

19:29-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:29-2

Laws of 1956 Chapter 128

Bill No. S162

Sponsor(s) Forbes

Date Introduced March 26, 1956

Committee: Assembly State, County & Municipal Gov't.

Senate Judiciary

Amended during passage Yes No

Date of passage: Assembly April 16

Senate May 4

Date of approval July 10, 1956

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

974.90 New Jersey. Election Laws Study Commission.
E38 Preliminary report. 1955
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974.90 New Jersey. Election Laws Study Commission.
E38 Second preliminary report. 1956
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New Jersey. Election Laws Study Commission.
Third preliminary report. 1957

STATE OF NEW JERSEY

INTRODUCED MARCH 26, 1956

By Mr. FORBES

Referred to Committee on State, County and Municipal Government

AN ACT concerning election contests, and amending sections 19:29-1, 19:29-2, 19:29-3, 19:29-4, 19:29-8 and 19:29-14 of the Revised Statutes.

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

1 1. Section 19:29-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 19:29-1. The nomination or election of any person to any public office or
4 party position, or the approval *or disapproval* of any public proposition,
5 may be contested by the voters of this State or of any of its political subdi-
6 visions affected thereby upon 1 or more of the following grounds:

7 a. Malconduct, fraud or corruption on the part of the members of any
8 district board, or of any members of the board of county canvassers, suffi-
9 cient to challenge the result;

10 b. When the incumbent was not eligible to the office at the time of the
11 election;

12 c. When the incumbent had been duly convicted before such election of
13 any crime which would render him incompetent to exercise the right of suf-
14 frage, and the incumbent had not been pardoned at the time of the election;

15 d. When the incumbent had given or offered to any elector or any mem-
16 ber of any district board, clerk or canvasser, any bribe or reward, in money,
17 property or thing of value for the purpose of procuring his election;

18 e. When illegal votes have been received, or legal votes rejected at the
19 polls sufficient to change the result;

20 f. For any error by any board of canvassers in counting the votes or
21 declaring the result of the election, if such error would change the result;

22 g. For any other cause which shows that another was the person legally
23 elected;

24 h. The paying, promise to pay or expenditure of any money or other
25 thing of value or incurring of any liability in excess of the amount permitted
26 by this title for any purpose or in any manner not authorized by this title;

27 i. When a petition for nomination is not filed in good faith or the affi-
28 davit annexed thereto is false or defective.

29 The term "incumbent" means the person whom the canvassers declare
30 elected or the person who is declared elected as a result of a recount; but in
31 the case of a tie vote as a result of the canvass or recount, either party may
32 contest the election, in which case the term "incumbent" means the person
33 having an equal number of votes with the contestant.

1 2. Section 19:29-2 of the Revised Statutes is amended to read as follows:

2 19:29-2. In the case of an office or proposition voted for by the voters
3 of the entire State or more than 1 county thereof, the contest shall be heard
4 by any judge of the Superior Court assigned for that purpose by the Chief
5 Justice of the Supreme Court, and shall be commenced by the filing of a pe-
6 tition therefor with the Clerk of the Superior Court signed by at least 25
7 voters of the State or by any defeated candidate for such nomination, party
8 position or public office.

9 In all other cases the contest shall be heard and determined by a judge
10 of the Superior Court assigned to the county wherein such office or proposi-
11 tion is to be contested, and shall be commenced by the filing of a petition
12 therefor with the Clerk of the Superior Court, signed by at least 15 voters
13 of the county or by any defeated candidate for such nomination, party po-
14 sition or public office.

15 The petition shall be verified by the oath of at least 2 of the petitioners,
16 or by the candidate filing the same, as the case may be, which verification
17 may be made on information and belief. The petition shall be accompanied
18 by a bond *to the State in the case approval or disapproval of any proposi-*
19 *tion is to be contested and to the incumbent in all other cases*, with 2 or more
20 sureties, or a deposit of cash security, to be approved by such judge, in the
21 penal sum of \$500.00, conditioned to pay all costs in case the election be con-
22 firmed, or the petition be dismissed or the prosecution fail. When the re-
23 ception of illegal or the rejection of legal voters is alleged as a cause of con-
24 test, the names of the persons who so voted, or whose votes were rejected,
25 with the election district where they voted, or offered to vote, shall be set
26 forth in the petition, if known.

