

19:32-26

June 7, 1971

LEGISLATIVE HISTORY OF R.S. 19:32-26  
(Second class counties; establishment of office of superintendent  
of elections)

Laws 1947, Chapter 167 - A333 § 1

March 3 - Introduced by Kates.

Amended during passage.

A333 was split into 2 Committee Substitutes.

A333 Committee Substitute A became Chapter 167.

Copy enclosed of pertinent sections from  
original bill and committee substitute which  
subsequently passed.

Copy 2

Amended by the following laws:

L. 1949, Chapter 188 - A61 § 2

January 17 - Introduced by Kates.

Amended during passage (copy of original bill  
and section as amended enclosed)

No statement on bill.

L. 1953, Chapter 84 - S280

March 16 - Introduced by Stout.

Amended during passage (copy enclosed of original  
bill showing amendment and official copy  
reprint).

No statement on bill.

L. 1953, Chapter 246 - S416

June 22 - Introduced by Shershin.

Not amended during passage.

No statement on bill.

L. 1953, 1st Spec. Sess., Chapter 444 - SSA1

December 4 - Introduced by A.M. Smith.

Not amended during passage.

No statement on bill.

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L. 1965, Chapter 153 - A639

Introduced April 12 by Biber and others.

No statement on bill.

Amended during passage (copy enclosed of original  
bill and amendment)

No hearings or reports located.

JH/PC

GC-No (checked SSA1, 1953 and A639, 1965)

GC-Yes (S280 of S416 of 1953)

## NOTATIONS

A 328 Stults Mar. 3—Permits Delaware River Joint Toll Bridge Commission to construct additional bridges north of Bucks County-Philadelphia County (Pennsylvania) boundary, to replace existing structures and to charge tolls to pay cost of such bridges; permits commission to issue bonds for such bridges; permits commission to demolish bridges replaced by new structures.

Mar. 3—Judiciary Com.  
Mar. 17—Reported with com. amend's.  
Mar. 17—Read second time.  
Mar. 18—Passed in Assembly, amended.  
Mar. 24—Received in Senate.  
Mar. 24—Interstate Cooperation Com.  
Apr. 1—Reported with com. amend's.  
Apr. 1—Read second time.  
Apr. 1—Passed in Senate, amended.  
Apr. 8—Sen. amend. passed in Assemb.  
June 13—Approved, Chapter 283.

A 329 Smith Mar. 25—Regulates labeling and sale of agricultural seed mixtures.  
Mar. 25—Agriculture Com.  
Apr. 7—Transferred to Miscellaneous Business Com.

A 330 Widnall Mar. 3—Permits divorce for incurable insanity.  
Mar. 3—Judiciary Com.  
Mar. 31—Reported without recommendation.  
Mar. 31—Read second time.

A 331 Widnall Mar. 3—Permits superintendents of county hospitals for communicable diseases to be other than physicians; provides for designation of medical superintendents in such cases.  
Mar. 18—Passed in Assembly.  
Mar. 25—Passed in Senate.  
June 4—Approved, Chapter 254.

A 332 Widnall Mar. 17—Revises regulations covering new hotel construction, including fire safety measures.  
Mar. 17—Judiciary Com.  
Mar. 24—Reported.  
Mar. 24—Read second time.  
Apr. 8—Amended.  
Apr. 8—Passed in Assembly, amended.  
Apr. 14—Received in Senate.  
Apr. 14—Appropriations Com.

A 333 Kates Mar. 3—Provides appointment of Superintendents of Elections in counties of between 250,000 and 300,000 population at \$5,000 annual salary.

Mar. 3—Elections Com.  
Mar. 10—Reported with com. amend's.  
Mar. 10—Read second time.  
Mar. 25—Recommitted to Elections Com.  
Mar. 25—Reported by Com. Subs. A & B.  
Mar. 25—Read second time.  
Apr. 8—Com. subs. A & B passed in Assembly.  
Apr. 14—Com. subs. A & B received in Senate.  
Apr. 14—Judiciary Com.  
Apr. 15—Reported.  
Apr. 15—Read second time.  
Apr. 15—Passed in Senate.  
May 20—Com. Sub. A approved, Chapter 167.  
May 20—Com. Sub. B approved, Chapter 168.

A 334 Keim Mar. 3—Substitutes Director, State Division of Taxation for State Tax Commissioner as official to issue billboard licenses; provides licenses expire March 31 instead of December 31; broadens definition to provide all veterans' organizations be issued billboard licenses without fee; changes date for apportioning excess license funds to municipalities.

Mar. 3—Taxation Com.  
Mar. 11—Reported.  
Mar. 11—Read second time.  
Mar. 18—Amended.  
Mar. 18—Passed in Assembly, amended.  
Apr. 8—Reconsidered.  
Apr. 8—Recommitted to Taxation Com.  
Apr. 14—Reported by com. sub.  
Apr. 14—Read second time.  
Apr. 14—Com. sub. passed in Assembly.  
Apr. 15—Received in Senate.  
Apr. 15—Corporations Com.  
Apr. 15—Reported.  
Apr. 15—Read second time.  
Apr. 15—Passed in Senate.  
May 20—Approved, Chapter 169.

## NOTATIONS

A 335 Sanderson Mar. 11—Validates foreclosures and final decrees of tax sale certificate.

Mar. 18—Passed in Assembly.  
Mar. 25—Passed in Senate.  
July 1—Filed in State Library.

A 336 Brown Mar. 3—Provides that Chancery Court notices to absent defendants heretofore filed with U. S. Alien Property Custodian be filed hereafter with the Office of Alien Property, Department of Justice.

Mar. 18—Passed in Assembly.  
Mar. 31—Passed in Senate.  
June 20—Approved, Chapter 313.

A 337 Reiffin Mar. 10—Requires actions for recovery of salaries arising from employer-employee relationships to be commenced within one year after effective date of present bill or within two years after cause has accrued.

Mar. 10—Judiciary Com.  
Mar. 24—Reported.  
Mar. 24—Read second time.  
Mar. 25—Passed in Assembly.  
Mar. 31—Received in Senate.  
Mar. 31—Judiciary Com.

A 338 Herbert Mar. 3—Permits municipalities, with consent of State Local Government Division, to anticipate as miscellaneous revenue amounts of capital, surplus or depreciation reserves carried because of operation of municipal public utility and to use fund to retire such part of general refunding bond issue as is attributable to debt of such public utility.

Mar. 11—Passed in Assembly.  
Mar. 18—Passed in Senate.  
June 24—Approved, Chapter 341.

A 339 Thomas Mar. 3—Fixes \$1,800-\$3,500 salary range for District Court clerks in counties of between 325,000 and 375,000 population in which all District Courts sit in judicial districts.

Mar. 25—Passed in Assembly.  
Apr. 8—Passed in Senate.  
July 1—Filed in State Library.

A 340 Brescher Mar. 10—Provides Boards of Freeholders name second class county park commission members hereafter appointed.

Mar. 10—Judiciary Com.  
Apr. 7—Transferred to Miscellaneous Business Com.

A 341 Morrison Mar. 3—Defines veteran and disabled veteran under Civil Service Veterans' Preference Act; requires evidence of veteran's status be given prior to Civil Service certification.

Mar. 3—Civil Service Com.  
Mar. 17—Reported with com. amend's.  
Mar. 17—Read second time.  
Mar. 18—Passed in Assembly, amended.  
Mar. 24—Received in Senate.  
Mar. 24—Judiciary Com.  
Mar. 24—Reported.  
Mar. 24—Read second time.  
Mar. 25—Passed in Senate.  
Apr. 17—Approved, Chapter 63.

A 342 Morrison Mar. 3—Permits municipalities to appropriate up to \$5,000 a year for fire districts where assessed value of second class railroad property in such fire districts is not less than 80 per cent of such railroad assessments.

Mar. 3—Municipalities Com.  
Mar. 18—Reported.  
Mar. 18—Read second time.  
Mar. 24—Passed in Assembly.  
Mar. 25—Received in Senate.  
Mar. 25—Municipalities Com.

A 343 Mischlich Apr. 14—(Without Reference) Authorizes 4th class cities (cities bordering Atlantic Ocean) to levy sales taxes, through ordinance approved on referendum; on tobacco, alcoholic beverages, hotel rooms, restaurant charges, theatre admissions and beach concessions, at rates up to 3 cents on the dollar. Allows referendum at primaries, as well as general or special elections.

Apr. 14—Passed in Assembly.  
Apr. 14—Passed in Senate.  
Apr. 19—Filed, Chapter 71.

## NOTATIONS

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1947

By Mr. KATES

Referred to Committee on Elections

AN ACT to establish a superintendent of elections in counties having not less than two hundred fifty thousand, and not more than three hundred thousand inhabitants, and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes.

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

1 1. The office of superintendent of elections in counties having not less  
2 than two hundred fifty thousand and not more than three hundred thousand  
3 inhabitants is established. The offices shall be filled by some suitable per-  
4 sons who shall be nominated by the Governor with the advice and consent  
5 of the Senate and who shall hold office for the term of five years from the date  
6 of appointment and until their successors are appointed and have qualified.  
7 Each superintendent shall receive a salary of five thousand dollars (\$5,000.00)  
8 per annum to be paid by the county treasurer. The persons so appointed shall  
9 have their offices in the counties for which they are appointed. Vacancies  
10 shall be filled in the same manner as original appointments, but shall be for  
11 the unexpired term only.

1 2. Each superintendent may appoint a chief deputy, a clerk, a secretary  
2 and any other assistants he considers necessary to carry out the provisions  
3 of this Title, and may remove the same whenever he deems it necessary.  
4 Those so appointed shall not be subject to any of the provisions of Title 11,

5 Civil Service, but shall be in the unclassified service. Each superintendent  
6 shall fix the salaries of the persons so appointed and such salaries certified to  
7 and approved under his hand shall be paid semimonthly by the county treas-  
8 urer of the county in which such persons are so engaged. All other neces-  
9 sary expenses incurred in carrying out the provisions of this Title when  
10 certified to and approved by the superintendent shall be paid by the county  
11 treasurer of the county in which the superintendent shall maintain his office.

1 3. All necessary expenses incurred in carrying out the provisions of this  
2 Title when certified to and approved by such superintendent in connection  
3 with an election held in and for a municipality only shall be paid by the mu-  
4 nicipality.

1 4. The board of chosen freeholders of the counties shall provide suitable  
2 room or rooms for the transaction of the business of such superintendent and  
3 procure suitable furniture therefor and any books, stationery, fuel and sup-  
4 plies that may be necessary from time to time. It shall provide a proper  
5 place for the safe-keeping of the records and papers.

1 5. Such superintendents and their assistants, in order to enforce the laws  
2 of this State regarding the conduct of elections, shall investigate all com-  
3 plaints relating to the registration of voters, and for that purpose the super-  
4 intendents and their assistants shall have full power and authority to visit  
5 and inspect any house, dwelling, building, inn, lodging house or hotel and in-  
6 terrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or  
7 landlord thereof or therein as to any person or persons residing or claiming  
8 to reside therein or thereat; to inspect and copy any books, records, papers  
9 or documents relating to or affecting the elections, either general, special,  
10 primary or municipal, or the registration of voters in the custody and con-  
11 trol of district boards, county boards, or the clerks or other officers of mun-  
12 icipalities; to require every lodging-house keeper, landlord or proprietor  
13 to exhibit his register of lodges therein at any time to the superintendent, his  
14 subordinates or any other person so designated by such superintendent.

15 Any person who neglects or refuses to furnish any information required  
16 or authorized by this Title, or to exhibit the records, papers, or documents  
17 herein authorized to be inspected, or which are required to be exhibited, shall  
18 be guilty of a misdemeanor.

1 6. The superintendent shall have power to issue subpoenas for the pur-  
2 pose of investigating any complaint of violation of the election laws of the  
3 State, such subpoenas to be issued in the name of the superintendent and for  
4 the purpose of aiding him in enforcing the provisions of the election laws.  
5 He may in proper cases issue subpoenas duces tecum. A subpoena issued by  
6 the superintendent may be served by any peace officer or any other person  
7 designated by him for that purpose.

8 A person who shall omit, neglect or refuse to obey a subpoena attested in  
9 the name of the superintendent and made returnable by him or who shall  
10 refuse to testify under oath before such superintendent shall be guilty of a  
11 misdemeanor and punished accordingly.

12 A person who shall make any false statement under oath before the super-  
13 intendent shall be guilty of a misdemeanor and punished accordingly.

