

# Voter Protection 2009

# Elections Courts and You

You are here to petition the election court because you were unable to vote at your polling place. The judge will base his or her decision on the facts of your particular case and what the law allows.

The Election Court is run more informally than other courts. **You have the right to:**

- Have an attorney represent you. Ask if a lawyer is available to represent you. You can also represent yourself.

**Ask if an ACLU-NJ participating lawyer or a representative from the Department of Public Advocate is available to represent you. A lawyer representing your political party or candidate may also be in the court.**

- An interpreter to translate if English is not your primary language.
- Vote back at your polling place on the machine if the judge grants your petition to vote.
- Vote by paper ballot if your petition is granted too late for you to return by 8 p.m. to your polling place.
- Vote if you completed a criminal sentence, and are no longer on parole or probation, by the day of the election **and** you have registered to vote.
- Vote if you were recently granted citizenship but too late to register to vote.
- Petition the judge to vote even if you have already completed a provisional ballot

## WHAT TO EXPECT: The Intake Process

In most counties, you first must go through their “intake process,” where your registration information is double-checked by county voter registration officials usually at their office. A lawyer representing the state, a Deputy Attorney General (DAG), will also interview you. NOTE: The DAG represents the state and county, not you.

### Ask For A Lawyer To Represent You!

A court or state official will then lead you to the court room to present your case to the judge.

## WHAT TO EXPECT: The Courtroom Process

The judge will explain the procedure. You will explain why you think you should be allowed to vote and all the details you can remember about your situation. Be as complete and clear as possible about your past registration history, your voting history and your desire to vote. Try to establish what if any bureaucratic errors might have occurred.

The judge will ask if the state has any objections to your petition. The DAG will explain the state’s position on why you should or should not be allowed to vote.

The judge will ask both sides questions, to determine if you are eligible to vote and the facts of your case, and then balance that against what the law will allow.

## Some Presentation Tips

- Explain that you made a good-faith effort to register to vote and to do what you thought was needed in order to vote.
- Try to remember as many details as possible about your previous voting history – be as clear as possible.
- If you are registered to vote, explain why you think you are (with as many details as you can about how and where you registered).
- Describe any correspondence you remember receiving from the county, including notification about voter registration, sample ballots, etc.

**Other important facts to include:** Did you recently do business at the MVC or at another public agency? Did they offer you a voter registration form? They are required to do so by law and to submit it for you. Did you move recently? Did you know you had to re-register if you moved to another county? Are you a college student living now in a different county than your previous home and reregistered? Did you recently become a citizen?



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# New Jersey Voters' Bill of Rights

- The polls will be open from 6 a.m. to 8 p.m. on Election Day. If you are inside or are in line at your polling place by 8 p.m. or if you are in the process of voting, **You Have The Right to Vote.** N.J.S.A. §§ 19:2-1, 19:15-2, 19:15-9.
- **You Have The Right to Vote** after signing your name, without presenting any form of identification, unless you registered to vote by mail in your County, never voted in an election in that County, and did not provide identification before voting for the first time at the polling place. N.J.S.A. § 19:31A-8.
- **You Have The Right to Vote** with your mark if you are unable to sign your name after verbally confirming your identity with an election official. N.J.S.A. § 19:31A-8.
- **You Have The Right** to request special assistance with voting if you cannot read or write, if you are not English-proficient or if you are physically disabled. N.J.S.A. §§ 19:31A-8, 19:50-3.
- **You Have The Right to Vote** by “provisional ballot” after verifying your address, if an election official cannot find your name in the poll book and you believe you are a registered voter in the county and have not moved since the last election; or if the poll book indicates you applied for a mail-in ballot but you haven’t received it in time for the election. N.J.S.A. §§ 19:53C-3(9)(g), 19:31-11(b).
- **You Have The Right to Vote** on the machine after verifying your address, if you have moved within the same election district or you have not moved but election records incorrectly indicate that you have. N.J.S.A. §§ 19:53C-3(9)(f), 19:53C-3(9)(a)-(c), 19:31-11(b).
- **You Have The Right to Vote** by “provisional ballot” at your previous polling place, if you have moved within the same county but to a different election district or municipality. N.J.S.A. § 19: 53C-3(b).
- **You Have The Right to Vote** in the election district where you previously resided, if you have moved since October 5, 2009 to another county. N.J.S.A. § 19: 53C-3(e).
- **You Have The Right to Vote** if you have been convicted of a crime but have served the full length of your criminal sentence and have registered to vote since you were released. Sec. 19:4-1; “Restoring Your Right to Vote, New Jersey,” U.S. Dept. of Justice (Dec. 2000).
- **You Have The Right to Vote** under your original name if you have changed your name since registering to vote. N.J.S.A. § 19:31-13.
- **You Have The Right** to receive a “replacement ballot” and vote if you make a mistake or “spoil” your paper ballot. N.J.S.A. § 19:15-29.
- **You Have The Right to Vote** on an emergency ballot if you vote on a machine or are about to vote on a machine that fails to operate in whole or part. N.J.S.A. § 19:48-7.
- **You Have The Right** to bring your children into the voting booth with you. N.J.S.A. § 19:15-8a.
- **You Have The Right** to a hearing **On Election Day** to determine your eligibility if your right to vote is challenged by an election official and you are prevented from voting. If the judge finds that you should be allowed to vote, you have the right to vote that same day. N.J.S.A. §§ 19:15-18- 19:15-24.

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