



January 24, 2007

The Honorable Stuart Rabner
Office of the Attorney General
P.O. Box 080
Trenton, New Jersey 08625

Dear Attorney General Rabner:

I am the Executive Director of the Lawyers' Committee for Civil Rights Under Law. On, behalf of our organization, I thank you for this opportunity to comment on N.J.S.A 19:34-15. The Lawyers' Committee is the lead legal partner in the Election Protection program. Election Protection, the nation's largest non-partisan voter protection coalition, helps to ensure that all eligible voters have the opportunity to cast a meaningful ballot and have that vote counted. The program includes the 1-866-OUR-VOTE hotline and a legal field program that mobilizes volunteer attorneys and law students to respond to on the ground problems on Election Day.

During the November 2006 election season we conducted a comprehensive election protection effort in New Jersey including both a legal field program and hotline coverage with volunteers trained in New Jersey election law. In addition to responding to voters who were having difficulty casting a meaningful ballot, the volunteers conducted exit polling regarding compliance with various state and federal voting laws.

As written N.J.S.A. 19:34-15 would severely restrict the ability of non-partisan efforts such as ours to gather independent information about election administration in New Jersey and greatly impede our process of assisting voters in exercising their right to cast a meaningful ballot.

The most recent interpretation of N.J.S.A. 19:34-15 (the Draft Directive on Exit Polling dated September 13, 2006) does not specifically define whether election protection efforts are subject to the 100 foot rule imposed on electioneering activities. We strongly agree with the Department of Public Advocate recommendation dated December 28, 2006 that because election protection activities are qualitatively different from "electioneering" efforts such volunteers should be allowed within 100 feet from the entrance of polling places. The ability to conduct effective election protection activity is severely limited by the 100 foot restriction. For example, many polling places are structured so that a distance of 100 feet from the polling location completely restricts all interaction between voters and our volunteers, thus completely thwarting any voter protection efforts. Finally, the nature of election protection requires that we use the most up to date information to determine where our election volunteers can be most useful to

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