1 7. The superintendent, his subordinates, or any person or persons desig-  
2 nated by him, may attend at any election, any of whom shall be admitted at  
3 any time within any polling place and within the guard rails thereof.

1 8. When directed by the superintendent, every landlord, proprietor,  
2 lessee or keeper of a lodging house, inn or hotel shall keep a register in  
3 which shall be entered the names and residences, the date of arrival and de-  
4 parture of his guests, and the room, rooms or bed occupied by them. This  
5 register shall be arranged so that there shall be a space on the same line in  
6 which each male guest or male lodger shall sign his name.

7 Such landlord, proprietor, lessee or keeper shall make a sworn report  
8 upon a blank to be prepared and furnished by the superintendent thirty days  
9 before the election next ensuing to such superintendent, containing a de-  
10 tailed description of the premises so used and occupied as a lodging house,  
11 inn or hotel, including the size and character of building, and in case only  
12 part of a building is so used, a statement as to what part, and the names of

13 the lodgers therein, and all the employees, and all other persons living  
14 therein, including the landlord, proprietor, lessee or keeper, and members  
15 of his family, who claim a voting residence at or in such lodging house, inn  
16 or hotel, together with the length of time they have been regularly lodged  
17 or lived therein, the beginning of such residence, the color, approximate age,  
18 height, weight, whereby the persons may be identified, the nationality, the  
19 occupation and place of business of such persons, and the room occupied by  
20 each person, and whether the person is a guest, landlord, proprietor, lessee  
21 or keeper, and the signature of each person. Above the space reserved for  
22 the signature of each such person shall be printed the following words, "the  
23 foregoing statements are true." In the form of affidavit, which shall be  
24 sworn to by the landlord, proprietor, lessee or keeper of such lodging house,  
25 inn or hotel, shall be included the statement that the signatures of the guests  
26 or lodgers certified to in such report were written in the presence of such  
27 landlord, proprietor, lessee or keeper, and that he personally knows them to  
28 be the persons therein described.

29 To the end that the sworn report herein required shall truly set forth the  
30 facts therein stated, such landlord, proprietor, lessee or keeper shall question  
31 each male person lodging or living in the lodging house, inn or hotel as to his  
32 intention of claiming such place as a voting residence, and the person shall  
33 thereupon declare his intention thereof, and if he shall claim the place as his  
34 voting residence he shall give to such landlord, proprietor, lessee or keeper  
35 such facts regarding himself as are required to be incorporated in the sworn  
36 report herein provided for. Such report and affidavit shall be filed person-  
37 ally by the landlord, proprietor, lessee or keeper with the superintendent at  
38 his office.

39 Any such landlord, proprietor, lessee or keeper or any lodger who shall  
40 violate this section shall be deemed guilty of a misdemeanor.

1 9. The superintendent, his chief deputy or assistants, shall have the  
2 power, when in his or their judgment it is deemed necessary at any election,  
3 upon the completion of the counting and canvassing of the ballots by any dis-

4 trict board, to enter any place containing ballot boxes for the purpose of taking  
5 possession and sealing any ballot box or boxes with a seal to be adopted by  
6 the superintendent. When any ballot box shall be so sealed it may be re-  
7 moved to a vault or other place of security by the superintendent, his chief  
8 deputy or assistants, but shall not be opened and the seal thereof destroyed  
9 or affected without an order first had and obtained from a justice of the Su-  
10 preme Court. Taping or any other mechanical device may be used to make  
11 such sealing secure.

1 10. Any person preventing, hindering or interfering with the said super-  
2 intendent or his chief deputy or assistants in sealing such ballot box or  
3 boxes shall be guilty of a misdemeanor, and shall be punished by imprison-  
4 ment for a term not exceeding three years, or by the payment of a fine not ex-  
5 ceeding one thousand dollars (\$1,000.00), or both.

1 11. Any person who destroys, defaces or removes, or attempts to destroy,  
2 deface or remove, such a seal shall be guilty of a misdemeanor, and shall be  
3 punished by imprisonment for a term not exceeding three years, or by the  
4 payment of a fine not exceeding one thousand dollars (\$1,000.00), or both.

1 12. The powers herein granted may be exercised by the superintendent,  
2 his chief deputy or assistants, upon the completion of the counting and can-  
3 vassing of the ballots at any election by the district board or within a  
4 period of ninety days thereafter.

1 13. The superintendent shall investigate all registry lists prior to the  
2 holding of any election. When as a result of such investigation or during the  
3 course thereof the superintendent shall ascertain that a person registered  
4 has died or been disqualified by conviction of a crime which would dis-  
5 franchise a person under the laws of this State, or never has resided at the  
6 place of registry or is registered from some place other than his actual resi-  
7 dence or does not possess the qualifications to vote required by the constitu-  
8 tion of this State or is otherwise not entitled to vote at such election, the  
9 superintendent shall serve an order in writing, signed by him, upon the

10 proper district board, ordering it to refuse to allow such person to vote at  
11 the election.

12 No such order shall be signed by the superintendent unless notice to the  
13 person to be affected shall be given as hereinafter provided.

1 14. The superintendent, before signing such order in writing to any dis-  
2 trict board, shall give notice of his proposed action to such registered per-  
3 son, (1) personally, or (2) by leaving the same at the person's registered  
4 place of residence with a person above the age of fourteen years, if any such  
5 person can be found, and if not, by affixing the same to the outer door of such  
6 place of residence or to any other portion of such premises if no building be  
7 found thereon, or (3) by sending the same by mail addressed to the person  
8 at his registered place of residence at least two entire days before the issu-  
9 ance of the order. The superintendent also shall cause a list of the names  
10 of such persons, with their registry addresses, to be published at least two  
11 entire days before the issuance of the order in two or more newspapers pub-  
12 lished within the county, at least one of which shall be a daily newspaper.

13 Such published notice, in addition to containing the names and addresses  
14 of such persons, shall give notice to them of the proposed action of the  
15 superintendent. No such order in writing shall be signed by the superin-  
16 tendent subsequent to the Tuesday preceding an election.

1 15. The superintendent shall cause such order to be delivered to the dis-  
2 trict board at the same time as the challenge lists are delivered, which order  
3 shall be receipted for by the judge of the district board, who shall use the  
4 order in conjunction with the registry list, so that no person whose name  
5 appears upon the order shall be allowed to vote. Such order shall be  
6 signed and certified to by each member of the district board to the effect that  
7 no person whose name appears therein has been allowed to vote. The order  
8 shall be returned to the superintendent at the same time and together with  
9 the challenge lists.

10 The superintendent, concurrently with the return of such order, shall  
11 deliver to the commissioner a true copy, certified by him as correct, of each

12 order delivered by him pursuant to this section to each district board. Upon  
13 receipt of such copy the commissioner shall thereupon transfer the perma-  
14 nent registration forms of the person named in such order to the inactive,  
15 death or conviction file, as the case may be, and he shall not be permitted to  
16 vote at any subsequent election, by court order or otherwise, unless he has  
17 reregistered.

1     16. Any person affected by the action of the superintendent shall during  
2 the week immediately preceding the election and on the election day have the  
3 right to make application to a judge of the court of common pleas of the  
4 county for the purpose of obtaining an order entitling him to vote in the dis-  
5 trict in which he actually resides. The burden of proof shall be upon the ap-  
6 plicant.

7     The judge of the court of common pleas, if satisfied that the applicant is  
8 entitled under the law to vote at such election and after determining the  
9 election district in which the person actually resides may issue an order  
10 directing the district board of that district to permit such person to vote. If  
11 the order is directed to a district board in municipalities having permanent  
12 registration, the district board shall certify and return the order to the com-  
13 missioner at the close of the election, who thereupon shall restore the  
14 permanent registration forms of such person to the active file. Before the  
15 issuance of such order, the superintendent shall be heard personally, or by  
16 his chief deputy or assistants, as to the reasons why he has issued an order  
17 denying such person the right to vote. The superintendent or any one repre-  
18 senting him shall have full power to cross-examine any witness.

19     The judge of the court of common pleas making such order shall cause  
20 a full record of the proceedings of the application to be taken steno-  
21 graphically, transcribed and filed in the office of the county clerk of the county,  
22 which record shall be an open and public record. All costs and expense of  
23 such proceedings shall be paid by the county.

1     17. Any member of a district board who, after the receipt of an order  
2 from the superintendent denying any person the right to vote, unless the

3 order of the superintendent has been revoked by a judge of the court of  
4 common pleas of the county, as herein above provided, allows such person  
5 to vote, shall be guilty of a misdemeanor, shall forfeit his right to such office  
6 and be subject to imprisonment for a term not exceeding three years, or the  
7 payment of a fine of one thousand dollars (\$1,000.00), or both.

1 18. Any expense in connection with the service, mailing or advertising  
2 of the notices as hereinbefore provided shall be paid by the county treasurer,  
3 upon certification by the superintendent.

1 19. The superintendent and his chief deputy and assistants shall have  
2 and possess all the powers of constables, policemen and other peace officers.

1 20. The superintendent and his chief deputy and assistants are hereby  
2 authorized and empowered and without warrant, to arrest any person violat-  
3 ing any provision of this Title.

4 The superintendent and his chief deputy and assistants, as the case may  
5 be, shall have the right and power to call upon any constable, police officer  
6 or other peace officer to aid in taking any person so arrested to the nearest  
7 police station in the municipality in which the arrest is made, and such con-  
8 stable, police officer or other peace officer shall render such aid.

9 Any constable, police officer or other peace officer failing to comply with  
10 such request shall be guilty of a misdemeanor.

1 21. Upon delivering the person so arrested to the officer in charge of the  
2 police station to which he is removed, such officer shall hold and detain the  
3 person so arrested until ordered released by the magistrate taking the com-  
4 plaint hereinafter provided for or by other process of law.

1 22. Upon delivering the person so arrested to the officer in charge of such  
2 police station the superintendent or his chief deputy and assistants, as the  
3 case may be, making the arrest, shall forthwith and as soon as may be make  
4 and sign before a magistrate of the municipality in which the arrest was  
5 made a complaint in writing, duly verified, setting forth the particular act for  
6 which such person was arrested. Upon the complaint being made, the magis-  
7 trate before whom it is made shall forthwith and as soon as may be cause the

8 person so arrested to be brought before him and proceed on such com-  
9 plaint, as in the case of other persons arrested on a complaint charging a  
10 criminal offense.

1     23. The superintendent, his chief deputy and assistants are hereby au-  
2 thorized and empowered to remove from any polling place or place where any  
3 election is being held any person found violating any provision of this Title  
4 or in any way unlawfully interfering with the lawful conduct of any election.

1     24. In addition to the foregoing, said superintendent of elections hereby  
2 is constituted the commissioner of registration for said county and he shall,  
3 within the county, have and exercise all the powers of, and be charged with  
4 all the duties had and exercised and required to be performed by, the super-  
5 intendent of elections and the commissioner of registration in any county  
6 of the first class including the custody and control of voting machines here-  
7 tofore or hereafter installed in the county in any manner provided by law,  
8 except those heretofore or hereafter installed in any municipality by the gov-  
9 erning body thereof, which shall be placed and remain in the custody of the  
10 municipal clerk unless taken over by the county according to law.

1     25. If during the fiscal year in which this act becomes effective, the board  
2 of chosen freeholders of the county shall not have made provision in its an-  
3 nual budget for the payment of the salaries and other expenses of the  
4 superintendent of elections and his office during such fiscal year, all appro-  
5 priations made in said budget to the county board of elections, except those  
6 made for the payment of the salaries of the members of said board and the  
7 expenses of the board in connection with the functions to be performed by it  
8 during said year, notwithstanding the provisions of this act, shall be trans-  
9 ferred and made available to the superintendent of elections for the carrying  
10 out of the powers and functions vested in him under this act, which shall in-  
11 clude all appropriations for (a) salaries and wages, except for the salaries of  
12 the members of the board, (b) the control and conduct of permanent regis-  
13 tration, and (c) the custody, maintenance and distribution of voting  
14 machines.

1 26. All employees of the county board of elections of the county hereby  
2 are transferred to the office of superintendent of elections but the board of  
3 chosen freeholders may provide two clerks for the county board of elections  
4 and fix the salary to be paid to such clerks.

1 27. In the event that said appropriations shall not be sufficient to pro-  
2 vide full payment of the salaries and other expenses of the superintendent  
3 of elections and his office and of the county board of elections and its office,  
4 during such fiscal year, the board of chosen freeholders shall appropriate and  
5 use any county funds, not otherwise appropriated or dedicated, for such  
6 purposes.

1 28. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 333

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1947

By Mr. KATES

Referred to Committee on Elections

AN ACT to establish a superintendent of elections in counties having not less than two hundred fifty thousand, and not more than three hundred thousand inhabitants, and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes.

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*Wording of  
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3 plaints relating to the registration of voters, and for that purpose the super-  
4 intendents and their assistants shall have full power and authority to visit  
5 and inspect any house, dwelling, building, inn, lodging house or hotel and in-  
6 terrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or  
7 landlord thereof or therein as to any person or persons residing or claiming  
8 to reside therein or thereat; to inspect and copy any books, records, papers  
9 or documents relating to or affecting the elections, either general, special,  
10 primary or municipal, or the registration of voters in the custody and con-  
11 trol of district boards, county boards, or the clerks or other officers of mu-  
12 nicipalities; to require every lodging-house keeper, landlord or proprietor  
13 to exhibit his register of lodges therein at any time to the superintendent, his  
14 subordinates or any other person so designated by such superintendent.

15 Any person who neglects or refuses to furnish any information required  
16 or authorized by this Title, or to exhibit the records, papers, or documents  
17 herein authorized to be inspected, or which are required to be exhibited, shall  
18 be guilty of a misdemeanor.

1 6. The superintendent shall have power to issue subpoenas for the pur-  
2 pose of investigating any complaint of violation of the election laws of the  
3 State, such subpoenas to be issued in the name of the superintendent and for  
4 the purpose of aiding him in enforcing the provisions of the election laws.  
5 He may in proper cases issue subpoenas duces tecum. A subpoena issued by  
6 the superintendent may be served by any peace officer or any other person  
7 designated by him for that purpose.

8 A person who shall omit, neglect or refuse to obey a subpoena attested in  
9 the name of the superintendent and made returnable by him or who shall  
10 refuse to testify under oath before such superintendent shall be guilty of a  
11 misdemeanor and punished accordingly.

12 A person who shall make any false statement under oath before the super-  
13 intendent shall be guilty of a misdemeanor and punished accordingly.

1 7. The superintendent, his subordinates, or any person or persons desig-  
2 nated by him, may attend at any election, any of whom shall be admitted at  
3 any time within any polling place and within the guard rails thereof.

1 8. When directed by the superintendent, every landlord, proprietor,  
2 lessee or keeper of a lodging house, inn or hotel shall keep a register in  
3 which shall be entered the names and residences, the date of arrival and de-  
4 parture of his guests, and the room, rooms or bed occupied by them. This  
5 register shall be arranged so that there shall be a space on the same line in  
6 which each male guest or male lodger shall sign his name.

7 Such landlord, proprietor, lessee or keeper shall make a sworn report  
8 upon a blank to be prepared and furnished by the superintendent thirty days  
9 before the election next ensuing to such superintendent, containing a de-  
10 tailed description of the premises so used and occupied as a lodging house,  
11 inn or hotel, including the size and character of building, and in case only  
12 part of a building is so used, a statement as to what part, and the names of

13 the lodgers therein, and all the employees, and all other persons living  
14 therein, including the landlord, proprietor, lessee or keeper, and members  
15 of his family, who claim a voting residence at or in such lodging house, inn  
16 or hotel, together with the length of time they have been regularly lodged  
17 or lived therein, the beginning of such residence, the color, approximate age,  
18 height, weight, whereby the persons may be identified, the nationality, the  
19 occupation and place of business of such persons, and the room occupied by  
20 each person, and whether the person is a guest, landlord, proprietor, lessee  
21 or keeper, and the signature of each person. Above the space reserved for  
22 the signature of each such person shall be printed the following words, "the  
23 foregoing statements are true." In the form of affidavit, which shall be  
24 sworn to by the landlord, proprietor, lessee or keeper of such lodging house,  
25 inn or hotel, shall be included the statement that the signatures of the guests  
26 or lodgers certified to in such report were written in the presence of such  
27 landlord, proprietor, lessee or keeper, and that he personally knows them to  
28 be the persons therein described.

29 To the end that the sworn report herein required shall truly set forth the  
30 facts therein stated, such landlord, proprietor, lessee or keeper shall question  
31 each male person lodging or living in the lodging house, inn or hotel as to his  
32 intention of claiming such place as a voting residence, and the person shall  
33 thereupon declare his intention thereof, and if he shall claim the place as his  
34 voting residence he shall give to such landlord, proprietor, lessee or keeper  
35 such facts regarding himself as are required to be incorporated in the sworn  
36 report herein provided for. Such report and affidavit shall be filed person-  
37 ally by the landlord, proprietor, lessee or keeper with the superintendent at  
38 his office.

39 Any such landlord, proprietor, lessee or keeper or any lodger who shall  
40 violate this section shall be deemed guilty of a misdemeanor.

1 9. The superintendent, his chief deputy or assistants, shall have the  
2 power, when in his or their judgment it is deemed necessary at any election,  
3 upon the completion of the counting and canvassing of the ballots by any dis-

4 trict board, to enter any place containing ballot boxes for the purpose of taking  
5 possession and sealing any ballot box or boxes with a seal to be adopted by  
6 the superintendent. When any ballot box shall be so sealed it may be re-  
7 moved to a vault or other place of security by the superintendent, his chief  
8 deputy or assistants, but shall not be opened and the seal thereof destroyed  
9 or affected without an order first had and obtained from a justice of the Su-  
10 preme Court. Taping or any other mechanical device may be used to make  
11 such sealing secure.

1     10. Any person preventing, hindering or interfering with the said super-  
2 intendent or his chief deputy or assistants in sealing such ballot box or  
3 boxes shall be guilty of a misdemeanor, and shall be punished by imprison-  
4 ment for a term not exceeding three years, or by the payment of a fine not ex-  
5 ceeding one thousand dollars (\$1,000.00), or both.

1     11. Any person who destroys, defaces or removes, or attempts to destroy,  
2 deface or remove, such a seal shall be guilty of a misdemeanor, and shall be  
3 punished by imprisonment for a term not exceeding three years, or by the  
4 payment of a fine not exceeding one thousand dollars (\$1,000.00), or both.

1     12. The powers herein granted may be exercised by the superintendent,  
2 his chief deputy or assistants, upon the completion of the counting and can-  
3 vassing of the ballots at any election by the district board or within a  
4 period of ninety days thereafter.

1     13. The superintendent shall investigate all registry lists prior to the  
2 holding of any election. When as a result of such investigation or during the  
3 course thereof the superintendent shall ascertain that a person registered  
4 has died or been disqualified by conviction of a crime which would dis-  
5 franchise a person under the laws of this State, or never has resided at the  
6 place of registry or is registered from some place other than his actual resi-  
7 dence or does not possess the qualifications to vote required by the constitu-  
8 tion of this State or is otherwise not entitled to vote at such election, the  
9 superintendent shall serve an order in writing, signed by him, upon the

10 proper district board, ordering it to refuse to allow such person to vote at  
11 the election.

12 No such order shall be signed by the superintendent unless notice to the  
13 person to be affected shall be given as hereinafter provided.

1 14. The superintendent, before signing such order in writing to any dis-  
2 trict board, shall give notice of his proposed action to such registered per-  
3 son, (1) personally, or (2) by leaving the same at the person's registered  
4 place of residence with a person above the age of fourteen years, if any such  
5 person can be found, and if not, by affixing the same to the outer door of such  
6 place of residence or to any other portion of such premises if no building be  
7 found thereon, or (3) by sending the same by mail addressed to the person  
8 at his registered place of residence at least two entire days before the issu-  
9 ance of the order. The superintendent also shall cause a list of the names  
10 of such persons, with their registry addresses, to be published at least two  
11 entire days before the issuance of the order in two or more newspapers pub-  
12 lished within the county, at least one of which shall be a daily newspaper.

13 Such published notice, in addition to containing the names and addresses  
14 of such persons, shall give notice to them of the proposed action of the  
15 superintendent. No such order in writing shall be signed by the superin-  
16 tendent subsequent to the Tuesday preceding an election.

1 15. The superintendent shall cause such order to be delivered to the dis-  
2 trict board at the same time as the challenge lists are delivered, which order  
3 shall be receipted for by the judge of the district board, who shall use the  
4 order in conjunction with the registry list, so that no person whose name  
5 appears upon the order shall be allowed to vote. Such order shall be  
6 signed and certified to by each member of the district board to the effect that  
7 no person whose name appears therein has been allowed to vote. The order  
8 shall be returned to the superintendent at the same time and together with  
9 the challenge lists.

10 The superintendent, concurrently with the return of such order, shall  
11 deliver to the commissioner a true copy, certified by him as correct, of each

12 order delivered by him pursuant to this section to each district board. Upon  
13 receipt of such copy the commissioner shall thereupon transfer the perma-  
14 nent registration forms of the person named in such order to the inactive,  
15 death or conviction file, as the case may be, and he shall not be permitted to  
16 vote at any subsequent election, by court order or otherwise, unless he has  
17 reregistered.

1     16. Any person affected by the action of the superintendent shall during  
2 the week immediately preceding the election and on the election day have the  
3 right to make application to a judge of the court of common pleas of the  
4 county for the purpose of obtaining an order entitling him to vote in the dis-  
5 trict in which he actually resides. The burden of proof shall be upon the ap-  
6 plicant.

7     The judge of the court of common pleas, if satisfied that the applicant is  
8 entitled under the law to vote at such election and after determining the  
9 election district in which the person actually resides may issue an order  
10 directing the district board of that district to permit such person to vote. If  
11 the order is directed to a district board in municipalities having permanent  
12 registration, the district board shall certify and return the order to the com-  
13 missioner at the close of the election, who thereupon shall restore the  
14 permanent registration forms of such person to the active file. Before the  
15 issuance of such order, the superintendent shall be heard personally, or by  
16 his chief deputy or assistants, as to the reasons why he has issued an order  
17 denying such person the right to vote. The superintendent or any one repre-  
18 senting him shall have full power to cross-examine any witness.

19     The judge of the court of common pleas making such order shall cause  
20 a full record of the proceedings of the application to be taken steno-  
21 graphically, transcribed and filed in the office of the county clerk of the county,  
22 which record shall be an open and public record. All costs and expense of  
23 such proceedings shall be paid by the county.

1     17. Any member of a district board who, after the receipt of an order  
2 from the superintendent denying any person the right to vote, unless the

3 order of the superintendent has been revoked by a judge of the court of  
4 common pleas of the county, as herein above provided, allows such person  
5 to vote, shall be guilty of a misdemeanor, shall forfeit his right to such office  
6 and be subject to imprisonment for a term not exceeding three years, or the  
7 payment of a fine of one thousand dollars (\$1,000.00), or both.

1 18. Any expense in connection with the service, mailing or advertising  
2 of the notices as hereinbefore provided shall be paid by the county treasurer,  
3 upon certification by the superintendent.

1 19. The superintendent and his chief deputy and assistants shall have  
2 and possess all the powers of constables, policemen and other peace officers.

1 20. The superintendent and his chief deputy and assistants are hereby  
2 authorized and empowered and without warrant, to arrest any person violat-  
3 ing any provision of this Title.

4 The superintendent and his chief deputy and assistants, as the case may  
5 be, shall have the right and power to call upon any constable, police officer  
6 or other peace officer to aid in taking any person so arrested to the nearest  
7 police station in the municipality in which the arrest is made, and such con-  
8 stable, police officer or other peace officer shall render such aid.

9 Any constable, police officer or other peace officer failing to comply with  
10 such request shall be guilty of a misdemeanor.

1 21. Upon delivering the person so arrested to the officer in charge of the  
2 police station to which he is removed, such officer shall hold and detain the  
3 person so arrested until ordered released by the magistrate taking the com-  
4 plaint hereinafter provided for or by other process of law.

1 22. Upon delivering the person so arrested to the officer in charge of such  
2 police station the superintendent or his chief deputy and assistants, as the  
3 case may be, making the arrest, shall forthwith and as soon as may be make  
4 and sign before a magistrate of the municipality in which the arrest was  
5 made a complaint in writing, duly verified, setting forth the particular act for  
6 which such person was arrested. Upon the complaint being made, the magis-  
7 trate before whom it is made shall forthwith and as soon as may be cause the

8 person so arrested to be brought before him and proceed on such com-  
9 plaint, as in the case of other persons arrested on a complaint charging a  
10 criminal offense.

1 23. The superintendent, his chief deputy and assistants are hereby au-  
2 thorized and empowered to remove from any polling place or place where any  
3 election is being held any person found violating any provision of this Title  
4 or in any way unlawfully interfering with the lawful conduct of any election.

