

ASSEMBLY, No. 217

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1941

By Mr. PASCOE

Referred to Committee on Elections

AN ACT to regulate elections, and amending sections 19:14-4; 19:14-11 19:19-12; 19:23-14; 19:48-1 and 19:49-5 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 19:19-12 of the Revised Statutes is amended to read as fol-
2 lows:

3 19:19-12. The board shall deliver one of the statements to the clerk of
4 the county, who shall forthwith file the same [,] . [and one statement to the
5 respective chairmen of the Republican and Democratic State Committees.]

1 2. Section 19:23-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 19:23-14. Petitions addressed to the Secretary of State shall be filed
4 with such officer at least forty days prior to the primary election for the gen-
5 eral election; [in counties of the first class petitions addressed to the county
6 clerk shall be filed with such officer at least forty days prior to the primary;]
7 in all counties [other than counties of the first class] petitions addressed to
8 the county clerk shall be filed with such officer at least [twenty-six] forty
9 days prior to the primary; petitions addressed to the municipal clerk in all
10 counties [of the first class] shall be filed with such officer at least forty
11 days prior to the primary [;] . [petitions addressed to the municipal clerks

12 in counties other than counties of the first class shall be filed with such officer
13 at least twenty-six days prior to the primary.]

14 **Within two days after the last day for filing the petitions for nomina-**
15 **tions at the primary election for the general election, the municipal clerk**
16 **shall certify to the county clerk the full and correct names and addresses of**
17 **all candidates for nomination for public office and the name of the political**
18 **party of which such persons are candidates.**

1 3. Section 19:14-4 of the Revised Statutes is amended to read as follows:

2 19:14-4. In the center of the ballot immediately below the perforated line
3 shall be printed in bold-faced type the words "Official General Election Bal-
4 lot." Below these words and extending across the ballot shall appear the
5 words: "Name of (Municipality), Ward,
6 Election District, Date of Election, John
7 Doe, County Clerk." The blank spaces shall be filled in with the name of the
8 proper municipality, the ward and district numbers and the date of the elec-
9 tion. The name of the county clerk shall be a facsimile of his signature.
10 Below the last stated words extending across the ballot and at the extreme
11 left shall be printed the words "Instructions to the Voter," and immedi-
12 ately to the right there shall be a bracket embracing the following instruc-
13-14 tions numbered consecutively:

15 1. The only kind of a mark to be made on this ballot in voting shall be
16 a cross × or plus +.

17 2. To mark a cross × or plus + or when writing a name on this ballot
18 use only black ink or black lead pencil.

19 3. To vote for any candidates whose names are printed in any column,
20 mark a cross × or plus + in the square at the left of the names of such
21 candidates not in excess of the number to be elected to the office.

22 4. To vote for any person whose name is not printed on this ballot,
23 write or paste the name of such person under the proper title of office in the
24 column designated Personal Choice and mark a cross × or plus + in the
25 square to the left of the name so written or pasted.

26 5. To vote upon any public question printed on this ballot if in favor
 27 thereof, mark a cross \times or plus $+$ in the square at the left of the word
 28 "Yes," and if opposed thereto, mark a cross \times or plus $+$ in the square at
 29 the left of the word "No."

30 6. Do not mark this ballot in any other manner than above provided for
 31 and make no erasures. Should this ballot be wrongly marked, defaced, torn
 32 or any erasure made thereon or otherwise rendered unfit for use return it
 33 and obtain another. In presidential years, the following instructions shall
 34 be printed upon the general election ballot:

35 7. To vote for all the electors of any party, mark a cross \times or plus $+$
 36 in black ink or black pencil in the square at the left of the surnames
 37 of the candidates for President and Vice-President for whom you desire to
 38 vote.

39 [8. To vote for part of the electors of any party mark a cross \times or
 40 plus $+$ in black ink or black pencil in the square at the left of the name of
 41 each elector for whom you desire to vote.]