27 No petition heretofore filed pursuant to this section shall be dismissed
28 or the prosecution fail because the petitioner shall not have filed a bond
29 with sureties as required herein, and the court shall be construed to have
30 acquired jurisdiction to hear and determine such contest if the petitioner
31 shall have filed with the petition a bond, without sureties, in the penal sum
32 of \$500.00, conditioned as required in this section, with a deposit of \$500.00
33 as cash security therefor, approved by a judge of the Superior Court.

1 3. Section 19:29-3 of the Revised Statutes is amended to read as
2 follows:

3 19:29-3. The petition contesting any nomination to public office, election
4 to party office or position or the proposal of any proposition shall be filed
5 not later than 10 days after the primary election.

6 The petition contesting any election to public office or approval *or dis-*
7 *approval* of any proposition shall be filed not later than 30 days after such
8 election, unless the ground of action is discovered from the statements, de-
9 posit slips or vouchers filed under this Title, subsequent to such primary or
10 other election, in which event such petition may be filed 10 or 30 days re-
11 spectively after such statements, deposit slips or vouchers are filed.

12 Any petition of contest may be filed within 10 days after the result of
13 any recount has been determined or announced.

1 4. Section 19:29-4 of the Revised Statutes is amended to read as
2 follows:

3 19:29-4. The judge shall appoint a suitable time for hearing such com-
4 plaint, not more than 30 nor less than 15 days, after the filing of the petition,
5 and the contestant shall cause a notice of such hearing, with a copy of the
6 contestant's petition, to be served, *in the case approval or disapproval of*
7 *any proposition is to be contested, on the Secretary of State, the county clerk*
8 *or the municipal clerk, as the case may be, who caused the proposition to be*
9 *printed on the ballot, and in all other cases on the incumbent at least 10 days*
10 before the day set for trial.

1 5. Section 19:29-8 of the Revised Statutes is amended to read as
2 follows:

3 19:29-8. The judge shall pronounce judgment whether the incumbent or
4 any contestant was duly elected, and the person so declared elected will be
5 entitled to his certificate; *and in the case of a proposition, whether the same*
6 *was approved or disapproved.* If misconduct is complained of on the part
7 of the members of any district board it shall not be held sufficient to set aside
8 the election unless the rejection of the vote of such district would change the
9 result as to that office.

1 6. Section 19:29-14 of the Revised Statutes is amended to read as
2 follows:

3 19:29-14. The contestant and incumbent shall be liable to the officers and
4 witnesses for the costs made by them, respectively. If the election be con-
5 firmed, or the petition dismissed, or the prosecution fail, judgment shall be
6 rendered against the contestant for costs; and if the judgment be against
7 the incumbent, or the election be set aside, he shall pay the costs at the dis-
8 cretion of the court; *and in the case a contestant is successful in contesting*
9 *the approval or disapproval of a proposition, the State, county or munici-*
10 *pality, as the case may be, which caused the proposition to be submitted to*

11 *the voters, shall pay the costs at the discretion of the court.* After the entry
12 of the judgment of the court the costs may be collected by attachment or
13 otherwise.

1 7. This act shall take effect immediately.

NEW JERSEY
ELECTION LAWS STUDY COMMISSION

ROOM 1014, 744 BROAD STREET
NEWARK, NEW JERSEY

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NEW JERSEY. ELECTION LAWS STUDY COMMISSION.

TO: The Honorable Robert B. Meyner, Honorable Members of the
State Senate and the Honorable Members of the General
Assembly of the State of New Jersey

In accordance with Chapter JR 6 of the Laws of 1956 the
Election Laws Study Commission continued its activities during the
year 1956.

A study was made of the presentments of the Grand Juries
of the counties of Ocean and Cape May. The report of the Hannold
Committee concerning its investigation of the Camden County situation
was analyzed and the opinion written by Chief Justice Vanderbilt in
the case of State of New Jersey vs. Benny, etals (N.J.R. 20, page 238)
also was given careful consideration. In addition to this, officials
in the counties of Ocean, Cape May and Camden were contacted, and as
a result of the data obtained through studies of the above, the com-
mission is more certain than ever that the recommendations originally
submitted to the legislature in its first and second preliminary re-
ports should be enacted into law.

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While some of the bills which the commission recommended have been acted upon favorably in the legislature, the most important were not.

It is the consensus of the election officials and others who appeared at the hearings conducted by the New Jersey Election Laws Study Commission that our present election law needs very little revision in principle, but that it is too lengthy and is capable of being understood by too few. One of the chief difficulties stems from the fact that in reality we do not have one election law in this state, but rather that there are two sets of provisions within our election law; there is presently a set of provisions for counties using voting machines and another one for counties using paper ballots, both of which are intermingled and confusing. If the legislature would act favorably on our recommendation, i. e., that paper ballots be outlawed and that the use of voting machines be made mandatory in every county of the state, we could repeal about 20% of the provisions of our present election law. Presently, approximately 85% of the voters of this state vote on voting machines and the commission feels that for the sake of uniformity, accuracy, and the saving of time and money, the other 15% of the voters should also be using voting machines.

The commission has found that in some of the smaller counties, many of the provisions of the law are admittedly either not carried out as intended, or are ignored by the election officials completely. Some of the election officials responsible for the administration of the law complain that because of the low salary paid

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to them, it does not warrant their spending the time required to do their job properly. Other officials complain that, even though they try to fulfill their official obligation, that some boards of Chosen Freeholders refuse to appropriate sufficient funds to hire the necessary personnel to properly and efficiently operate their departments. The members of the various county Boards of Elections are unwilling to institute legal proceedings to compel their Freeholders to appropriate the funds for fear of reprisal.

It should be pointed out here that any budgetary request by county boards of elections must be met by the Boards of Freeholders.

The Commission again recommends that legislation be enacted raising the salaries of the members of the county boards of elections and that the term of office of the members be extended from two to four years. We feel confident that if this were done, our election officials would then take the time necessary to better acquaint themselves with their duties and would put forth the effort necessary to more effectively and uniformly administer the duties of their office.

We have found that the county boards of elections of the 21 counties, in many instances, interpret the election laws contrary to each other and not in accord with the spirit and intent of the act. The Commission therefore again urges that the legislation submitted to the legislature last year concerning the establishment of a State Board of Elections be adopted. We must provide a control at the state level with authority to compel county boards of election to perform their duties with authority and uniformity, and also to

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institute legal proceedings to compel Boards of Freeholders to appropriate sufficient funds so that county boards of elections can function.


This commission will again submit legislation to implement the hereinbefore mentioned recommendations.

The commission takes pleasure in reporting that the work of correlating the present election law is in the final stages of completion. Unnecessary and conflicting sections have been eliminated or revised. Many other sections have been consolidated so that the law is now readable and understandable, but we reiterate that the work of correlation and revision has been delayed because of the fact that the legislation which we submitted concerning the use of voting machines in all counties, and concerning the creation of a supervisory agency at the state level have not been adopted. The members of our commission respectfully urge that the legislature act favorably on the bills which we are again submitting no later than May 1, 1957. If this is not done, it is our present intention to submit our final report before the end of 1957.

Respectfully submitted,

For the Commission

BY:



J. Arnold Bressler
Chairman

January, 1957.

NEW JERSEY
ELECTION LAWS STUDY COMMISSION

ROOM 1703, 744 BROAD STREET
NEWARK, NEW JERSEY

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SECOND PRELIMINARY REPORT
OF
NEW JERSEY ELECTION LAWS STUDY COMMISSION

To: The Honorable Robert B. Meyner, Honorable
Members of the State Senate and the Honorable
Members of the General Assembly of the State
of New Jersey.

In accordance with Chapter JR-4 of the Laws of
1955, the New Jersey Election Laws Study Commission
herewith submits its report of the activities and the
recommendations of the Commission.