1 24. In addition to the foregoing, said superintendent of elections hereby  
2 is constituted the commissioner of registration for said county and he shall,  
3 within the county, have and exercise all the powers of, and be charged with  
4 all the duties had and exercised and required to be performed by, the super-  
5 intendent of elections and the commissioner of registration in any county  
6 of the first class including the custody and control of voting machines here-  
7 tofore or hereafter installed in the county in any manner provided by law,  
8 except those heretofore or hereafter installed in any municipality by the gov-  
9 erning body thereof, which shall be placed and remain in the custody of the  
10 municipal clerk unless taken over by the county according to law.

1 25. If during the fiscal year in which this act becomes effective, the board  
2 of chosen freeholders of the county shall not have made provision in its an-  
3 nual budget for the payment of the salaries and other expenses of the  
4 superintendent of elections and his office during such fiscal year, all appro-  
5 priations made in said budget to the county board of elections, except those  
6 made for the payment of the salaries of the members of said board and the  
7 expenses of the board in connection with the functions to be performed by it  
8 during said year, notwithstanding the provisions of this act, shall be trans-  
9 ferred and made available to the superintendent of elections for the carrying  
10 out of the powers and functions vested in him under this act, which shall in-  
11 clude all appropriations for (a) salaries and wages, except for the salaries of  
12 the members of the board, (b) the control and conduct of permanent regis-  
13 tration, and (c) the custody, maintenance and distribution of voting  
14 machines.

1     26. All employees of the county board of elections of the county hereby  
2 are transferred to the office of superintendent of elections but the board of  
3 chosen freeholders may provide two clerks for the county board of elections  
4 and fix the salary to be paid to such clerks.

1     27. In the event that said appropriations shall not be sufficient to pro-  
2 vide full payment of the salaries and other expenses of the superintendent  
3 of elections and his office and of the county board of elections and its office,  
4 during such fiscal year, the board of chosen freeholders shall appropriate and  
5 use any county funds, not otherwise appropriated or dedicated, for such  
6 purposes.

1     28. This act shall take effect immediately.

**ASSEMBLY, No. 333**

**STATE OF NEW JERSEY**

ADOPTED MARCH 25, 1947

AN ACT concerning elections, and supplementing chapter thirty-two of Title 19  
of the Revised Statutes.

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

1 1. The office of superintendent of elections in counties of the second  
2 class is established. The offices shall be filled by some suitable persons  
3 who shall be nominated by the Governor with the advice and consent of  
4 the Senate and who shall hold office for the term of five years from the  
5 date of appointment and until their successors are appointed and have  
6 qualified; *provided, however,* that such office shall not be filled and no per-  
7 son shall be appointed thereof in any county of the second class unless  
8 the board of chosen freeholders of such county shall, by resolution, request  
9 the Governor to make such appointment. Each superintendent so appointed  
10 shall receive a salary of four thousand dollars (\$4,000.00) per annum to  
11 be paid by the county treasurer and shall have his office in the county for  
12 which he is appointed. Vacancies shall be filled in the same manner as  
13 original appointments, but shall be for the unexpired term only.

1 2. Whenever any superintendent of elections shall be appointed in coun-  
2 ties of the second class as hereinbefore provided, the county board of elec-  
3 tions of such counties shall turn over to such superintendent all records of  
4 the registration of voters together with all books, if any, in which they are  
5 filed and the racks in which the same are stored and shall further turn over  
6 all card indexes together with the cabinets in which they are filed in, all

7 voting machines and any and all other equipment, records, books and forms  
8 be the same used or unused which shall pertain to the registration of voters.

1     3. If during the fiscal year in which this act becomes effective, the board  
2 of chosen freeholders of the county shall not have made provision in its an-  
3 nual budget for the payment of the salaries and other expenses of the  
4 superintendent of elections and his office during such fiscal year, all appro-  
5 priations made in said budget to the county board of elections, except those  
6 made for the payment of the salaries of the members of said board and the  
7 expenses of the board in connection with the functions to be performed by it  
8 during said year, notwithstanding the provisions of this act, shall be trans-  
9 ferred and made available to the superintendent of elections for the carrying  
10 out of the powers and functions vested in him under this act, which shall in-  
11 clude all appropriations for (a) salaries and wages, except for the salaries of  
12 the members of the board, (b) the control and conduct of permanent regis-  
13 tration, and (c) the custody, maintenance and distribution of voting  
14 machines.

1     4. In the event that said appropriations shall not be sufficient to pro-  
2 vide full payment of the salaries and other expenses of the superintendent  
3 of elections and his office and of the county board of elections and its office,  
4 during such fiscal year, the board of chosen freeholders shall appropriate and  
5 use any county funds, not otherwise appropriated or dedicated, for such  
6 purposes.

1     5. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE "A" FOR

ASSEMBLY, No. 333

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# STATE OF NEW JERSEY

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ADOPTED MARCH 25, 1947

AN ACT concerning elections, and supplementing chapter thirty-two of Title 19  
of the Revised Statutes.

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

1 1. The office of superintendent of elections in counties of the second  
2 class is established. The offices shall be filled by some suitable persons  
3 who shall be nominated by the Governor with the advice and consent of  
4 the Senate and who shall hold office for the term of five years from the  
5 date of appointment and until their successors are appointed and have  
6 qualified; *provided, however,* that such office shall not be filled and no per-  
7 son shall be appointed thereof in any county of the second class unless  
8 the board of chosen freeholders of such county shall, by resolution, request  
9 the Governor to make such appointment. Each superintendent so appointed  
10 shall receive a salary of four thousand dollars (\$4,000.00) per annum to  
11 be paid by the county treasurer and shall have his office in the county for  
12 which he is appointed. Vacancies shall be filled in the same manner as  
13 original appointments, but shall be for the unexpired term only.

1 2. Whenever any superintendent of elections shall be appointed in coun-  
2 ties of the second class as hereinbefore provided, the county board of elec-  
3 tions of such counties shall turn over to such superintendent all records of  
4 the registration of voters together with all books, if any, in which they are  
5 filed and the racks in which the same are stored and shall further turn over  
6 all card indexes together with the cabinets in which they are filed in, all

7 voting machines and any and all other equipment, records, books and forms  
8 be the same used or unused which shall pertain to the registration of voters.

1 3. If during the fiscal year in which this act becomes effective, the board  
2 of chosen freeholders of the county shall not have made provision in its an-  
3 nual budget for the payment of the salaries and other expenses of the  
4 superintendent of elections and his office during such fiscal year, all appro-  
5 priations made in said budget to the county board of elections, except those  
6 made for the payment of the salaries of the members of said board and the  
7 expenses of the board in connection with the functions to be performed by it  
8 during said year, notwithstanding the provisions of this act, shall be trans-  
9 ferred and made available to the superintendent of elections for the carrying  
10 out of the powers and functions vested in him under this act, which shall in-  
11 clude all appropriations for (a) salaries and wages, except for the salaries of  
12 the members of the board, (b) the control and conduct of permanent regis-  
13 tration, and (c) the custody, maintenance and distribution of voting  
14 machines.

1 4. In the event that said appropriations shall not be sufficient to pro-  
2 vide full payment of the salaries and other expenses of the superintendent  
3 of elections and his office and of the county board of elections and its office,  
4 during such fiscal year, the board of chosen freeholders shall appropriate and  
5 use any county funds, not otherwise appropriated or dedicated, for such  
6 purposes.

1 5. This act shall take effect immediately.

ASSEMBLY, No. 333

STATE OF NEW JERSEY

ADOPTED APRIL 1, 1947

AN ACT to authorize the board of chosen freeholders of any county of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes.

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

1 1. In any county of the second class the board of chosen freeholders may  
2 establish, by resolution, the office of superintendent of elections for the county,  
3 and said office when once established shall not be altered or abolished.

4 The board of chosen freeholders shall file a certified copy of such resolu-  
5 tion, attested by the director and clerk of the board, in the office of the Secre-  
6 tary of State within ten days after the adoption of the resolution, and the  
7 resolution shall take effect at the expiration of thirty days after the next  
8 primary election for the general election, or the next general election, after  
9 the adoption of such resolution, whichever shall occur first.

10 The office so established shall be filled by some suitable person who shall  
11 be nominated by the Governor with the advice and consent of the Senate for  
12 a term of five years from the date of his appointment and until his successor  
13 is appointed and shall have qualified.

14 Each superintendent so appointed shall receive a salary of four thousand  
15 dollars (\$4,000.00) per annum to be paid by the county treasurer and shall  
16 have his office in the county for which he is appointed.

17 Vacancies shall be filled, for the unexpired terms only, in the same man-  
18 ner as original appointments are made.

1 2. Each superintendent may appoint a chief deputy, a clerk, a secretary  
2 and any other assistants he considers necessary to carry out the provisions  
3 of this Title, and may remove the same whenever he deems it necessary.  
4 Those so appointed shall not be subject to any of the provisions of Title 11,  
5 Civil Service, but shall be in the unclassified service. Each superintendent  
6 shall fix the salaries of the persons so appointed and such salaries certified to  
7 and approved under his hand shall be paid semimonthly by the county treas-  
8 urer of the county in which such persons are so engaged. All other neces-  
9 sary expenses incurred in carrying out the provisions of this Title when  
10 certified to and approved by the superintendent shall be paid by the county  
11 treasurer of the county in which the superintendent shall maintain his office.

1 3. All necessary expenses incurred in carrying out the provisions of this  
2 Title when certified to and approved by such superintendent in connection  
3 with an election held in and for a municipality only shall be paid by the mu-  
4 nicipality.

1 4. The board of chosen freeholders of such counties shall provide suitable  
2 room or rooms for the transaction of the business of such superintendent and  
3 procure suitable furniture therefor and any books, stationery, fuel and sup-  
4 plies that may be necessary from time to time. It shall provide a proper  
5 place for the safe-keeping of the records and papers.

1 5. Such superintendents and their assistants, in order to enforce the laws  
2 of this State regarding the conduct of elections, shall investigate all com-  
3 plaints relating to the registration of voters, and for that purpose the super-  
4 intendents and their assistants shall have full power and authority to visit  
5 and inspect any house, dwelling, building, inn, lodging house or hotel and in-  
6 terrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or  
7 landlord thereof or therein as to any person or persons residing or claiming  
8 to reside therein or thereat; to inspect and copy any books, records, papers  
9 or documents relating to or affecting the elections, either general, special,

10 primary or municipal, or the registration of voters in the custody and con-  
 11 trol of district boards, county boards, or the clerks or other officers of mu-  
 12 nicipalities; to require every lodging-house keeper, landlord or proprietor  
 13 to exhibit his register of lodges therein at any time to the superintendent, his  
 14 subordinates or any other person so designated by such superintendent.

15 Any person who neglects or refuses to furnish any information required  
 16 or authorized by this Title, or to exhibit the records, papers, or documents  
 17 herein authorized to be inspected, or which are required to be exhibited, shall  
 18 be guilty of a misdemeanor.

1 6. The superintendent shall have power to issue subpoenas for the pur-  
 2 pose of investigating any complaint of violation of the election laws of the  
 3 State, such subpoenas to be issued in the name of the superintendent and for  
 4 the purpose of aiding him in enforcing the provisions of the election laws.  
 5 He may in proper cases issue subpoenas duces tecum. A subpoena issued by  
 6 the superintendent may be served by any peace officer or any other person  
 7 designated by him for that purpose.

8 A person who shall omit, neglect or refuse to obey a subpoena attested in  
 9 the name of the superintendent and made returnable by him or who shall  
 10 refuse to testify under oath before such superintendent shall be guilty of a  
 11 misdemeanor and punished accordingly.

12 A person who shall make any false statement under oath before the super-  
 13 intendent shall be guilty of a misdemeanor and punished accordingly.

1 7. The superintendent, his subordinates, or any person or persons desig-  
 2 nated by him, may attend at any election, any of whom shall be admitted at  
 3 any time within any polling place and within the guard rails thereof.

1 8. When directed by the superintendent, every landlord, proprietor,  
 2 lessee or keeper of a lodging house, inn or hotel shall keep a register in  
 3 which shall be entered the names and residences, the date of arrival and de-  
 4 parture of his guests, and the room, rooms or bed occupied by them. This  
 5 register shall be arranged so that there shall be a space on the same line in  
 6 which each male guest or male lodger shall sign his name.

