

APRIL 5, 1957

HON. EDWARD J. PATTEN
Secretary of State
 State House
 Trenton, New Jersey

FORMAL OPINION, 1957—No. 2

DEAR MR. PATTEN:

You have requested our opinion as to whether persons who have religious scruples against riding and writing on Tuesday, April 16, 1957 may vote by absentee ballot at the Primary Election to be held on that day.

The Absentee Voting Law (1953) permits voting by absentee ballot by civilians (1) who expect to be or may be absent outside the State on the day on which the election is held or (2) who will be unable to cast ballots on the day of the election because of illness or physical disability.

The statute makes no provision for absentee voting by citizens who have religious objections to marking ballots or signature copy registers at the polling places within the election districts on the day of the election.

We therefore advise you that persons can not vote by absentee ballot at the forthcoming Primary Election to be held on April 16, 1957 unless meeting or expecting to meet the statutory conditions for eligibility of absence outside the State, sickness or physical disability.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DAVID D. FURMAN
Deputy Attorney General

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MAY 1, 1957

LT. COLONEL SAMUEL F. BRINK
Adjutant General
Department of Defense
 Armory
 Trenton, New Jersey

FORMAL OPINION, 1957—No. 3

DEAR COLONEL BRINK:

You have requested our opinion concerning the application of Section 13 of the Municipal Planning Act of 1953, *L. 1953, c. 433, sec. 13*, N.J.S.A. 40:55-1.13 to the Department of Defense in cases where it constructs buildings upon State-owned lands. For the reasons hereinafter stated it is our opinion that the cited statute does not apply to the Department of Defense and that the latter is not required to comply with its terms.

N.J.S.A. 40:55-1.13 reads in pertinent part as follows: