May 19, 1965

N.J.S.A. 19:49-2

LEGISLATIVE HISTORY OF N.J.S.A. 19:49-2

(Elections. Printing official ballots, ballots in counties where voting machines are used; position of candidates names on ballot.)

COPY NO. 1

L. 1935, Chapter 302, sec. 6. - A115
Photostats of section 6 and statement enclosed. Amendment does not affect this section.

L. 1940, Chapter 137, p. 301 - A15
This bill inserts:

provided however that in those counties where voting machines are used, the specifications for the printing of the official ballots shall be drawn by the county clerk.

STATEMENT

In order to provide for the uniformity of ballots which are to be placed in the voting machines, it is necessary that the authority be centralized. This bill places such authority under the county clerk.

VETO MESSAGE * GOVERNOR MOORE

I am returning herewith, without my approval, Assembly Bill No. 15.

This bill is purely a patronage bill. I can see no reason why the printing of ballots should be taken from the Municipal Clerk and placed with the County Clerk, especially in cases where only municipal elections are involved. Then, too, the subject matter of the Bill is violative of the spirit of home rule.

It seems to me that local printers who help bear the cost of the municipal government should be given a chance to compete for this work.

Respectfully submitted,

A. HARRY MOORE,
Governor

Passed over veto.

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185 W. State Street
Trenton, N. J.

L. 1941, Chapter 163 - A17
Photostat of bill and statement enclosed.

AMENDMENT

On page 1 line 14 strike out the words /of the first class/ and insert in lieu thereof the words having a population of 400,000 or more.

On page 2 line 20 strike out the words /of the first class/ and insert in lieu thereof the words having a population of 400,000 or more.

L. 1944, Chapter 127 - A12
Deals with public questions. Not applicable to our problem.

L. 1945, Chapter 70, §1 - S173
Photostat of original bill and statement enclosed.
Amended in Senate.
Strike out material in brackets and insert underlined material.

1) ... in municipalities in counties /having a population of 400,000 or more/ of the first class ...

2) Strike out brackets of original bill.

L. 1946, Chapter 17, p. 48 - A216
Bill not amended.
Bill inserted after:

... filing a joint petition with the county clerk as aforesaid, and all candidates for a municipal or party office in municipalities in counties having a population of 400,000 inhabitants or more where voting machines are or shall be used, who shall file a petition with the clerk of their municipality, may request ...

STATEMENT

The purpose of the amendment contained in the proposed bill is to eliminate the confusion which now exists with respect to the placing of the names of municipal candidates in counties having a population of 400,000 or more, on the same line of the voting machine with the candidates who file a joint petition with the county clerk.

L. 1948, Chapter 240 - A477
Photostat of bill enclosed.
No statement.

COMMITTEE AMENDMENT

line 30 ... petition with the county clerk as aforesaid, /and all candidates for a municipal or party office in municipalities in counties having a population of 400,000 or more where voting machines are or shall be used, who shall file a petition with the clerk of their municipality,/ may ...

AP/PC

A115, 1935

to the provisions of an act of the Legislature of the State of New Jersey entitled "An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township, or any municipality governed by an improvement commission," approved March twenty-second, one thousand nine hundred and sixteen, and all acts amendatory thereof and supplemental thereto.

PRINTING OFFICIAL BALLOTS

6. All official ballots shall be printed on clear white paper or cardboard of such form and size as will fit the ballot frames of the machines, printed in black ink in type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what push knob, pointer, lever or other device is to be used or operated in order to vote for the candidates or candidate of his choice. The providing of said official ballots and the order of the precedence and arrangement of parties and of candidates shall be as now required by law.

MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS

7. The officer or officers whose duty it may be under this act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or more, or instruction ballots which sample or instruction ballot shall be arranged in the form of a diagram showing such portion of the face of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished a sufficient number of sample ballots (a facsimile of the face of the machine) of a reduced size, one of which sample ballots shall be mailed to each registered voter and five posted as now required by law.

NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED

8. Two sets of official ballots shall be provided for each voting machine, for each polling place, for each election district for use in and upon the

term "official ballot" shall mean the printed strips of cardboard, or paper containing the names of the candidates nominated and a statement of the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

APPLICATION

26. All laws relating to elections now in force in this State shall apply to all elections under this act so far as the same may be applicable thereto; and so far as such provisions are not inconsistent with the provisions of the act pertaining to the use of the paper ballots and ballot boxes.

A115, 1935

STATEMENT

This bill provides for the legal use of the mechanical ballot at all elections held in this State.

The voting machine or mechanical ballot provides the following advantages over the paper ballot:

It affords an easier and speedier method of voting.

It insures absolute secrecy in voting.

It makes impossible spoiled and defective ballots.

It produces an accurate automatic count of the votes cast.

Results of an election are known immediaely after the close of the polls.

It preserves a permanent record of the vote that cannot be tampered with.

It reduces election expenses to a minimum and makes any necessary recount a simple and inexpensive proceeding.

The voting machine is not an experiment nor a new idea. It was first introduced in Buffalo and Rochester, New York, thirty-five years ago and has been in

constant use since that time. Today voting machines are used at every election in upward of 3,000 communities in the States of Arizona, New York, Pennsylvania, Connecticut, Michigan, Wisconsin, Indiana, Iowa, Washington, California, Maryland, and Texas.

The use of the mechanical ballot is being extended to other States as fast as legislative restrictions are removed and proper voting machine laws enacted.

The purpose of this act is expressed in its title.

The Commission for the Revision of Election Laws, composed of members of the two major parties, in its report in 1930, recommended the use of voting machines.

ASSEMBLY, No. 17

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1941

By Mr. MAHR

Referred to Committee on Elections

AN ACT to regulate elections, and amending section 19:49–2 of the Revised Statutes.