7 Such landlord, proprietor, lessee or keeper shall make a sworn report  
8 upon a blank to be prepared and furnished by the superintendent thirty days  
9 before the election next ensuing to such superintendent, containing a de-  
10 tailed description of the premises so used and occupied as a lodging house,  
11 inn or hotel, including the size and character of building, and in case only  
12 part of a building is so used, a statement as to what part, and the names of  
13 the lodgers therein, and all the employees, and all other persons living  
14 therein, including the landlord, proprietor, lessee or keeper, and members  
15 of his family, who claim a voting residence at or in such lodging house, inn  
16 or hotel, together with the length of time they have been regularly lodged  
17 or lived therein, the beginning of such residence, the color, approximate age,  
18 height, weight, whereby the persons may be identified, the nationality, the  
19 occupation and place of business of such persons, and the room occupied by  
20 each person, and whether the person is a guest, landlord, proprietor, lessee  
21 or keeper, and the signature of each person. Above the space reserved for  
22 the signature of each such person shall be printed the following words, "the  
23 foregoing statements are true." In the form of affidavit, which shall be  
24 sworn to by the landlord, proprietor, lessee or keeper of such lodging house,  
25 inn or hotel, shall be included the statement that the signatures of the guests  
26 or lodgers certified to in such report were written in the presence of such  
27 landlord, proprietor, lessee or keeper, and that he personally knows them to  
28 be the persons therein described.

29 To the end that the sworn report herein required shall truly set forth the  
30 facts therein stated, such landlord, proprietor, lessee or keeper shall question  
31 each male person lodging or living in the lodging house, inn or hotel as to his  
32 intention of claiming such place as a voting residence, and the person shall  
33 thereupon declare his intention thereof, and if he shall claim the place as his  
34 voting residence he shall give to such landlord, proprietor, lessee or keeper  
35 such facts regarding himself as are required to be incorporated in the sworn  
36 report herein provided for. Such report and affidavit shall be filed person-

37 ally by the landlord, proprietor, lessee or keeper with the superintendent at  
38 his office.

39 Any such landlord, proprietor, lessee or keeper or any lodger who shall  
40 violate this section shall be deemed guilty of a misdemeanor.

1 9. The superintendent, his chief deputy or assistants, shall have the  
2 power, when in his or their judgment it is deemed necessary at any election,  
3 upon the completion of the counting and canvassing of the ballots by any dis-  
4 trict board, to enter any place containing ballot boxes for the purpose of taking  
5 possession and sealing any ballot box or boxes with a seal to be adopted by  
6 the superintendent. When any ballot box shall be so sealed it may be re-  
7 moved to a vault or other place of security by the superintendent, his chief  
8 deputy or assistants, but shall not be opened and the seal thereof destroyed  
9 or affected without an order first had and obtained from a justice of the Su-  
10 preme Court. Taping or any other mechanical device may be used to make  
11 such sealing secure.

1 10. Any person preventing, hindering or interfering with the said super-  
2 intendent or his chief deputy or assistants in sealing such ballot box or  
3 boxes shall be guilty of a misdemeanor, and shall be punished by imprison-  
4 ment for a term not exceeding three years, or by the payment of a fine not ex-  
5 ceeding one thousand dollars (\$1,000.00), or both.

1 11. Any person who destroys, defaces or removes, or attempts to destroy,  
2 deface or remove, such a seal shall be guilty of a misdemeanor, and shall be  
3 punished by imprisonment for a term not exceeding three years, or by the  
4 payment of a fine not exceeding one thousand dollars (\$1,000.00), or both.

1 12. The powers herein granted may be exercised by the superintendent,  
2 his chief deputy or assistants, upon the completion of the counting and can-  
3 vassing of the ballots at any election by the district board or within a  
4 period of ninety days thereafter.

1 13. The superintendent shall investigate all registry lists prior to the  
2 holding of any election. When as a result of such investigation or during the  
3 course thereof the superintendent shall ascertain that a person registered

4 has died or been disqualified by conviction of a crime which would dis-  
5 franchise a person under the laws of this State, or never has resided at the  
6 place of registry or is registered from some place other than his actual resi-  
7 dence or does not possess the qualifications to vote required by the constitu-  
8 tion of this State or is otherwise not entitled to vote at such election, the  
9 superintendent shall serve an order in writing, signed by him, upon the  
10 proper district board, ordering it to refuse to allow such person to vote at  
11 the election.

12 No such order shall be signed by the superintendent unless notice to the  
13 person to be affected shall be given as hereinafter provided.

1 14. The superintendent, before signing such order in writing to any dis-  
2 trict board, shall give notice of his proposed action to such registered per-  
3 son, (1) personally, or (2) by leaving the same at the person's registered  
4 place of residence with a person above the age of fourteen years, if any such  
5 person can be found, and if not, by affixing the same to the outer door of such  
6 place of residence or to any other portion of such premises if no building be  
7 found thereon, or (3) by sending the same by mail addressed to the person  
8 at his registered place of residence at least two entire days before the issu-  
9 ance of the order. The superintendent also shall cause a list of the names  
10 of such persons, with their registry addresses, to be published at least two  
11 entire days before the issuance of the order in two or more newspapers pub-  
12 lished within the county, at least one of which shall be a daily newspaper.

13 Such published notice, in addition to containing the names and addresses  
14 of such persons, shall give notice to them of the proposed action of the  
15 superintendent. No such order in writing shall be signed by the superin-  
16 tendent subsequent to the Tuesday preceding an election.

1 15. The superintendent shall cause such order to be delivered to the dis-  
2 trict board at the same time as the challenge lists are delivered, which order  
3 shall be receipted for by the judge of the district board, who shall use the  
4 order in conjunction with the registry list, so that no person whose name  
5 appears upon the order shall be allowed to vote. Such order shall be

6 signed and certified to by each member of the district board to the effect that  
7 no person whose name appears therein has been allowed to vote. The order  
8 shall be returned to the superintendent at the same time and together with  
9 the challenge lists.

10 The superintendent, concurrently with the return of such order, shall  
11 deliver to the commissioner a true copy, certified by him as correct, of each  
12 order delivered by him pursuant to this section to each district board. Upon  
13 receipt of such copy the commissioner shall thereupon transfer the perma-  
14 nent registration forms of the person named in such order to the inactive,  
15 death or conviction file, as the case may be, and he shall not be permitted to  
16 vote at any subsequent election, by court order or otherwise, unless he has  
17 reregistered.

1 16. Any person affected by the action of the superintendent shall during  
2 the week immediately preceding the election and on the election day have the  
3 right to make application to a judge of the court of common pleas of the  
4 county for the purpose of obtaining an order entitling him to vote in the dis-  
5 trict in which he actually resides. The burden of proof shall be upon the ap-  
6 plicant.

7 The judge of the court of common pleas, if satisfied that the applicant is  
8 entitled under the law to vote at such election and after determining the  
9 election district in which the person actually resides may issue an order  
10 directing the district board of that district to permit such person to vote. If  
11 the order is directed to a district board in municipalities having permanent  
12 registration, the district board shall certify and return the order to the com-  
13 missioner at the close of the election, who thereupon shall restore the  
14 permanent registration forms of such person to the active file. Before the  
15 issuance of such order, the superintendent shall be heard personally, or by  
16 his chief deputy or assistants, as to the reasons why he has issued an order  
17 denying such person the right to vote. The superintendent or any one repre-  
18 senting him shall have full power to cross-examine any witness.

19 The judge of the court of common pleas making such order shall cause  
20 a full record of the proceedings of the application to be taken steno-  
21 graphically, transcribed and filed in the office of the county clerk of the county,  
22 which record shall be an open and public record. All costs and expense of  
23 such proceedings shall be paid by the county.

1 17. Any member of a district board who, after the receipt of an order  
2 from the superintendent denying any person the right to vote, unless the  
3 order of the superintendent has been revoked by a judge of the court of  
4 common pleas of the county, as herein above provided, allows such person  
5 to vote, shall be guilty of a misdemeanor, shall forfeit his right to such office  
6 and be subject to imprisonment for a term not exceeding three years, or the  
7 payment of a fine of one thousand dollars (\$1,000.00), or both.

1 18. Any expense in connection with the service, mailing or advertising  
2 of the notices as hereinbefore provided shall be paid by the county treasurer,  
3 upon certification by the superintendent.

1 19. The superintendent and his chief deputy and assistants shall have  
2 and possess all the powers of constables, policemen and other peace officers.

1 20. The superintendent and his chief deputy and assistants are hereby  
2 authorized and empowered and without warrant, to arrest any person violat-  
3 ing any provision of this Title.

4 The superintendent and his chief deputy and assistants, as the case may  
5 be, shall have the right and power to call upon any constable, police officer  
6 or other peace officer to aid in taking any person so arrested to the nearest  
7 police station in the municipality in which the arrest is made, and such con-  
8 stable, police officer or other peace officer shall render such aid.

9 Any constable, police officer or other peace officer failing to comply with  
10 such request shall be guilty of a misdemeanor.

1 21. Upon delivering the person so arrested to the officer in charge of the  
2 police station to which he is removed, such officer shall hold and detain the  
3 person so arrested until ordered released by the magistrate taking the com-  
4 plaint hereinafter provided for or by other process of law.

1 22. Upon delivering the person so arrested to the officer in charge of such  
2 police station the superintendent or his chief deputy and assistants, as the  
3 case may be, making the arrest, shall forthwith and as soon as may be make  
4 and sign before a magistrate of the municipality in which the arrest was  
5 made a complaint in writing, duly verified, setting forth the particular act for  
6 which such person was arrested. Upon the complaint being made, the magis-  
7 trate before whom it is made shall forthwith and as soon as may be cause the  
8 person so arrested to be brought before him and proceed on such com-  
9 plaint, as in the case of other persons arrested on a complaint charging a  
10 criminal offense.

1 23. The superintendent, his chief deputy and assistants are hereby au-  
2 thorized and empowered to remove from any polling place or place where any  
3 election is being held any person found violating any provision of this Title  
4 or in any way unlawfully interfering with the lawful conduct of any election.

1 24. In addition to the foregoing, said superintendent of elections hereby  
2 is constituted the commissioner of registration for said county and he shall,  
3 within the county, have and exercise all the powers of, and be charged with  
4 all the duties had and exercised and required to be performed by, the super-  
5 intendent of elections and the commissioner of registration in any  
6 county, including the custody and control of voting machines here-  
7 tofore or hereafter installed in the county in any manner provided by law,  
8 except those heretofore or hereafter installed in any municipality by the gov-  
9 erning body thereof, which shall be placed and remain in the custody of the  
10 municipal clerk unless taken over by the county according to law.

1 25. If during the fiscal year in which this act becomes effective, the board  
2 of chosen freeholders of the county shall not have made provision in its an-  
3 nual budget for the payment of the salaries and other expenses of the  
4 superintendent of elections and his office during such fiscal year, all appro-  
5 priations made in said budget to the county board of elections, except those  
6 made for the payment of the salaries of the members of said board and the  
7 expenses of the board in connection with the functions to be performed by it

8 during said year, notwithstanding the provisions of this act, shall be transferred and made available to the superintendent of elections for the carrying out of the powers and functions vested in him under this act, which shall include all appropriations for (a) salaries and wages, except for the salaries of the members of the board, (b) the control and conduct of permanent registration, and (c) the custody, maintenance and distribution of voting machines.

1 26. All employees of the county board of elections of the county hereby  
2 are transferred to the office of superintendent of elections but the board of  
3 chosen freeholders may provide two clerks for the county board of elections  
4 and fix the salary to be paid to such clerks.

1 27. In the event that said appropriations shall not be sufficient to provide  
2 full payment of the salaries and other expenses of the superintendent  
3 of elections and his office and of the county board of elections and its office,  
4 during such fiscal year, the board of chosen freeholders shall appropriate and  
5 use any county funds, not otherwise appropriated or dedicated, for such  
6 purposes.

1 28. Upon the taking effect of such resolution the county board of elections  
2 of the county shall turn over to the superintendent of elections all voting  
3 machines of the county with the keys thereto, and all records, books,  
4 binders, folders, files, card indexes, documents and forms, used or unused,  
5 relating to or used or useful in connection with the registration of voters, or  
6 the use of voting machines, in the county, together with all racks, cabinets,  
7 furniture, equipment and supplies used or useful for the filing, storing, repair  
8 servicing or use of the same.

1 29. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]  
COMMITTEE SUBSTITUTE "A" FOR  
ASSEMBLY, No. 333

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STATE OF NEW JERSEY

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ADOPTED APRIL 1, 1947

AN ACT to authorize the board of chosen freeholders of any county of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes.

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

1 1. In any county of the second class the board of chosen freeholders may  
2 establish, by resolution, the office of superintendent of elections for the county,  
3 and said office when once established shall not be altered or abolished.

