces that can be negotiated by an individual with a disability. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. The standards for accessible routes shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(d)   All ramps and curb ramps on accessible routes shall comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., except those curb cuts or curb ramps constructed within a public street. These structures shall meet the requirements of the respective public, city, county, or State agency having jurisdiction.

(e)   Accessible entrances shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

1.   All accessible entrances shall be identified by the "International Symbol of Accessibility".

2.   Doors should be easily opened by individuals with a disability and the elderly. Handles, pulls, latch sets, and other operating hardware that are easy to grasp with one hand and do not require twisting of the wrist, tight grasping, or tight pinching to operate shall be provided. If possible, exterior doors and non-fire doors which are difficult to open should be propped or tied open during voting hours.

3.   In the event that an elevator is to be used, its doors, interior and controls shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

4.   Should the main entrance to a polling place be inaccessible, an accessible alternative entrance may be used. All such alternative entrances, however, shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. Signs informing voters of an alternative accessible entrance shall be clearly posted and shall display the "International Symbol of Accessibility" as well as appropriate wordage to include "ACCESSIBLE ENTRANCE". To be effective, either arrows or hands shall be used to direct voters to accessible entrances.

(f)   Accessible interior routes may include corridors, floors, ramps, elevators, lifts and clear floor space to fixtures. All such accessible route shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(g)   Interior routes to voting machines that are in excess of 50 feet shall provide a chair(s) in order to provide individuals with a disability and the elderly a resting stop. Such chairs, however, shall not project into the minimum required clear widths.

§ 15:10-6.9 Voting Aids

(a)   The following voting aids shall be provided:

1.   Signs shall meet the following standards:

i.   Signs directing voters to the location(s) of voting machines shall be posted in interior passageways. Such signs shall include appropriate wordage to include "VOTING MACHINES"

as well as "WARD--DISTRICT OR DISTRICT". Lettering should be in large type of at least 18 point type for easy reading.

ii.   To be effective, signs should also use either arrows or hands to point to the direction of the voting machines. Signs using these symbols are easier to understand than ones that only use written directions.

2.   Sample ballots shall identify the accessibility of each polling place. The notice of accessibility shall be prominently identified on the sample ballot with a sign displaying the "International Symbol of Accessibility" and appropriate wordage to include "ACCESSIBLE POLLING LOCATION". Notice of non-accessible polling locations shall be prominently identified on the sample ballot with appropriate wordage to include "NON-ACCESSIBLE POLLING LOCATION--VOTE BY MAIL BALLOT AVAILABLE; CONTACT COUNTY CLERK".

3.   Voting instructions which shall be printed in at least 14 point type for easy reading and shall be conspicuously displayed at each polling place. Lettering shall be dark, preferably black, with a light background, preferably white. Such instructions shall include, but shall not be limited to:

i.   How to properly identify oneself at the polls;

ii.   Materials that one must sign in order to vote;

iii.   Procedures to follow in order to correctly use the voting machine or voting equipment to cast votes;

iv.   Procedures to follow should mechanical difficulties be experienced while voting; and

v.   How to correctly exit the voting machine in order to properly record votes.

4.   Registration, voting, and election information by telecommunication device, or TDD, are required under the Act. County boards of elections will be required to advertise the availability

of TDD equipment and telephone numbers in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county. Such advertisement shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week preceding the week in which the primary election is held, once during the 30 days next preceding the day fixed for the close of the registration books for the general election, and once during the calendar week next preceding the week in which the general election is held. Boards not maintaining and operating TDD equipment are required to advertise the State's "toll-free" TDD telephone number in the manner prescribed above.

§ 15:10-6.10 Reporting by county boards of elections; accessibility waivers

(a)　　No later than May 15 of every year, each voting accessibility advisory committee, established pursuant to P.L. 1991, c. 429 § 11 (N.J.S.A. 19:8-3.7), shall report to the Secretary of State and the county board of elections, on the form provided by the Secretary of State, a list of all polling places in the county, specifying any found inaccessible. The committee shall indicate the reasons for inaccessibility, according to guidelines established in the Federal Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and shall consult with the county board of election to determine the efforts made pursuant to P.L. 1991, c. 429 (N.J.S.A. 19:8-3.1 et seq.) to locate alternative polling places or the actions needed to make the existing facilities accessible. Each county board of election shall notify the Secretary of State and the committee of any changes in polling place locations before the next general election, including any changes required due to the alteration of district boundaries.

1.　　Each county board of elections office is required to complete a "Polling Place Accessibility Checklist" for each polling place located within their jurisdiction. This checklist requires the members of the county boards of elections, and/or members of their Voting Accessibility Advisory Committee, to physically evaluate the accessibility status of parking facilities, exterior and interior routes of travel, ramps and curb ramps, and entrances of each polling place. Evaluations are required to note the accessibility status of each area and to provide comments where needed. Based upon Polling Place Accessibility Checklist evaluations, each county board of elections is required to determine and to note the accessibility of each polling place.

2.　　In instances where a polling place is determined to be inaccessible and is reported as such, a "Polling Place Accessibility Waiver Request" shall be completed and attached to the inaccessibility polling place's accessibility checklist. The Secretary of State is provided authority to grant a waiver, in certain cases, to polling places which have been evaluated as inaccessible. In order for the Secretary of State to consider granting any waivers for inaccessible polling

places, affected county boards of elections shall not only complete the required waiver form, they shall also document on this form the measures that their office has undertaken to either make this polling place accessible or to relocate such an inaccessible polling place to an alternate accessible location place. While the completion of a Polling Place Accessibility Waiver Form is required for each inaccessible polling place, such a form does not guarantee that inaccessible places will be granted waiver. Waivers will be granted by the Secretary of State only in those instances when an inaccessible polling place and its affected facilities cannot be made accessible and alternative accessible locations are not available. Only two such waivers shall be granted for such polling place and each waiver shall be one year in duration.

3.   A Polling Place Accessibility Report shall be completed by each county board of elections. Such reports shall include:

i.   The total number of polling places within each county;

ii.   The total number of polling places that have been evaluated using the Secretary of State's "Polling Place Accessibility Checklist" and have been found to be either accessible or inaccessible; and

iii.   A listing of the reason(s) for any instance(s) of inaccessibility.

SUBCHAPTER 7 – ELECTRONIC POLL BOOKS

§ 15:10-7.1 Purpose and Scope

N.J.S.A. 19:31-35 through 38 allows for the use of electronic poll books at each polling place in each election district on the day of any election and during any day of early voting, in place of the paper polling record or signature copy register.

§ 15:10-7.2 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

"Adjustments log" means an electronic record of all manual adjustments made to any e-poll book system data.

"Electronic poll book" or "e-poll book" means an electronic device that is used to access the electronic list of registered voters and associated signatures and used to check in voters at polling places for an election.

"Electronic poll book system" or "e-poll book system" means all hardware including, but not limited to, electronic poll books, laptops, and peripherals, including scanners, printers, signature pads, routers, servers, removable media devices, chargers, and batteries; software including, but not limited to, operating systems and vendor applications; and network infrastructure configured to support the creation of an e-poll book to verify registered voters at polling places for an election.

"Entity" means a corporation; sole proprietorship; partnership; corporation that has made an election under Subchapter S of Chapter One of Subtitle A of the Internal Revenue Code of 1986, or any other business entity through which income flows as a distributive share to its owners; limited liability company; nonprofit corporation; or any other form of business organization located either within or outside this State, but excluding any public or private institution of higher education.

"Multifactor authentication" means authentication using two or more factors to achieve authentication of a user, as defined pursuant to NIST 800-53.

"NIST 800-53" means the National Institute of Standards and Technology Special Publication 800-53, Revision 5 (September 23, 2020), published by the United States Department of Commerce, which publication addresses security and privacy controls for information systems and organizations and provides standard guidelines for information security practices. NIST 800-53 is adopted herein by reference, as amended and supplemented.

"Software installation/removal log" means an electronic record of software installed on, or removed from, an e-poll book system.

"System integrity failure log" means an electronic record of failures detected during the verification of files critical to the operation or security of an e-poll book system or an integrity issue found with any e-poll book system data.

"User access log" means an electronic record of all user access to an e-poll book system.

§ 15:10-7.3 General requirements for e-poll book systems

(a) All e-poll book systems for the State of New Jersey must be approved by the Division of Elections prior to use. Subsequent changes or updates to an approved e-poll book system by the vendor must be submitted and approved prior to use.