42 Below the above stated instructions and information and, except when
 43 compliance with section 19:14-15 of this Title as to State-wide propositions
 44 otherwise requires, three inches below the perforated line and parallel to it,
 45 there shall be printed a six-point diagram rule extending across the ballot to
 46 within not less than a half inch to the right and left edges of the paper.

1 4. Section 19:14-11 of the Revised Statutes is amended to read as fol-
 2 lows:

3 19:14-11. The surnames of candidates for President and Vice-President
 4 of the United States shall be printed in one line [in the space next above the
 5 title of the office of electors for such candidates] preceded by the words
 6 "presidential electors for." In the nomination by petition columns the sur-
 7 names of candidates for President and Vice-President shall be followed by the
 8 designation mentioned in the petitions filed. In the personal choice column
 9 the voter may write or paste the surnames of candidates for President and
 10 Vice-President for whom he desires the electors to vote. To the left of the

11 surnames of candidates for President and Vice-President of the United States,
12 shall be printed a square, one-half inch in size, accompanied by the following
13 directions to the voter: "To vote for all the Electors of President and Vice-
14 President mark a cross X or plus + within the square opposite the surname
15 of President and Vice-President."

1 5. Section 19:48-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 19:48-1. Any thoroughly tested and reliable voting machines may be
4 adopted, rented, purchased or used, which shall be so constructed as to fulfill
5 the following requirements:

6 (a) It shall secure to the voter secrecy in the act of voting;

7 (b) It shall provide facilities for such number of office columns, not less
8 than forty and not exceeding sixty, as the purchasing authorities may spe-
9 cify and of as many political parties or organizations, not exceeding nine,
10 as may make nominations, and for or against as many questions, not exceed-
11 ing thirty, as submitted;

12 (c) It shall, except at primary elections, permit the voter to vote for all
13 the candidates of one party or in part for the candidates of one party or one
14 or more other parties;

15 (d) It shall permit the voter to vote for as many persons for an office
16 as he is lawfully entitled to vote for, but no more;

17 (e) It shall prevent the voter from voting for the same person more
18 than once for the same office;

19 (f) It shall permit the voter to vote for or against any question he may
20 have the right to vote on, but no other;

21 (g) It shall for use in primary elections be so equipped that the election
22 officials can lock out all rows except those of the voter's party by a single
23 adjustment on the outside of the machine;

24 (h) It shall correctly register or record and accurately count all votes
25 cast for any and all persons, and for or against any and all questions;

26 (i) It shall be provided with a "protective counter" or "protective de-
27 vice" whereby any operation of the machine before or after the election
28 will be detected;

29 (j) It shall be so equipped with such locks as shall prevent the operation
30 of the machine after the polls are closed;

31 (k) It shall be provided with a counter which shall show at all times dur-
32 ing an election how many persons have voted;

33 (l) It shall be provided with a mechanical model, illustrating the manner
34 of voting on the machine, suitable for the instruction of voters;

35 (m) It must permit a voter to vote for any person for any office whether
36 or not nominated as a candidate by any party or organization by providing
37 space for writing in such names or name.

38 All voting machines used in any election shall be provided with a screen,
39 hood or curtain, which shall be so made and adjusted as to conceal the voter
40 and his action while voting.

41 It ~~may~~ shall also be provided with one device for each party for vot-
42 ing for all the presidential electors of that party by one operation, and a bal-
43 lot therefor containing only the words "presidential electors for," preceded
44 by the name of that party and followed by the names of the candidates
45 thereof for the offices of President and Vice-President and a registering de-
46 vice therefor which shall register the vote cast for such electors when thus
47 voted collectively [;] . *[provided, however, that means shall be furnished*
48 *whereby the voter can cast a vote in part for the candidates for presiden-*
49 *tial electors of one party and in part for those of one or more other parties,*
50 *or in part or in whole for persons not nominated by any party.]*

1 6. Section 19:49-5 of the Revised Statutes is amended to read as foll-
2 ows:

3 19:49-5. Ballots voted for any person whose name does not appear on
4 the machine as a nominated candidate for office are herein referred to as
5 irregular ballots. **[In voting for presidential electors, a voter may vote an**
6 **irregular ticket made up of the names of persons in nomination by different**
7 **parties, or partially of names of persons in nomination and partially of**