4 The board of chosen freeholders shall file a certified copy of such resolu-  
5 tion, attested by the director and clerk of the board, in the office of the Secre-  
6 tary of State within ten days after the adoption of the resolution, and the  
7 resolution shall take effect at the expiration of thirty days after the next  
8 primary election for the general election, or the next general election, after  
9 the adoption of such resolution, whichever shall occur first.

10 The office so established shall be filled by some suitable person who shall  
11 be nominated by the Governor with the advice and consent of the Senate for  
12 a term of five years from the date of his appointment and until his successor  
13 is appointed and shall have qualified.

14 Each superintendent so appointed shall receive a salary of four thousand  
15 dollars (\$4,000.00) per annum to be paid by the county treasurer and shall  
16 have his office in the county for which he is appointed.

17 Vacancies shall be filled, for the unexpired terms only, in the same man-  
18 ner as original appointments are made.

1 2. Each superintendent may appoint a chief deputy, a clerk, a secretary  
2 and any other assistants he considers necessary to carry out the provisions  
3 of this Title, and may remove the same whenever he deems it necessary.  
4 Those so appointed shall not be subject to any of the provisions of Title 11,  
5 Civil Service, but shall be in the unclassified service. Each superintendent  
6 shall fix the salaries of the persons so appointed and such salaries certified to  
7 and approved under his hand shall be paid semi-monthly by the county treas-  
8 urer of the county in which such persons are so engaged. All other neces-  
9 sary expenses incurred in carrying out the provisions of this Title when  
10 certified to and approved by the superintendent shall be paid by the county  
11 treasurer of the county in which the superintendent shall maintain his office.

1 3. All necessary expenses incurred in carrying out the provisions of this  
2 Title when certified to and approved by such superintendent in connection  
3 with an election held in and for a municipality only shall be paid by the mu-  
4 nicipality.

1 4. The board of chosen freeholders of such counties shall provide suitable  
2 room or rooms for the transaction of the business of such superintendent and  
3 procure suitable furniture therefor and any books, stationery, fuel and sup-  
4 plies that may be necessary from time to time. It shall provide a proper  
5 place for the safe-keeping of the records and papers.

1 5. Such superintendents and their assistants, in order to enforce the laws  
2 of this State regarding the conduct of elections, shall investigate all com-  
3 plaints relating to the registration of voters, and for that purpose the super-  
4 intendents and their assistants shall have full power and authority to visit  
5 and inspect any house, dwelling, building, inn, lodging house or hotel and in-  
6 terrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or  
7 landlord thereof or therein as to any person or persons residing or claiming  
8 to reside therein or thereat; to inspect and copy any books, records, papers  
9 or documents relating to or affecting the elections, either general, special.

10 primary or municipal, or the registration of voters in the custody and con-  
11 trol of district boards, county boards, or the clerks or other officers of mu-  
12 nicipalities; to require every lodging-house keeper, landlord or proprietor  
13 to exhibit his register of lodges therein at any time to the superintendent, his  
14 subordinates or any other person so designated by such superintendent.

15 Any person who neglects or refuses to furnish any information required  
16 or authorized by this Title, or to exhibit the records, papers, or documents  
17 herein authorized to be inspected, or which are required to be exhibited, shall  
18 be guilty of a misdemeanor.

1 6. The superintendent shall have power to issue subpoenas for the pur-  
2 pose of investigating any complaint of violation of the election laws of the  
3 State, such subpoenas to be issued in the name of the superintendent and for  
4 the purpose of aiding him in enforcing the provisions of the election laws.  
5 He may in proper cases issue subpoenas duces tecum. A subpoena issued by  
6 the superintendent may be served by any peace officer or any other person  
7 designated by him for that purpose.

8 A person who shall omit, neglect or refuse to obey a subpoena attested in  
9 the name of the superintendent and made returnable by him or who shall  
10 refuse to testify under oath before such superintendent shall be guilty of a  
11 misdemeanor and punished accordingly.

12 A person who shall make any false statement under oath before the super-  
13 intendent shall be guilty of a misdemeanor and punished accordingly.

1 7. The superintendent, his subordinates, or any person or persons desig-  
2 nated by him, may attend at any election, any of whom shall be admitted at  
3 any time within any polling place and within the guard rails thereof.

1 8. When directed by the superintendent, every landlord, proprietor,  
2 lessee or keeper of a lodging house, inn or hotel shall keep a register in  
3 which shall be entered the names and residences, the date of arrival and de-  
4 parture of his guests, and the room, rooms or bed occupied by them. This  
5 register shall be arranged so that there shall be a space on the same line in  
6 which each male guest or male lodger shall sign his name.

7 Such landlord, proprietor, lessee or keeper shall make a sworn report  
8 upon a blank to be prepared and furnished by the superintendent thirty days  
9 before the election next ensuing to such superintendent, containing a de-  
10 tailed description of the premises so used and occupied as a lodging house,  
11 inn or hotel, including the size and character of building, and in case only  
12 part of a building is so used, a statement as to what part, and the names of  
13 the lodgers therein, and all the employees, and all other persons living  
14 therein, including the landlord, proprietor, lessee or keeper, and members  
15 of his family, who claim a voting residence at or in such lodging house, inn  
16 or hotel, together with the length of time they have been regularly lodged  
17 or lived therein, the beginning of such residence, the color, approximate age,  
18 height, weight, whereby the persons may be identified, the nationality, the  
19 occupation and place of business of such persons, and the room occupied by  
20 each person, and whether the person is a guest, landlord, proprietor, lessee  
21 or keeper, and the signature of each person. Above the space reserved for  
22 the signature of each such person shall be printed the following words, "the  
23 foregoing statements are true." In the form of affidavit, which shall be  
24 sworn to by the landlord, proprietor, lessee or keeper of such lodging house,  
25 inn or hotel, shall be included the statement that the signatures of the guests  
26 or lodgers certified to in such report were written in the presence of such  
27 landlord, proprietor, lessee or keeper, and that he personally knows them to  
28 be the persons therein described.

29 To the end that the sworn report herein required shall truly set forth the  
30 facts therein stated, such landlord, proprietor, lessee or keeper shall question  
31 each male person lodging or living in the lodging house, inn or hotel as to his  
32 intention of claiming such place as a voting residence, and the person shall  
33 thereupon declare his intention thereof, and if he shall claim the place as his  
34 voting residence he shall give to such landlord, proprietor, lessee or keeper  
35 such facts regarding himself as are required to be incorporated in the sworn  
36 report herein provided for. Such report and affidavit shall be filed person-

37 ally by the landlord, proprietor, lessee or keeper with the superintendent at  
38 his office.

39 Any such landlord, proprietor, lessee or keeper or any lodger who shall  
40 violate this section shall be deemed guilty of a misdemeanor.

1 9. The superintendent, his chief deputy or assistants, shall have the  
2 power, when in his or their judgment it is deemed necessary at any election,  
3 upon the completion of the counting and canvassing of the ballots by any dis-  
4 trict board, to enter any place containing ballot boxes for the purpose of taking  
5 possession and sealing any ballot box or boxes with a seal to be adopted by  
6 the superintendent. When any ballot box shall be so sealed it may be re-  
7 moved to a vault or other place of security by the superintendent, his chief  
8 deputy or assistants, but shall not be opened and the seal thereof destroyed  
9 or affected without an order first had and obtained from a justice of the Su-  
10 preme Court. Taping or any other mechanical device may be used to make  
11 such sealing secure.

1 10. Any person preventing, hindering or interfering with the said super-  
2 intendent or his chief deputy or assistants in sealing such ballot box or  
3 boxes shall be guilty of a misdemeanor, and shall be punished by imprison-  
4 ment for a term not exceeding three years, or by the payment of a fine not ex-  
5 ceeding one thousand dollars (\$1,000.00), or both.

1 11. Any person who destroys, defaces or removes, or attempts to destroy,  
2 deface or remove, such a seal shall be guilty of a misdemeanor, and shall be  
3 punished by imprisonment for a term not exceeding three years, or by the  
4 payment of a fine not exceeding one thousand dollars (\$1,000.00), or both.

1 12. The powers herein granted may be exercised by the superintendent,  
2 his chief deputy or assistants, upon the completion of the counting and can-  
3 vassing of the ballots at any election by the district board or within a  
4 period of ninety days thereafter.

1 13. The superintendent shall investigate all registry lists prior to the  
2 holding of any election. When as a result of such investigation or during the  
3 course thereof the superintendent shall ascertain that a person registered

4 has died or been disqualified by conviction of a crime which would dis-  
5 franchise a person under the laws of this State, or never has resided at the  
6 place of registry or is registered from some place other than his actual resi-  
7 dence or does not possess the qualifications to vote required by the constitu-  
8 tion of this State or is otherwise not entitled to vote at such election, the  
9 superintendent shall serve an order in writing, signed by him, upon the  
10 proper district board, ordering it to refuse to allow such person to vote at  
11 the election.

12 No such order shall be signed by the superintendent unless notice to the  
13 person to be affected shall be given as hereinafter provided.

1 14. The superintendent, before signing such order in writing to any dis-  
2 trict board, shall give notice of his proposed action to such registered per-  
3 son, (1) personally, or (2) by leaving the same at the person's registered  
4 place of residence with a person above the age of fourteen years, if any such  
5 person can be found, and if not, by affixing the same to the outer door of such  
6 place of residence or to any other portion of such premises if no building be  
7 found thereon, or (3) by sending the same by mail addressed to the person  
8 at his registered place of residence at least two entire days before the issu-  
9 ance of the order. The superintendent also shall cause a list of the names  
10 of such persons, with their registry addresses, to be published at least two  
11 entire days before the issuance of the order in two or more newspapers pub-  
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13 Such published notice, in addition to containing the names and addresses  
14 of such persons, shall give notice to them of the proposed action of the  
15 superintendent. No such order in writing shall be signed by the superin-  
16 tendent subsequent to the Tuesday preceding an election.

1 15. The superintendent shall cause such order to be delivered to the dis-  
2 trict board at the same time as the challenge lists are delivered, which order  
3 shall be receipted for by the judge of the district board, who shall use the  
4 order in conjunction with the registry list, so that no person whose name  
5 appears upon the order shall be allowed to vote. Such order shall be

6 signed and certified to by each member of the district board to the effect that  
7 no person whose name appears therein has been allowed to vote. The order  
8 shall be returned to the superintendent at the same time and together with  
9 the challenge lists.

10 The superintendent, concurrently with the return of such order, shall  
11 deliver to the commissioner a true copy, certified by him as correct, of each  
12 order delivered by him pursuant to this section to each district board. Upon  
13 receipt of such copy the commissioner shall thereupon transfer the perma-  
14 nent registration forms of the person named in such order to the inactive,  
15 death or conviction file, as the case may be, and he shall not be permitted to  
16 vote at any subsequent election, by court order or otherwise, unless he has  
17 reregistered.

1 16. Any person affected by the action of the superintendent shall during  
2 the week immediately preceding the election and on the election day have the  
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4 county for the purpose of obtaining an order entitling him to vote in the dis-  
5 trict in which he actually resides. The burden of proof shall be upon the ap-  
6 plicant.

7 The judge of the court of common pleas, if satisfied that the applicant is  
8 entitled under the law to vote at such election and after determining the  
9 election district in which the person actually resides may issue an order  
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11 the order is directed to a district board in municipalities having permanent  
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13 missioner at the close of the election, who thereupon shall restore the  
14 permanent registration forms of such person to the active file. Before the  
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19 The judge of the court of common pleas making such order shall cause  
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3 order of the superintendent has been revoked by a judge of the court of  
4 common pleas of the county, as herein above provided, allows such person  
5 to vote, shall be guilty of a misdemeanor, shall forfeit his right to such office  
6 and be subject to imprisonment for a term not exceeding three years, or the  
7 payment of a fine of one thousand dollars (\$1,000.00), or both.

1 18. Any expense in connection with the service, mailing or advertising  
2 of the notices as hereinbefore provided shall be paid by the county treasurer,  
3 upon certification by the superintendent.

1 19. The superintendent and his chief deputy and assistants shall have  
2 and possess all the powers of constables, policemen and other peace officers.

1 20. The superintendent and his chief deputy and assistants are hereby  
2 authorized and empowered and without warrant, to arrest any person violat-  
3 ing any provision of this Title.

4 The superintendent and his chief deputy and assistants, as the case may  
5 be, shall have the right and power to call upon any constable, police officer  
6 or other peace officer to aid in taking any person so arrested to the nearest  
7 police station in the municipality in which the arrest is made, and such con-  
8 stable, police officer or other peace officer shall render such aid.