(b) Each e-poll book system vendor must maintain documents proving that quality assurance testing was conducted by a National Institute of Standards and Technology (NIST)-certified laboratory or a U.S. Election Assistance Commission (EAC)-accredited Voting System Test Laboratory (VSTL) for compliance with this subchapter. These documents must be retained for a period of at least six years and be readily available for review at any time within the retention period.

(c) Each e-poll book system vendor must perform an annual system integrity and security assessment to ensure continual compliance with the technical requirements set forth at N.J.A.C. 15:10-7.5. This assessment must be conducted by a NIST-certified testing laboratory or an EAC-accredited VSTL. The assessment report must be submitted to the DGE and the Division of Elections and shall include:

1.   The scope of the review detailing which system components were reviewed in the assessment;

2.   The name and company affiliation of the individual(s) who conducted the assessment;

3.   The date of the assessment;

4.   The findings;

5.   The recommended corrective actions, if applicable; and

6.   The vendor's response to the findings and recommended corrective action.

(d) All physical components that comprise an e-poll book system must be physically locked during storage and transported in a method approved by the Division of Elections.

(e) If an e-poll book system is unavailable due to power loss or system failure, the voting location will revert to previously approved manual methods for checking in voters until the system is available.

(f) External connections to the e-poll book system are prohibited, unless approved in writing by the Director of the Division of Elections.

(g) An e-poll book system vendor must document and detail all settings, including those required for its system to function in compliance with all applicable rules for use in the State of New Jersey.

(h) An e-poll book system vendor shall not allow any person to develop, modify, repair, refurbish, or perform any technological or mechanical maintenance on an e-poll book system in use in New Jersey if that person has been convicted of any crime of dishonesty, including, but not limited to, criminal fraud or any felony or misdemeanor offense for which incarceration for up to one year is an authorized penalty.

(i) An e-poll book system vendor shall promote and maintain an awareness of the importance of securing the State's and counties' data among the e-poll book system vendor's employees, agents, and subcontractors.

§ 15:10-7.4 Examination and testing of e-poll book systems by the Secretary of State

(a) Any entity owning, or having an interest in, any e-poll book system may apply to the Secretary of State for approval of an e-poll book system for use in the State of New Jersey. The

Division of Elections shall establish a set of requirements, including information security standards, as recommended by the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC) in the Office of Homeland Security and Preparedness and the Division of Gaming Enforcement (DGE) in the Department of Law and Public Safety, for the examination and testing, as well as set appropriate fees for costs associated therewith, of any e-poll book system to confirm that the e-poll book system meets all system and security requirements. The DGE shall invoice the e-poll book system vendor for the fees for costs associated with the examination and testing of the e-poll book system, and the vendor shall be responsible for the payment thereof. At the completion of any examination and testing pursuant to this section, and after the vendor's payment of the fees for costs associated with the examination and testing of the e-poll book system, the Secretary of State shall determine whether, in the Secretary's opinion (pursuant to N.J.A.C. 15:10-7.6), the e-poll book system can be safely used by the voters at elections under the conditions prescribed in this subchapter. If the Secretary determines that the e-poll book system can be so used, the Secretary shall issue a certificate of approval. Any e-poll book system not so approved shall not be used at any election.

(b) The certificate of approval, or a certified copy thereof, shall be conclusive evidence that the e-poll book system complies with the provisions of this subchapter.

§ 15:10-7.5 Technical requirements for e-poll book systems

(a) The e-poll book system must comport with N.J.S.A. 19:31-36.

(b) Password protected accounts must be used to access or operate the e-poll book system, including operating systems and applications.

(c) User accounts in an e-poll book system must follow NIST 800-53 standard guidelines for access control management and allow separation of duties by user according to the principle of least privilege. The guidelines include, but are not limited to, the requirement to identify and document functions, tasks, and responsibilities, including system maintenance, day-to-day computer operations, and security/system administration duties; as well as define system access authorizations to support separation of duties to prevent malevolent activity without collusion.

(d) Passwords used in an e-poll book system must follow standard guidelines for identity and authentication management best practices. This should include minimum requirements for non-privileged users and strong password requirements for privileged users and service accounts.

(e) Any administrative accounts or user accounts that have the ability to add, modify, or delete programs or data must use multifactor authentication.

(f) Detailed network and system architecture diagrams showing all software and hardware must be submitted to the Division of Gaming Enforcement (DGE) for testing and examination.