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

1. Section 19:49–2 of the Revised Statutes is amended to read as follows:

19:49–2. All official ballots shall be printed on clear white paper or cardboard of such form and size as will fit the ballot frames of the machines, printed in black ink in type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on the machines shall be so placed on the machines as to indicate to the voter what push knob, pointer, lever or other device is to be used or operated in order to vote for the candidates or candidate of his choice. The providing of the official ballots and the order of the precedence and arrangement of parties and of candidates shall be as now required by law; *provided, however,* that in those counties where voting machines are used, the specifications for the printing of the official ballots shall be drawn by the county clerk.

For the primary election for the general election in all counties of the first class where voting machines are or shall be used, all candidates who shall file a petition with the county clerk of their respective county and

who shall choose the same designation or slogan shall be drawn for position on the ballot as a unit and shall have their names placed on the same line of the voting machine; *and provided, further,* that all candidates for municipal or party office in municipalities in counties of the first class where voting machines are or shall be used who shall file a petition with the clerk of their municipality, bearing the same designation or slogan as that of the candidates filing a joint petition with the county clerk as aforesaid may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid; *provided, also,* that any candidate filing a petition with the Secretary of State may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid.

2. All acts or parts of acts inconsistent herewith are hereby repealed insofar as they relate to counties of the first class where voting machines are or shall be used.

3. This act to take effect immediately.

STATEMENT

The purpose of this act is to permit candidates filing joint petitions and candidates who choose the same designation or slogan to be placed on the same line on the voting machine. Applies to a county of the first class only.

SENATE, No. 173

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1945

By Mr. VAN ALSTYNE

Referred to Committee on Elections

AN ACT to regulate elections, and amending section 19:49–2 of the Revised Statutes.

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

1. Section 19:49–2 of the Revised Statutes is amended to read as follows:

19:49–2. All official ballots shall be printed on clear white paper or cardboard of such form and size as will fit the ballot frames of the machines, printed in black ink in type as large as the space will reasonably permit; *provided, however,* that any public question which shall be placed on the ballot shall be printed in red ink and above any public question to be voted upon by the voters of the entire State there shall be printed, also in red ink, a description of the public question, which description shall not exceed six words and shall be printed in type as large as is practicable. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on the machines shall be so placed on the machines as to indicate to the voter what push knob, pointer, lever or other device is to be used or operated in order to vote for the candidates or candidate of his choice. The providing of the official ballots and the order of the precedence and arrangement of parties and of candidates shall be as now required by law; *provided, however,* that in those counties where voting ma-

chines are used, the specifications for the printing of the official ballots shall be drawn by the county clerk.

For the primary election for the general election in all counties having a population of four hundred thousand or more where voting machines are or shall be used, all candidates who shall file a joint petition with the county clerk of their respective county and who shall choose the same designation or slogan shall be drawn for position on the ballot as a unit and shall have their names placed on the same line of the voting machine; *and provided further*, that all candidates for municipal or party office in municipalities in counties having a population of four hundred thousand or more where voting machines are or shall be used who shall file a petition with the clerk of their municipality, [bearing the same designation or slogan as that of the candidates filing a joint petition with the county clerk as aforesaid] may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid; *provided, also,* that any candidate filing a petition with the Secretary of State may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in

writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid.

2. All acts or parts of acts inconsistent herewith are hereby repealed insofar as they relate to counties of the first class where voting machines are or shall be used.

3. This act shall take effect immediately.

STATEMENT

The proposed bill is a copy of P. L. 1944, chapter 127 (R. S. 19:49–2) and now requires candidates for municipal office to file petitions bearing the same designation, or slogan, as the county candidates in order to have their names appear in the same column as the county ticket. This has caused a great deal of confusion and difficulty in the past. It is, therefore, proposed to correct this confusion and difficulty by deleting the words, indicated within the bracket above.

ASSEMBLY, No. 477

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1948

By Mr. REIFFIN

Referred to Committee on Elections

AN ACT concerning elections, and amending section 19:49–2 of the Revised Statutes.

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

1. Section 19:49–2 of the Revised Statutes is amended to read as follows:

19:49–2. All official ballots shall be printed on clear white paper or cardboard of such form and size as will fit the ballot frames of the machines, printed in black ink in type as large as the space will reasonably permit; *provided, however,* that any public question which shall be placed on the ballot shall be printed in red ink and above any public question to be voted upon by the voters of the entire State there shall be printed, also in red ink, a description of the public question, which description shall not exceed six words and shall be printed in type as large as is practicable. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on the machines shall be so placed on the machines as to indicate to the voter what push knob, pointer, lever or other device is to be used or operated in order to vote for the candidates or candidate of his choice. The providing of the official ballots and the order of the precedence and arrangement of parties and of candidates shall be as now required by law; *provided, however,* that in those counties

where voting machines are used, the specifications for the printing of the official ballots shall be drawn by the county clerk.

For the primary election for the general election in all counties [having a population of four hundred thousand or more] where voting machines are or shall be used, all candidates who shall file a joint petition with the county clerk of their respective county and who shall choose the same designation or slogan shall be drawn for position on the ballot as a unit and shall have their names placed on the same line of the voting machine; *and provided further,* that all candidates for municipal or party office in municipalities in counties [of the first class] where voting machines are or shall be used who shall file a petition with the clerk of their municipality bearing the same designation or slogan as that of the candidates filing a joint petition with the county clerk as aforesaid, and all candidates for a municipal or party office in municipalities in counties [having a population of four hundred thousand inhabitants or more] where voting machines are or shall be used, who shall file a petition with the clerk of their municipality, may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid; *provided, also,* that any candidate filing a petition with the Secretary of State may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after

the last day for filing nominating petitions, and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid.

2. This act shall take effect immediately.