9 Any constable, police officer or other peace officer failing to comply with  
10 such request shall be guilty of a misdemeanor.

1 21. Upon delivering the person so arrested to the officer in charge of the  
2 police station to which he is removed, such officer shall hold and detain the  
3 person so arrested until ordered released by the magistrate taking the com-  
4 plaint hereinafter provided for or by other process of law.

1 22. Upon delivering the person so arrested to the officer in charge of such  
2 police station the superintendent or his chief deputy and assistants, as the  
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6 county, including the custody and control of voting machines here-  
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9 erning body thereof, which shall be placed and remain in the custody of the  
10 municipal clerk unless taken over by the county according to law.

1 25. If during the fiscal year in which this act becomes effective, the board  
2 of chosen freeholders of the county shall not have made provision in its an-  
3 nual budget for the payment of the salaries and other expenses of the  
4 superintendent of elections and his office during such fiscal year, all appro-  
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6 made for the payment of the salaries of the members of said board and the  
7 expenses of the board in connection with the functions to be performed by it

8 during said year, notwithstanding the provisions of this act, shall be trans-  
9 ferred and made available to the superintendent of elections for the carrying  
10 out of the powers and functions vested in him under this act, which shall in-  
11 clude all appropriations for (a) salaries and wages, except for the salaries of  
12 the members of the board, (b) the control and conduct of permanent regis-  
13 tration, and (c) the custody, maintenance and distribution of voting  
14 machines.

1     26. All employees of the county board of elections of the county hereby  
2 are transferred to the office of superintendent of elections but the board of  
3 chosen frecholders may provide two clerks for the county board of elections  
4 and fix the salary to be paid to such clerks.

1     27. In the event that said appropriations shall not be sufficient to pro-  
2 vide full payment of the salaries and other expenses of the superintendent  
3 of elections and his office and of the county board of elections and its office,  
4 during such fiscal year, the board of chosen freeholders shall appropriate and  
5 use any county funds, not otherwise appropriated or dedicated, for such  
6 purposes.

1     28. Upon the taking effect of such resolution the county board of elec-  
2 tions of the county shall turn over to the superintendent of elections all vot-  
3 ing machines of the county with the keys thereto, and all records, books,  
4 binders, folders, files, card indexes, documents and forms, used or unused, re-  
5 lating to or used or useful in connection with the registration of voters, or  
6 the use of voting machines, in the county, together with all racks, cabinets,  
7 furniture, equipment and supplies used or useful for the filing, storing, repair  
8 servicing or use of the same.

1     29. This act shall take effect immediately.

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STATE OF NEW JERSEY

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ADOPTED MARCH 25, 1947

AN Act concerning elections, and amending sections 19:1-1, 19:9-2, 19:14-21, 19:14-23, 19:14-25, 19:17-3, 19:18-1, 19:23-30, 19:23-32, 19:23-33, 19:23-34, 19:23-35, 19:23-36, 19:23-53, 19:27-14, 19:30-2, 19:31-2, 19:31-6, 19:31-15, 19:31-16, 19:31-17, 19:31-20, 19:45-7, 19:48-4 and 19:48-6 of the Revised Statutes, "An act concerning elections, providing for the use of voting machines in first- and second-class counties, making an appropriation to the State House Commission, and supplementing chapter forty-eight of Title 19 of the Revised Statutes," approved February ninth, one thousand nine hundred and forty-four (P. L. 1944, c. 7), and "An act concerning municipal elections in certain municipalities, and supplementing 'An act concerning elections, providing for the use of voting machines in first- and second-class counties, making an appropriation to the State House Commission, and supplementing chapter forty-eight of Title 19 of the Revised Statutes,' approved February ninth, one thousand nine hundred and forty-four (P. L. 1944, c. 7)," approved March thirty-first, one thousand nine hundred and forty-five (P. L. 1945, c. 59).

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

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

3 19:1-1. As used in this Title:

4 "Election" means the procedure whereby the electors of this State or  
5 any political subdivision thereof elect persons to fill public office or pass on  
6 public questions.

7 "General election" means the annual election at which members of the  
8 General Assembly are voted for.

9 "Primary election" means the procedure whereby the members of a  
10 political party in this State or any political subdivision thereof nominate  
11 candidates to be voted for at elections, or elect persons to fill party offices,  
12 or delegates and alternates to national conventions.

13 "Municipal election" means an election to be held in and for a single  
14 municipality only, at regular intervals.

15 "Special election" means an election which is not provided for by law  
16 to be held at stated intervals.

17 "Any election" includes all primary, general, municipal and special  
18 elections, as defined herein.

19 "Municipality" includes any city, town, borough, village or township.

20 "Public office" includes any office in the government of this State or any  
21 of its political subdivisions filled at elections by the electors of the State or  
22 political subdivision.

23 "Public question" includes any question, proposition or referendum re-  
24 quired by the legislative or governing body of this State or any of its  
25 political subdivisions to be submitted by referendum procedure to the voters  
26 of the State or political subdivision for decision at elections.

27 "Political party" means a party which, at the election for members of  
28 the General Assembly next preceding the holding of any primary election  
29 held pursuant to this Title, polled for members of the General Assembly at  
30 least ten per centum (10%) of the total vote cast in this State.

31 "Party office" means the office of delegate or alternate to the national  
32 convention of a political party or member of the State, county or municipal  
33 committees of a political party.

34 "Masculine" includes the feminine, and the masculine pronoun where  
35 ever used in this Title shall be construed to include the feminine.

36 "Presidential year" means the year in which electors of President and  
37 Vice-President of the United States are voted for at the general election.

38 "Election district" means the territory within which or for which there  
39 is a polling place or room for all voters in the territory to cast their ballots  
40 at any election.

41 "District board" means the district board of registry and election in  
42 an election district.

43 "County board" means the county board of elections in a county.

44 "Superintendent" means the superintendent of elections in counties  
45 wherein the same shall have been appointed.

46 "Commissioner" means the commissioner of registration in counties  
47 having municipalities having permanent registration.

48 "Municipalities having permanent registration" means municipalities  
49 coming within the provisions of chapter thirty-one of this Title (section  
50 19:31-1 et seq.), in which municipalities permanent registration of voters is  
51 required.

52 "Municipalities not having permanent registration" means all municipal-  
53 ities other than those last above defined.

1 2. Section 19:9-2 of the Revised Statutes is amended to read as follows:

2 19:9-2. The Secretary of State shall prepare and distribute on or before  
3 the first day of May in each year prior to the primary election for the gen-  
4 eral election and the general election the following information and election  
5 supplies: pamphlets of the election laws and instructions; precinct returns;  
6 electors of President and Vice-President; United States Senator; member of  
7 the House of Representatives; Governor; State Senator; assembly and  
8 county officers; justice of the peace; public question submitted to the voters  
9 of the entire State; self-addressed envelopes, plain and stamped, to each dis-  
10 trict; returns for the county board of canvassers for the above officers; pri-  
11 mary return sheets.

12 All other books, ballots, envelopes and other blank forms which the county  
13 clerk is required to furnish under any other section of this Title, stationery  
14 and supplies for the primary election for the general election, the primary  
14½ election for delegates and alternates to national conventions and the general

15 election, shall be furnished, prepared and distributed by the clerks of  
16 the various counties; except that all books, blank forms, stationery and sup-  
17 plies, articles and equipment which may be deemed necessary to be furnished,  
18 used or issued by the county board or superintendent shall be furnished, used  
19 or issued, prepared and distributed by such county board or superintendent,  
20 as the case may be.

21 The county board in counties having a superintendent of elections shall  
22 furnish and deliver to the county clerk, the municipal clerks and the district  
23 boards in municipalities having more than one election district, a map or  
24 description of the district lines of their respective election districts, to-  
25 gether with the street and house numbers where possible in such election  
26 districts. In counties not having a superintendent of elections the municipal  
27 clerks shall furnish and deliver such map or description of district lines to  
28 the county clerk, the county board and the district board in municipalities  
29 having more than one election district.

30 Nothing in subtitle two of the Title Municipalities and Counties (section  
31 40:16-1, et seq.) shall in anywise be construed to affect, restrict, or abridge  
32 the powers conferred on the county clerks, county boards or superintendents  
33 by this Title.

1 3. Section 19:14-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-21. The county clerk shall cause samples of the official general  
4 election ballot to be printed.

5 a. In counties not having a superintendent of elections where the county  
6 board of elections does not have the equipment or facilities to address and  
7 mail sample ballot envelopes, the county clerk not later than noon of the  
8 eighth day prior to the general election shall furnish to the municipal clerk  
9 of each municipality in his county one and one-tenth times as many such  
10 sample ballots and stamped envelopes as there are voters registered, to enable  
11 each district board in each municipality to mail one of such sample ballots to  
12 each voter who is registered in the municipality for such election and shall

13 take a receipt for the same from each of the municipal clerks, which receipt  
14 shall indicate the number of such sample ballots and stamped envelopes de-  
15 livered by the county clerk and the date and hour of their delivery.

16 b. In counties having a superintendent of elections, and in other counties  
17 where the county board of elections may have the equipment or facilities to  
18 prepare a properly stamped envelope addressed to each registered voter in  
19 the county for mailing, the county clerk, not later than the thirtieth day  
20 preceding the general election, shall furnish to the commissioner of registra-  
21 tion located in his county one and one-tenth times as many stamped envelopes  
22 as there are registered voters in the county and not later than noon of the  
23 twelfth day preceding the general election shall furnish to the commissioner  
24 of registration located in the county, one and one-tenth times as many sam-  
25 ple ballots as there are registered voters in the county to enable the commis-  
26 sioner of registration of the county to mail one of such sample ballots to each  
27 voter registered in the county for such election and shall take a receipt for  
28 the same from the commissioner of registration, which receipt shall indicate  
29 the number of such sample ballots and stamped envelopes delivered by the  
30 county clerk and the date and hour of their delivery. County boards of  
31 elections which elect to operate under the provisions of this paragraph shall  
32 notify their county clerk in sufficient time to enable him to make the neces-  
33 sary arrangements the first year.

34 c. The county clerk in counties having a superintendent of elections shall  
35 also deliver to the county board not later than the twelfth day preceding the  
36 general election ten such sample ballots of each election district of each  
37 municipality in the county.

1 4. Section 19:14-23 of the Revised Statutes is amended to read as follows:

2 19:14-23. The stamped envelopes shall be of sufficient size and have suf-  
3 ficient postage to enable the official general election sample ballots and any-  
4 thing else required to be enclosed therewith to be mailed therein.

5 On the face of each of the envelopes shall be printed the words "Official  
6 General Election Sample Ballot" in large type and in small type in the up-

7 per left-hand corner, the words: "If not delivered in two days return to the  
8 'Superintendent of Elections' " in counties having a superintendent of elec-  
9 tions and to the "Commissioner of Registration" in all other counties and  
10 in the lower left-hand corner shall be printed the words "Municipality" fol-  
11 lowed by a line ".....," "Ward" followed by a line  
12 ".....," and "district" followed by a line ".....  
13 ....., " arranged in three lines one under the other.

1 5. Section 19:14-25 of the Revised Statutes is amended to read as follows:

2 19:14-25. In counties not having a superintendent of elections where the  
3 county board of elections does not have the equipment or facilities to address  
4 and mail sample ballot envelopes, all the members of each of the district  
5 boards shall prepare and deposit in the post office, on or before twelve o'clock  
6 noon on Wednesday preceding the general election day, a properly stamped  
7 envelope containing a copy of the sample ballot, addressed to each registered  
8 voter in the district of such board at the address shown on the register. The  
9 board shall also post the sample ballots in the polling place in its district and  
10 in at least five other public places therein.

11 The board shall return to the municipal clerk all ballots and envelopes not  
12 mailed or posted by it, with a sworn statement in writing signed by a ma-  
13 jority of the board that all the remainder of such ballots and envelopes had  
14 been mailed.

15 In counties having a superintendent of elections, and in other counties  
16 where the county board of elections shall elect to operate under the pro-  
17 visions of subsection b of section 19:14-21 of this Title, the commissioner of  
18 registration shall prepare and deposit in the post office on or before twelve  
19 o'clock noon, on the Wednesday preceding the general election day, a prop-  
20 erly stamped envelope containing a copy of the sample ballot addressed to  
21 each registered voter in the county at the address shown on the registry. The  
22 commissioner of registration shall return to the county clerk all ballots and  
23 envelopes not mailed or posted by him, with a sworn statement in writing



24 signed by him that all the remainder of such ballots and envelopes have been  
25 mailed.

