



YOUR VOTE IS YOUR VOICE



VOTER

Information Guide

Informed Citizens are Better Citizens



Central to the mission of the New Jersey State Bar Foundation is helping residents of our great state understand the law and the role of law in our society. We believe informed citizens are better citizens. With increasingly divisive election cycles and the spread of disinformation, here is information meant to give residents an overview about how to vote and how to gather information about candidates from trustworthy sources.

* All articles are excerpts that have been updated from NJSBF publications.
Read more at publications.njsbf.org.

VOTE LOCALLY IF YOU WANT TO MAKE A DIFFERENCE *

This November voters will again exercise their right and responsibility to vote for their candidate for president, but also in hundreds of state, county and local elections.

Voting Close to Home

All elections have consequences, and it is just as important to vote in state and local elections, as it is to cast your vote for president of the United States. The reality is, however, that the outcome of local elections has a greater affect on citizens.

While presidential elections hog most of the spotlight, the average citizen will be more affected by local lawmakers (those running for state legislatures, town council) rather than the president. Local lawmakers create the laws that you will be required to follow on a daily basis.

The stakes of a local election are high, and experts note that local officials like council members can impact residents' lives right away.

“These offices have a major impact on your community and daily life. They affect how much you pay in property taxes, where housing and schools are built, and where your city sets its priorities,” said the League of Women Voters.

Each vote can make a big difference in local and state elections, experts note. Because of the smaller size of local elections, mathematically each voter has the ability to change the outcome.

THREE WAYS TO VOTE *

All states allow some type of **mail-in voting** with the request of an absentee ballot. Some states require voters to provide a valid “excuse” for requesting an absentee ballot. Valid excuses for requesting an absentee ballot can include military deployment or having a physical disability, and many states also afford the elderly the option as well. Other states are known as “no excuse” states, meaning eligible voters don’t have to provide an excuse as to why they would like to vote by mail. Five states—Colorado, Hawaii, Oregon, Utah and Washington—have automatic mail-in ballot systems, meaning every eligible voter receives a mail-in ballot by default. New Jersey also allows mail-in voting.

Since 2021, New Jersey allows **early voting**. The law means voters have even more options to exercise their right to vote. It allows registered voters to cast a ballot, in person at a voting machine during a designated period prior to Election Day. Each county has options. No appointment is necessary to use an early voting site. Get more information [here](#).

Traditional voting, **in-person at the polls on the day of the election** is the third way to cast a ballot. Polls are open from 6 a.m. to 8 p.m. on Election Day. Accommodations will be made for people with disabilities.

It is also important to note that a change is coming to New Jersey for young voters. The New Voter Empowerment Act allows 17 year olds who will turn 18 by the general election to vote in the primary election beginning in 2026.

HOW TO LEARN ABOUT CANDIDATES

In today's information age, finding and evaluating information about candidates can be challenging. Here are some tips:

- [Consult nonpartisan sources](#) for candidate and issue profiles (Legal Defense Fund)
- Use [voter guides](#) and [sample ballots](#) to learn about candidates (USA Gov and Vote 411)
- [Find out who donated](#) to a candidate's campaign (Federal Election Commission)
- [Explore a candidate's website](#) and if they are an incumbent learn more about their voting record (AARP)

RESOURCES FOR VOTERS

New Jersey Division of Elections

The state Division of Elections has a comprehensive voter information portal. It has information about:

- Registering to vote
- How to check if you are already registered
- Registration information for students
- Military and overseas voting

Check out the portal [here](#).

The state also has a tool to help voters find their polling place. Click [here](#).

Want to be a poll worker? Get information [here](#)

Need information about voter rights and accessibility? Click [here](#)

League of Women Voters of New Jersey

Get information about:

- Registering to vote
- Voting by mail
- Upcoming deadlines
- Frequently asked questions about voting

Find out more [here](#).

American Civil Liberties Union of New Jersey

Find out about:

- The right to vote
- What ID is required for voting
- A voters Bill of Rights on Election Day
- What to do if you encounter a problem trying to vote

Get the details [here](#).



DOES THE ELECTORAL COLLEGE SYSTEM STILL WORK? *

There have been five instances in this country's history when the winner of the national popular vote did not become President of the United States. That's because voters in the United States do not elect the president and vice president by direct popular vote, but via the Electoral College.



What's That?

The Electoral College is a component of federalism, our system of government in which each state has its own constitution and sovereignty, but also shares power with a federal government. Every four years voters head to the polls to select the president and vice president of the United States. However, when they flick the voting switch, or check off a box on the ballot, voters are not actually voting for the presidential candidate of their choice. They are, in fact, voting for the slate of either Democratic or Republican electors in their state.