Following the policy heretofore adopted, namely
contacting state, municipal and county officials whose
duty it was to administer the Election Laws, the
Commission invited these officials and members of organ-
izations to attend various public hearings to make sug-
gestions concerning new legislation and the various pro-
visions of the existing law which were inconsistent or
otherwise objectionable. Various meetings were held
throughout the state, and as a result of these hearings
and those which were held in the year 1954, various bills
were introduced in the Legislature. These bills were as
follows:

Senate Bill 18

This bill amended the absentee
voting law and improved upon it.
It required a later date for ad-
vertising for applications for
absentee ballots. Sets up the
form of such ballots in cases
where no candidates are nominated
in advance of the election, and
revised the certificate to be
attached to an absentee primary
ballot.

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- Senate Bill 19 This bill authorizes the superintendent of elections and the prosecutors in counties where there are no superintendent to impound all absentee ballots when deemed necessary. This is now Chapter 222 of the Laws of 1956.
- Senate Bill 20 This bill sets forth the procedure to be followed in the event of a recheck. It makes the procedure uniform throughout the state. This is now Chapter 260 of the Laws of 1956.
- Senate Bill 21 Polling places owned by the state or any political subdivision would be used by the Boards of Elections on election day, rent free if this bill were passed.
- Senate Bill 221 This bill would authorize the county election boards to appoint challengers at polling places to represent proponents and opponents of a public question.
- Senate Bill 194 This bill would increase the salaries of the members of County Election Boards on a sliding scale, in accordance with the recommendations of this commission.
- Assembly Bill 41 This bill would make it mandatory for all counties to use voting machines. The commission has expressed itself many times on this bill and again refers to it later in this report.
- Assembly Bill 178 This bill increased the compensation for district board members in counties where voting machines are employed, but the sample ballots are still sent out by the district board members. This is now chapter 33 of the laws of 1956.
- Assembly Bill 179 This bill provided the method of registering chronically or incurably ill persons so that they could vote by absentee ballot. this is now Chapter 133 of the Laws of 1956.

Assembly Bill 391 This bill increased the terms of County Board of Election members from 2 to 4 years.

Assembly Bill 467 This bill permitted municipal clerks in county seats to take registrations. This bill was not recommended by this commission, but was submitted to the commission before introduction and was approved.

A.C.R. 5 This resolution would reduce the residence requirements, to register to vote, if this resolution was passed, and the constitution amended.

For the measures already adopted, the Commission would like to thank the legislators, and particularly would like to express their appreciation to the sponsors of those measures for their cooperation and their splendid efforts handling the bills in the Legislature.

The Commission also made a study of various bills introduced which were not introduced at the instance of the Commission, and reports were given to members of the Legislature who were members of the Committees to which the bills were assigned for study.

The Commission is of the opinion that Assembly Bill 41 (mandatory voting machines) is a measure which should have very careful study of the Legislature because if this bill was to become law the danger of fraud or mistake in counting votes cast would be eliminated. The Commission notes with much gratification that during the past year the counties of Atlantic, Monmouth and Morris have adopted the use of voting machines and with the adoption of the same in those counties, approximately 88% of the people who go to the polls vote by machine. The Commission commends the Freeholders of Atlantic, Monmouth and Morris Counties for their wise action and the contribution made by them to honest elections.

The Commission also feels that it is imperative that Assembly Bill 41 of 1955 be adopted (mandatory voting machines) this year because if this is done, all the sections of the election law pertaining to the use of paper ballots, the printing, delivery, casting, canvassing and recounting of the same, could be eliminated from the election laws. This would mean that about 25% of the election law would become ineffective and therefore would be deleted from the statute books.

It is the unanimous opinion of the commission that the work of correlating the election law and eliminating certain provisions thereof cannot effectively go forward until there is a definite expression by the Legislature as to whether or not Assembly Bill 41 of 1955 will be accepted or rejected, and in order to obtain a final determination we request that the bill be reintroduced in the 1956 Legislature and brought to a vote on the floor of the Legislature.