8 names of persons not in nomination, or wholly of names of persons not in
 9 nomination by any party.] Such irregular ballot shall be written or affixed
 10 in or upon the receptacle or device provided on the machine for that purpose.
 11 [With that exception, no] No irregular ballot shall be voted for any person
 12 for any office whose name appears on the machine as a nominated candidate
 13 for that office; any irregular ballot so voted shall not be counted. An irregu-
 14 lar ballot must be cast in its appropriate place on the machine, or it shall be
 15 void and not counted.

1 7. All acts and parts of acts inconsistent with the provisions of this
 2 act be and the same are hereby repealed.

1 8. This act shall take effect immediately.

STATEMENT

Section 19:19-12. The amendment to this section provides for the elimina-
 tion of a copy of the election returns to private parties at public expense in
 that these reports are costly to the county and serve no useful purpose for gov-
 ernmental functions.

Section 19:23-14. This amendment provides for a uniformity of the number
 of days for filing petitions of nomination with the Secretary of State, County
 Clerks and Municipal Clerks throughout the State regardless of the classifica-
 tion of the county.

Section 19:14-4. This amendment provides for the termination of instruc-
 tion to the voter on general election ballots of the method of voting for part of
 the electors for President and Vice-President and retaining the method of voting
 for the electors of any party as a whole.

Section 19:14-11. This amendment provides for the placing of the words
 "presidential electors for" before the surname of candidate for President or
 Vice-President on the official ballot, thus assisting the voter to cast one ballot
 for presidential electors.

Section 19:48-1. The amendment to this section provides that it shall be
 mandatory that all voting machines shall be provided with one device for each

party for voting for all the presidential electors of that party by one operation instead of the discretionary provision at the present time; and further deleting the provisions for casting a split ballot for presidential electors on the machines thereby making the practice uniform throughout the State whether voting on voting machines or paper ballots.

Section 19:49-5. This amendment eliminates the vote for separate electors by means of the irregular ballot on voting machines.

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4 the county, who shall forthwith file the same.

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2 lows:

3 19:23-14. Petitions addressed to the Secretary of State shall be filed
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6 filed with such officer at least forty days prior to the primary; petitions ad-
7 dressed to the municipal clerk in all counties shall be filed with such officer
8-13 at least forty days prior to the primary.

14 Within two days after the last day for filing the petitions for nomina-
15 tions at the primary election for the general election, the municipal clerk
16 shall certify to the county clerk the full and correct names and addresses of
17 all candidates for nomination for public office and the name of the political
18 party of which such persons are candidates.

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 18 use only black ink or black lead pencil.

19 3. To vote for any candidates whose names are printed in any column,
 20 mark a cross \times or plus $+$ in the square at the left of the names of such
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22 4. To vote for any person whose name is not printed on this ballot,
 23 write or paste the name of such person under the proper title of office in the
 24 column designated Personal Choice and mark a cross \times or plus $+$ in the
 25 square to the left of the name so written or pasted.

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 27 thereof, mark a cross \times or plus $+$ in the square at the left of the word
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30 6. Do not mark this ballot in any other manner than above provided for
 31 and make no erasures. Should this ballot be wrongly marked, defaced, torn
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33 and obtain another. In presidential years, the following instructions shall
34 be printed upon the general election ballot:

35 7. To vote for all the electors of any party, mark a cross \times or plus +
36 in black ink or black pencil in the square at the left of the surnames
37 of the candidates for President and Vice-President for whom you desire to
38-41 vote.

42 Below the above stated instructions and information and, except when
43 compliance with section 19:14-15 of this Title as to State-wide propositions
44 otherwise requires, three inches below the perforated line and parallel to it,
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22 officials can lock out all rows except those of the voter's party by a single
23 adjustment on the outside of the machine;

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10 in its appropriate place on the machine, or it shall be void and not counted.

1 7. All acts and parts of acts inconsistent with the provisions of this
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