(g) The e-poll book system must prevent unauthorized devices from connecting to the system.

(h) Remote access from outside the e-poll book system is not allowed without prior written authorization from the Director of the Division of Elections.

(i) All network protocols, system services, and applications not required for the e-poll book system to function must be removed or, if they cannot be removed, disabled.

(j) All network ports not required for the e-poll book system to function must be blocked by a firewall.

(k) All cryptographic modules used in an e-poll book system must comply with the guidelines set forth in the System and Communications Protection section of NIST 800-53 under "Cryptographic Protection."

(l) All network communications between components in the e-poll book system must be secured by following standard guidelines in the System and Communications Protection section of NIST 800-53, under "Transmission Confidentiality and Integrity." If wireless networks are used, standard guidelines under "Access Control/Wireless Access" of NIST 800-53 must be followed.

(m) Any communications between the New Jersey Statewide Voter Registration System (NJSVRS) and e-poll book systems must be secured by following standard guidelines in the Access Control/Information Flow Enforcement section of NIST 800-53.

(n) The e-poll book system must ensure voter information received from the NJSVRS has not been modified from the original.

(o) The e-poll book system must only allow voters eligible to vote in the NJSVRS system to sign in.

(p) All voter-related information stored by an e-poll book system, including backups, must be encrypted by following standard guidelines in the System and Communications Protection section of NIST 800-53 under "Protection of Information at Rest."

(q) Any use of cloud services must meet Federal Risk and Authorization Management Program (FedRAMP) "High Impact Level" standards and be located in a government cloud.

(r) Any removable storage media and files stored on removable media used by the e-poll book system must follow standard guidelines in the Media Protection section of NIST 800-53.

(s) All components of an e-poll book system that contain clocks must be synchronized to the correct time zone and local time by following standard guidelines in the System and Communications Protection section of NIST 800-53 for "System Time Synchronization."

(t) The e-poll book system must prevent a voter from being authorized to vote more than once in an election.

(u) The e-poll book system must have a legible user interface (UI) for voters. The voter UI must offer a "help" option that provides all information required for the voter to properly use the system.

(v) A voter may only use the e-poll book system if that voter's information is in the system. If a voter's information is not in the system, a message must be displayed to the voter advising that their information is not available.

(w) A voter may view only their own information in an e-poll book system.

(x) The e-poll book system must automatically check, at least once per hour, and on demand by an administrator, to ensure only approved software and settings exist in the system and that the system is functioning without errors. If an issue is discovered, the e-poll book system must automatically record the error in a System Integrity Failure Log, pursuant to (bb) below. The e-poll book system must automatically halt operations on all affected devices, with a detailed error message displayed on each device. Operations on all affected devices may only resume once the error has been resolved.

(y) The e-poll book system must allow external verification of its critical files in a manner approved by the DGE and the Division of Elections, pursuant to N.J.A.C. 15:10-7.6.

(z) The e-poll book system must use uninterruptable power supplies capable of providing enough time to completely process the last voter and shut down the system without losing any information.

(aa) The e-poll book system must, at a minimum, be capable of displaying the following error messages:

1.   Low battery level detected on the device;

2.   Failure during voter check in;

3.   System connection failure;

4.   System integrity failure; and

5.   Hardware failure.

(bb) The e-poll book system must be capable of creating and maintaining the following logs:

1.   A User Access Log that includes:

i.   The user name;

ii.   The user permission level;

iii.   The network address used;

iv.   The date and time of the start of access; and

v.   The date and time of the end of access;

2.   A software installation/removal log that includes:

i.   Whether any software or settings were installed, removed, or changed;

ii.   The date and time of the installation, removal, or change;

iii.   The identification of the software or setting;

iv.   The identity of the person performing the action;

3.   A system integrity failure log, which includes:

i.   The file that failed an integrity check;

ii.   The location of the file;

iii.   A detailed description of the failure; and

iv.   The date and time of failure; and

4.	An adjustment log that includes:

i.	The date and time the adjustment occurred;

ii.	The user who performed the adjustment;

iii.	A description of the adjustment; and

iv.	The starting and ending values of any data altered as a part of the adjustment.

(cc) The e-poll book system must be capable of processing simultaneous voter check-ins that exceed expected loads when polling locations are at maximum capacity. This must be demonstrable with a load test.

(dd) The e-poll book system must generate reports that accurately reflect the data captured by the system.