The number of electors in a state equals the total number of U.S. House and Senate members in that state. The least populous states like Delaware and Montana have only three electoral votes each, while the largest number of electoral votes comes from California, which has 55. The Electoral College consists of 538 electors in total and a candidate needs 270 electoral votes to become the president. In every state, except Maine and Nebraska, it's a winner-takes-all proposition where the candidate who wins the popular vote in that state receives all of the state's electoral votes.

Why?

During the Constitutional Convention of 1787, the newly-formed U.S. Congress considered several methods of electing the president. The Founding Fathers were determined to avoid a true and direct democracy. They were concerned about mob rule and wanted to institute a safeguard against a potentially fickle and unruly public and the demagogues it might elect.

In *The Federalist Papers*, Alexander Hamilton wrote that the Constitution was designed to ensure “the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications.” While Hamilton said the Electoral College would “preserve the sense of the people” it would also ensure the president is chosen “by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice.”

It was written into the Constitution that the president would be elected by a “college of electors, chosen by those of the people in each State, who shall have the Qualifications requisite.” The Founding Fathers wanted the president chosen by the sovereign states, not by direct popular vote, to ensure the selection of a president who would properly check and balance the powers of Congress and support constitutional interests, not simply appeal to the public that elected him.

The Constitution does not require electors to vote according to the popular vote winner in their state, nor does it require a winner-take-all approach to electoral votes. Technically, electors are free to vote for whichever candidate they deem the most worthy, however, the electors are usually party loyalists who wouldn’t deviate from their party’s candidate.

When?

In the 2016 presidential election, Republican candidate Donald Trump lost the popular vote to Democratic candidate Hillary Clinton by nearly 2.9 million votes. Trump received more votes in the Electoral College—304 to Clinton’s 227—and so he became the 45th U.S. president.

This phenomenon has happened five times in U.S. history, with the first three times—John Quincy Adams, Rutherford B. Hayes and Benjamin Harrison—occurring in the 19th century. The fourth time was in the 2000 election, when George W. Bush lost the popular vote to Al Gore but won the presidency in the Electoral College.

Is it Really Needed?

The Electoral College prevents the most populous states (California, New York, Texas, Illinois) from determining the outcome of a presidential election. If we elected the president based on popular vote alone, cities like Los Angeles, New York and Chicago would determine the next president, drowning out votes from rural and less populated areas. There has been a great deal of debate and discussion about the role of the Electoral College and whether it should be changed, but to date it is the system in place.



VOTER FRAUD—RARE OR RAMPANT? (SPOILER: RARE, EXPERTS SAY) *

With a contentious election season in full swing, it is important to understand the issue of voter fraud is not prevalent, despite what social media and press headlines sometimes suggest.

“Politicians at all levels of government have repeatedly, and falsely, claimed the 2016, 2018, and 2020 elections were marred by large numbers of people voting illegally. However, [extensive research](#) reveals that fraud is very rare, voter impersonation is virtually nonexistent, and many instances of alleged fraud are, in fact, mistakes by voters or administrators. The same is true for [mail ballots](#), which are secure and essential to holding a safe election amid the coronavirus pandemic,” according to the Brennan Center for Justice.

Voter integrity is the responsibility of each state’s secretary of state. Irregularities in voter registration rolls happen but do not amount to voter fraud.

Being registered in two places is one example. A 2012 Pew Center Study revealed that nearly 2.7 million people are registered to vote in more than one state and more than 70,000 are registered in three or more. In addition, the study found that 1.8 million people who are deceased still remain on voter rolls. Casting a ballot for an individual who is deceased would be illegal, but experts say that scenario is extremely rare and merely having out-of-date information on voter rolls does not equate to voter fraud.

Clerical errors are another example. Those may include inaccurate information on the registration rolls; even duplicate names or other mistakes. Since Americans move so frequently that can include being registered in two different states. It is not illegal to be registered to vote in more than one state as long as you only vote once.

Real voter fraud involves someone who purposely votes under another person’s name (voter impersonation) or knows it is illegal for them to vote for some reason, such as they are not a citizen. Many experts contend this type of fraud is very rare.

A Brennan Center report, *The Truth About Voter Fraud*, noted that one reason in person voter fraud is extremely rare is that it’s not worth the risk. “Fraud by individual voters is a singularly foolish and ineffective way to attempt to win an election. Each act of voter fraud in connection with a federal election risks five years in prison and a \$10,000 fine, in addition to any state penalties. In return, it yields at most one incremental vote.”



NEW JERSEY STATE BAR FOUNDATION
One Constitution Square, New Brunswick, NJ 08901
732-249-5000 • njsbf.org



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