There was an attempt in the year 1955 to substitute Assembly Bill 525 for Assembly Bill 41. The Commission studied this bill and its effect and were of the unanimous opinion that this bill was bad legislation and would, for many years to come, preclude the use of voting machines on a state-wide basis. Assembly Bill 525, in effect stated that in each county not using voting machines, a referendum would be held leaving it to the people as to whether or not voting machines were to be adopted for use in their particular county. It is the opinion of the Commission members that in most of the counties still using paper ballots, that political leaders would combine to defeat any referendum and then if an attempt were made to pass legislation to use voting machines on a state-wide basis, the members of the Legislature representing those particular counties would be morally bound to vote against the measure because of the fact that the voters had expressed their desire that voting machines be not used. The Commission notes with a great deal of satisfaction and commendation that Governor Meyner vetoed this bill - Assembly 525.

The Commission feels that an educational program should be conducted in the counties wherein paper ballots are still used, to inform the people of the advantages of adopting the use of voting machines. Approximately 12% of the state's population reside in counties where voting machines are not in use.

During the year, at the behest of the United States Army authorities, the Administration in Washington, and representatives of Governor Meyner, the Commission studied and prepared Legislation which would enable wives, husbands, and dependents of people in the Armed services and civilians connected with the Armed Services and their wives and dependents who are with them at installations without the state, to vote by absentee ballot. This legislation would broaden the field of people who would be entitled to use either a military or civilian absentee ballot and safe-guards have been written into the bill to minimize fraud and to provide for temporary registration of those people. The Commission members are still studying this legislation and will report their final decision with respect to the merits of this legislation within the next several weeks.

In passing, the Commission members would like to express their appreciation for the cooperation they have received from Joseph Weintraub, Esquire, Counsel to Governor Meyner, and General Michael Galvin and Colonel William Wise of the United States Department of Defense.

In addition to the above, the Commission has prepared legislation pertaining to crimes for which a person can be disenfranchised upon conviction. A recently passed bill in the Legislature dealt with the subject, but this Commission, after conferences with the State Parole Board prepared legislation and will have it ready for the 1956 session.

Another very important feature of the Commission's work has been the preparation of a bill providing for a State Board of Elections.

The bill, if enacted into law, would give the newly created State Department of Elections the power of authority over all county boards and superintendents of election throughout the state, to direct them as to the proper method of conducting primaries, special and general elections. It would empower them to compel the observance by all election officers and other officials administering the election laws to carry out their duties.

The State Department of Elections would have the authority to investigate, when necessary or advisable, the administration of the election laws, frauds and irregularities in any county or district and report violations to the Attorney General or Prosecutor of the County for investigation and prosecution.

The Commissioners of the State Department of Elections would be appointed by the Governor with the consent of the Senate for a four year term, and the Governor would have the power to remove any Commissioner for inefficiency, neglect of duty or misconduct in office, provided that a copy of the charges are given to the Commissioner being removed and he has an opportunity to be heard. Such a measure, if adopted, would bring about more uniformity in carrying out the provisions of the election laws.

The Commission has prepared also for reintroduction this year, measures that concern polling places, terms and salaries of election board members, and other bills, and are hopeful that the Legislature will act favorably upon them in the 1956 session.

The Commission is hopeful that the Legislature will continue the commission for another term in order that it can complete the work of recodifying Title 19 and making other improvements in the election laws.

It is also suggested that if any of the members of the Legislature or people acting in behalf of the administration, or any of the general citizenship submit any proposed legislation which they may have in mind to the Commission, the members thereof would be pleased to analyze the proposed legislation and report to the proponents thereof.