§ 15:10-7.6 Requirements for e-poll book system review

(a) The New Jersey Cybersecurity and Communications Integration Cell (NJCCIC) shall conduct a security review of any e-poll book system vendor that submits an e-poll book system to the Secretary of State for use in New Jersey. The security review shall include existing processes for the review of the State of New Jersey Security Due Diligence-Third-Party Information Security Questionnaire and Ownership Disclosure Form. The e-poll book system vendor shall cooperate with NJCICC's security review.

(b) The DGE shall conduct testing and examination of the e-poll book system to confirm that the e-poll book system meets all system and security requirements set forth in this subchapter.

(c) Any vendor proposing to offer a new or modified e-poll book system may only seek review of a system that is free of known regulatory or functional issues, problems, and abnormalities.

(d) For a submission to be considered complete and ready for review, the vendor must:

1.   Submit in writing, to the Division of Elections, a request for e-poll book system approval. This request, written on the vendor's letterhead, must list the following:

i.   All hardware devices to be reviewed;

ii.   All software versions to be reviewed;

iii.   All features to be reviewed;

iv.   Any U.S. states or territories where this has already been approved for use; and

v.   Email and telephone contact information for both administrative and technical questions;

2.   Transport the following to the Division of Gaming Enforcement (DGE), at the vendor's expense:

i.   Production samples of hardware devices being reviewed;

ii.   Production versions of all software and firmware being reviewed;

iii.   All additional software and hardware required to perform testing, including software capable of performing a load test with a configurable number of simultaneous voters;

iv.   All manuals required to administrate and operate the e-poll book system;

v.   Settings for the e-poll book system to comply with all applicable New Jersey rules;

vi.   Copies of all quality assurance testing results for tests that were already performed;

Source code for all software and firmware of products being reviewed; and

vii.   A detailed network architecture diagram of the e-poll book system;

3.   Submit a copy of the vendor's information security plan to the DGE; and

4.   Complete and submit the State of New Jersey Security Due Diligence-Third-Party Information Security Questionnaire and Ownership Disclosure Form to the NJCCIC.

(e) The review of an e-poll book system vendor and e-poll book system shall be completed no later than 60 days after a complete submission is received. The DGE shall provide the Secretary of State with the outcome of its testing and examination and a recommendation as to whether the e-poll system is compliant with the technical requirements. The NJCCIC shall provide the Secretary of State with the results of its security review and a recommendation as to whether the vendor is following information security best practices. The Secretary of State shall review the results of the DGE's testing and examination of the e-poll book system, as well as the recommendation of the DGE, and the outcome of the NJCCIC's security review of the e-poll book vendor, as well as the recommendation of the NJCCIC, and issue one of two possible letters stating the outcome of the review:

1.   A certificate of approval letter stating the e-poll book system is approved for use in the State of New Jersey and all conditions required for its proper use; or

2.   A rejection letter stating the product is not approved for use in the State of New Jersey. This letter shall list the deficiencies and problems with the submitted e-poll book system that prevented approval.

(f) Nothing in this section shall prohibit the Secretary of State from adding, modifying, or removing conditions in an approval letter issued, pursuant to (e)1 above, as necessary, to ensure the security, integrity, and functionality of the e-poll book system or of the electoral process in this State.

(g) The vendor shall be responsible for the removal of all items transported to the DGE for review.

§ 15:10-7.7 Requirements for an e-poll book system pilot program

(a) An entity may utilize an e-poll book system pilot program prior to certification where:

1.   County commissioners of elections and county boards of elections may, upon approval from the Division of Elections, use an e-poll book system in any election in their jurisdiction while the system is undergoing examination and review by the Secretary of State. All e-poll book systems shall adhere to the security protocols required by the Division of Gaming Enforcement (DGE) and Division of Elections. An e-poll book file shall be exported from the New Jersey Statewide Voter Registration System (NJSVRS) and shall be copied to a single-use removable drive that can be connected to the e-poll book system in order to download the voter registration data.

2.   A county commissioner of registration and county board of elections shall utilize two e-poll books for each election district and shall maintain a backup paper polling record or signature copy resister.

3.   Any e-poll book system chosen by a county shall be on the certification list from at least one of the following states:

i.   Indiana;

ii.   Ohio;

iii.   Pennsylvania;

iv.   Texas; or

v.   Virginia.