Respectfully submitted,
FOR THE COMMISSION

BY: *J. Arnold Bressler*
J. Arnold Bressler
Chairman

Dated: January 23, 1956

NEW JERSEY,
ELECTION LAWS STUDY COMMISSION

ROOM 1703, 744 BROAD STREET
NEWARK, NEW JERSEY

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PRELIMINARY REPORT

OF

NEW JERSEY ELECTION LAWS STUDY COMMISSION

TO: The Honorable Robert B. Meyner, the Honorable Members of the State Senate and the Honorable Members of the General Assembly of the State of New Jersey

In accordance with Chapter JR 13 of the Laws of 1954, the New Jersey Election Laws Study Commission herewith submits its report of the activities and the recommendations of the Commission:

After the members of the Commission were appointed they organized and elected the Honorable Anthony P. Miele Chairman, the Honorable J. Arnold Bressler Vice Chairman and the Honorable Samuel A. Naples Secretary of the Commission. After a short period of time Mr. Miele found it necessary to resign and the Honorable J. Arnold Bressler was elected Chairman to serve in his place.

The Commission caused letters to be sent to each County Board of Elections in the State, the Secretary of State, County Clerks and to the various Municipal Clerks, asking for any suggested changes in the election law that they may deem advisable, in order to simplify and clarify the same. Many of the agencies which received our communication expressed their views either by mail or by appearing before the commission.

The work of the Commission has been divided into two phases:

First - Changes in the principle of the election law which would insure a more efficient operation of the same, to the end that legal voters would not be disenfranchised, and that the operation of the various agencies who have duties to perform under the election law could be done more efficiently. The main suggested changes are as follows and the legislation has either been prepared or is being prepared for introduction covering these suggestions:

1. STATE SUPERVISORY AGENCY

The majority of the Commission feels that the fact that there have been illegal registrations and voting in some counties is not the fault of the present election law, but rather in the way it is administered by some of the county boards of election. We feel that our present law, if properly administered, is adequate to insure against fraudulent registrations and that in order to compel the various election officials to perform their duties, a state-wide bi-partisan agency should be appointed in order to supervise the various county boards of election, commissioners of registration and superintendents of election in the performance of their duties. The commission also feels that if we should try to legislate any further on the subject of registration that the law would be too cumbersome and would make it more difficult for honest voters to register.

2. MEMBERS OF COUNTY BOARDS OF ELECTION-TERMS AND SALARY

In some counties of the state where it has been charged that the county boards of election are not performing their duty, we feel that the situation is caused by the fact that in many instances the county boards are underpaid, and since the present

law provides that the members of the boards are appointed for a period of two years, that many of them are not in office long enough to be acquainted with their duties. We advocate that the members of the county boards of election be appointed for a period of four years, rather than two years, and that their salaries be increased. If this is done we are of the opinion that a better type of individual will accept appointment to the county board, that they will be properly compensated, and that they will be more diligent in the performance of their duties.

3. PROCEDURE FOR RE-CHECKS AND RECOUNTS

Another change which the commission advocates by unanimous vote is that a more definite proceeding be written into the law which all election officials and the courts must follow in the event of a re-check. The proceedings should be written step by step to obviate the necessity of the various courts setting the rules and regulations under which a recount is to be conducted. The recent recount for the office of United States Senator was surrounded by confusion due to the fact that the courts in the various counties interpreted the present law in various ways, and in some instances laid down conflicting methods of procedure resulting in confusion and misunderstanding.

4. IMPOUNDMENT OF BALLOTS

The present law is not clear as to the right of Superintendents of Election and other officials to impound ballots cast by civilian absentee voters and to impound ballots cast by those in the military service. In order to guard the sanctity of the ballot, specific authority should be given in the law for superintendents of election or, in counties where we do not have

superintendents of election, to the Prosecutor for such impoundment.

5. VOTING MACHINES IN ALL COUNTIES

The commission by unanimous vote also feels that all counties should be compelled to use voting machines as they tend to make it easier for a voter to vote correctly, the results of the election are more easily and quickly ascertainable through their use, and that in the event of a recount the recount may be conducted more speedily and the true results thereof known. We realize that the problem of financing voting machines is a real one and might prove burdensome to some of the smaller counties. We therefore advocate that the voting machines be purchased by the state and rented to the county boards of election in the various counties at a yearly rental which would enable the State, after a period of fifteen years, to obtain all of its money back. At the end of the aforementioned period the counties would then own the machines. The counties would be required to store and maintain them during this period.

6. ALL DECISIONS MADE BY JUDGES CONCERNING TITLE 19

The commission realizes that for many years our courts have been reluctant to file written opinions which may be published in the official court publications in matters concerning interpretations of the various sections of the election law. This has resulted in courts in one county deciding a problem which courts in another county have decided in a different manner. The majority of the commission feels that Governor Meyner should confer with our Chief Justice and ask him to instruct the various

county and superior court judges to write official opinions to be published in the official reports when requested so to do, by either of the parties to the suit. If this is done, precedents will be established for other courts to follow and in that way uniformity will be established.

7. CANDIDATES RUNNING FOR MUNICIPAL OFFICE - POSITIONS ON MILITARY AND CIVILIAN ABSENTEE VOTING BALLOTS

It has been pointed out to the commission that under our Military and Civilian Absentee voting law that the names of candidates running for national, state and county offices are printed on the ballot, but the present law does not provide for the printing of names of municipal officials thereon. Under the present procedure, a county clerk sends to such absentee civilian or voter in military service a list of names of the local officials who are running for election and then the voter must write the names of the candidates of his choice for such office in the personal choice column provided on the ballot. The commission feels that the constitutionality of such procedure may some day be questioned and although the members realize that to follow our suggestion will increase the cost of printing of ballots, they still feel that the names of the candidates running for municipal office should be printed on the ballot in the same manner as a candidate running for other offices. In one municipality recently, a candidate won by a single vote. There is a conjecture as to what the results would have been if the names of the candidates were uniformly printed on the ballots as they are done in the national, state, and county ballot printing.

8. RESIDENCE REQUIREMENTS FOR VOTING

Under our present constitution, a citizen, in order to qualify as a voter must be twenty-one years of age, must reside in New Jersey one year and in the county for five months. It was the unanimous opinion of the members of the commission that the residential requirements are too strict, resulting in the disenfranchisement of a great many people. We recommend that our constitution and election laws be amended, stating that a prospective voter need only be a resident in the state for six months and of the county in which he resides for forty days. A resolution of this type was passed by the 1953 Legislature, but the 1954 Legislature has failed to act on the same.

9. POLLING PLACES

In late years the county boards of election have had difficulty in obtaining adequate polling places and there is a tendency on the part of some municipal officials, and particularly Boards of Education, to either refuse the use of schools and other public buildings or to demand a rental for the use of the same which is prohibitive. The commission feels that in view of the fact that these public buildings really belong to the public and because elections are a public function, that a clause be inserted in the present election law stating that all public buildings owned by the state or any political subdivision thereof may be used by the county boards of elections without charge to them, and any administrative agency of such buildings shall not prohibit the use of such buildings in any manner for polling places.

The second phase of the work of the Commission deals with correlating, recodifying and removing unnecessary and inconsistent provisions from the election law. This work entails a great deal of detail and the Commission at this time is not ready to submit its final report. Then too, if legislation covering the above suggested changes is adopted, it will mean that a great many sections of our present election law will have to be changed to conform.

The first draft of the correlation and recodification is now being studied by this commission and after the final draft is made it will be submitted to various officials who have duties to perform under the election law and to such organizations who have evinced an interest in the work of the Commission.

At this time, the Commission would like to point out that because of an inadequate appropriation to carry on its work the Commission has had to rely in the main upon persons who have performed the bulk of the work when they could. On this basis, the work has necessarily been done at such times as they could conveniently spare from their own businesses, whereas, had the commission been able to properly reimburse them, the work would have progressed much faster. The commission therefore urges that the Governor and the Members of the Legislature favorably consider appropriating the sum of \$10,000 for services to be rendered to the commission by its counsel and others, and that a bill be introduced extending the life of the Commission comprising its present membership with a directive that a

final report be submitted to the 1956 Legislature or to the
1955 Legislature, if possible.

Respectfully submitted,
FOR THE COMMISSION

BY: *J. Arnold Bressler*
J. ARNOLD BRESSLER
CHAIRMAN

Dated: January 11, 1955