26 The county board of elections, in all counties having a superintendent  
27 of elections, and in other counties where the county board of elections shall  
28 elect to operate under the provisions of subsection b of section 19:14-21 of  
29 this Title, shall, not later than noon of the second Monday preceding the  
30 election, deliver or mail to the members of the district board six sample bal-  
31 lots for their respective election district. The board shall post the sample  
32 ballots in the polling place in its district and in at least five other public  
33 places therein not later than twelve o'clock noon of the Friday preceding  
34 election.

1 6. Section 19:17-3 of the Revised Statutes is amended to read as follows:

2 19:17-3. After the district board shall have made up and certified such  
3 statements, it shall at the same time and with the ballot boxes, as hereinafter  
4 provided, deliver or safely transmit one of the statements to the clerk of the  
5 municipality wherein such election is held, who shall forthwith file the same.  
6 In counties having a superintendent of elections one of such statements shall  
7 forthwith be filed with the superintendent of elections of the county. The su-  
8 perintendent may arrange to accept such certificates in such municipality  
9 within the county at the office of the clerk of such municipality or some  
10 other convenient place. Any municipal clerk who shall refuse to permit such  
11 superintendent or his deputies or assistants access to his office for the pur-  
12 pose of collecting such certificates or any municipal clerk or other person  
13 who shall interfere or obstruct the superintendent, his deputies or assistants  
14 in the collection of such certificates, or any member of a district board who  
15 shall willfully fail or refuse to deliver such statement to the superintendent,  
16 his deputies or assistants as the case may be, shall be guilty of a misde-  
17 meanor. In all counties the board shall, immediately after election, deliver  
18 or safely transmit another of the statements to the clerk of the county, who  
19 shall forthwith file the same.

20 If officers were voted for or public questions were voted upon at the elec-  
21 tion by the voters of the entire State or of more than one county thereof, or  
22 of a congressional district, then the board shall, immediately after the elec-  
23 tion, inclose, seal up and transmit the fourth statement to the Secretary of  
24 State by mail in stamped envelopes to be furnished by the Secretary of State,  
25 addressing the same in the following manner: "To the Secretary of State of  
26 New Jersey, Trenton, New Jersey." In each year in which the board is  
27 required by this section to transmit a statement to the Secretary of State the  
28 statement required by section 19:17-4 of this Title shall be inclosed in the  
29 same envelope and forwarded therewith. If no statement hereunder be re-  
30 quired to be so transmitted in any year then the statement required by said  
31 section 19:17-4 shall be transmitted by the board in an envelope addressed  
32 as above provided. Upon receiving such statements the Secretary of State  
33 shall forthwith file the same in his office.

1 7. Section 19:18-1 of the Revised Statutes is amended to read as follows:

2 19:18-1. As soon as the election shall be finished and the votes can-  
3 vassed and the statements made and certified by the district board as herein  
4 required, all ballots which have been cast, whether the same have been can-  
5 vassed and counted or rejected for any cause, and one tally sheet, spoiled and  
6 unused ballots, shall be carefully collected and deposited in the ballot box.

7 In all municipalities the signature copy registers shall not be placed in  
8 the ballot box but shall be delivered immediately by the district board to the  
9 commissioner of registration.

9½ In order to carry out his duties, any superintendent of elections in  
10 counties having a superintendent of elections shall have access and be per-  
11 mitted to inspect and examine any and all signature copy registers for said  
12 county for any election which may have been or shall be held in said county  
13 and any official or person having possession or custody of same who shall  
14 refuse to deliver said signature copy registers to the office of said superin-  
15 tendent of elections forthwith upon demand having been made upon him by  
16 said superintendent of elections as aforesaid shall be adjudged a disorderly

17 person and unless the said official having custody or possession of said signa-  
18 ture copy registers shall forthwith produce the same at the office of the super-  
19 intendent of elections when demanded by him so to do, the said superin-  
20 tendent of elections may apply to any justice of the Supreme Court or to any  
21 judge of the court of common pleas, and such justice or judge shall forthwith  
22 make an order directing the official having possession or custody of the said  
23 signature copy registers to produce them at once in the court in which said  
24 justice of the Supreme Court or judge of the court of common pleas may be  
25 sitting, and upon their being produced said justice or judge shall deliver the  
26 same to the superintendent of elections.

1 8. Section 19:23-30 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-30. a. In counties not having a superintendent of elections where  
4 the county board of elections does not have the equipment or facilities to ad-  
5 dress and mail sample ballot envelopes, the municipal clerk shall cause to be  
6 printed as herewith prescribed a sufficient number of official primary sample  
7 ballots of each political party in each election district and shall furnish a  
8 sufficient number of stamped envelopes to enable every district board to mail  
9 one copy of such ballot of each political party to each voter who is regis-  
10 tered in the district for the primary election. The municipal clerk shall de-  
11 liver to the county clerk in all counties and the county board in counties  
12 having a superintendent of elections one official primary sample ballot of  
13 each political party for each district in his municipality. The cost of print-  
14 ing the official primary sample ballots and the stamped envelopes therefor  
15 shall be paid by the respective municipalities.

16 b. In counties having a superintendent of elections, and in other counties  
17 where the county board of elections may have the equipment or facilities to  
18 prepare a properly stamped envelope addressed to each registered voter in  
19 the county for mailing, the municipal clerk shall cause to be printed as here-  
20 with prescribed a sufficient number of official primary sample ballots of each  
21 political party for each election district and shall furnish a sufficient num

ber of stamped envelopes to enable the commissioner of registration of the county to mail one copy of such ballot of each political party to each voter who is registered in the district for the primary election. The municipal clerk shall also deliver to the county board ten official primary sample ballots of each political party for each district in his municipality. The cost of printing of the official primary sample ballots and stamped envelopes therefor shall be paid for by the respective municipalities. County boards of elections which elect to operate under the provisions of this paragraph shall notify their respective municipal clerks in sufficient time to enable them to make the necessary arrangements the first year.

9. Section 19:23-32 of the Revised Statutes is amended to read as follows:

19:23-32. Each of such envelopes shall have printed on the face thereof, in large type, the words, "Official Primary Sample Ballot," and in smaller type, in the upper left-hand corner, the words, "If not delivered in two days return to the superintendent of elections" in counties having a superintendent of elections, to the "Commissioner of Registration" in other counties and in the lower left-hand corner shall be printed the words "Municipality" followed by a line "....." "Ward" followed by a line "....." and "District" followed by a line "....." arranged in three lines one under the other.

10. Section 19:23-33 of the Revised Statutes is amended to read as follows:

19:23-33. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the municipal clerk in each municipality shall furnish to a member of each district board in his municipality, at his office, or in any other way that he sees fit, on or before Tuesday preceding the primary election in each year, sufficient sample ballots and sufficient stamped envelopes to enable the board to mail sample ballots to the voters

10 as hereinbefore provided. Each of the boards shall give the municipal clerk  
11 a receipt for such sample ballots and envelopes signed by one of its members.

12 In counties having a superintendent of elections, and in other counties  
13 where the county board of elections shall elect to operate under the provisions  
14 of subsection b of section 19:23-30 of this Title, the municipal clerk in each  
15 municipality shall furnish to the commissioner of registration of his county  
16 not later than thirty days preceding the primary election of each year,  
17 sufficient stamped envelopes to enable the commissioner of registration to  
18 mail sample ballots to each voter who is registered in the county and shall,  
19 not later than noon of the twelfth day preceding the primary election fur-  
20 nish sufficient sample ballots to the commissioner of registration of his county  
21 for that purpose. The commissioner of registration shall give the municipal  
22 clerk a receipt for such sample ballots and envelopes.

1 11. Section 19:23-34 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-34. Each of such district boards, in counties not having a superin-  
4 tendent of elections where the county board of elections does not have the  
5 equipment or facilities to address and mail sample ballot envelopes, and the  
6 commissioner of registration in all other counties, shall prepare and deposit  
7 in the post office, on or before twelve o'clock noon on Wednesday preceding  
8 the primary day, the stamped envelopes containing a copy of the sample  
9 primary ballot of each political party addressed to each voter whose name  
10 appears in the primary election registry book.

1 12. Section 19:23-35 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-35. In counties not having a superintendent of elections, where the  
4 county board of elections does not have the equipment or facilities to address  
5 and mail sample ballot envelopes, such district board shall also post the  
6 sample ballot in the polling place in its district and five other places therein.

7 The county board of elections in all counties of the first class, and in  
8 other counties where the county board of elections shall elect to operate under

9 the provisions of subsection b of section 19:23-30 of this Title, shall, not later  
10 than noon of the second Monday preceding the primary election, deliver or  
11 mail to the members of the district board six sample ballots for their respec-  
12 tive election district. The board shall post the sample ballots in the polling  
13 place in its district and in at least five other public places therein not later  
14 than twelve o'clock noon of the Friday preceding the primary election.

1     13. Section 19:23-36 of the Revised Statutes is amended to read as fol-  
2 lows:

3     19:23-36. In counties not having a superintendent of elections where the  
4 county board of elections does not have the equipment or facilities to mail  
5 sample ballot envelopes, the district boards shall return to the municipal  
6 clerk the unused sample ballots and stamped envelopes, with a sworn state-  
7 ment in writing, signed by a majority of the members of the board, to the  
8 effect that the remainder of the sample ballots in envelopes were actually  
9 mailed or posted as provided in this Title, and the members of the board  
10 failing to file such statement shall receive no compensation for the service  
11 of mailing.

12     In counties having a superintendent of elections, and in other counties  
13 where the county board of elections shall elect to operate under the provisions  
14 of subsection b of section 19:23-30 of this Title, the commissioner of regis-  
15 tration shall return to the municipal clerk the unused sample ballots and  
16 stamped envelopes with a sworn statement to the effect that the remainder of  
17 the sample ballots and envelopes were actually mailed or posted as herein  
18 provided.

1     14. Section 19:23-53 of the Revised Statutes is amended to read as fol-  
2 lows:

3     19:23-53. The district board shall immediately deliver or transmit this  
4 statement to the clerks of the county and municipality within which such  
5 primary election was held. In counties having a superintendent of elec-  
6 tions one of such statements shall forthwith be filed with the super-  
7 intendent of elections of the county. The superintendent may arrange

8 to accept such certificates in each municipality within the county at the  
 9 office of the clerk of such municipality or some other convenient place. Any  
 10 municipal clerk who shall refuse to permit such superintendent or his  
 11 deputies or assistants access to his office for the purpose of collecting such  
 12 certificates or any municipal clerk or other person who shall interfere or  
 13 obstruct the superintendent, his deputies or assistants in the collection of  
 14 such certificates, or any member of a district board who shall willfully fail  
 15 or refuse to deliver such statement to the superintendent, his deputies or as-  
 16 sistants as the case may be, shall be guilty of a misdemeanor.

1 15. Section 19:27-14 of the Revised Statutes is amended to read as fol-  
 2 lows:

3-4 19:27-14. In each municipality in counties not having a superintendent of  
 5 elections, the commissioner shall deliver to the clerk of the municipality in  
 6 which the special election is to be held, at least thirty days prior thereto, the  
 7 signature copy registers. The municipal clerk shall deliver such signature  
 8 copy registers and also the registers of voters to the several district boards  
 9 in time to be used at the special election.

10 In counties having a superintendent of elections the commissioner shall  
 11 deliver the signature copy registers at his office or in any other way he may see  
 12 fit, and the municipal clerks shall deliver the registers of voters to the sev-  
 13 eral district boards, in time to be used at the special election.

14 At the close of the special election the district boards shall return such  
 15 registers as provided in the case of a general election.

1 16. Section 19:30-2 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:30-2. The county clerk in counties having a superintendent of  
 4 elections shall forthwith and the county clerk in all other counties may  
 5 cause copies of such registry lists to be printed in handbill form, and  
 6 shall furnish to any voter applying for the same such copies, charg-  
 7 ing therefor twenty-five cents (\$.25) per copy. He shall also furnish  
 8 five printed copies thereof to each district board, which shall within two days

9 post two such registry lists, one in the polling place and one in another con-  
10 spicuous place within the election district. The county clerk shall also forth-  
11 with deliver to the chief of police and the municipal clerk of each of the mu-  
12 nicipalities in the county for which the lists have been printed, five copies of  
13 the lists of voters of each election district in such municipalities, and to the  
14 county board ten copies of the lists of voters of each election district in each  
15 of such municipalities. The county clerk shall also forthwith deliver to the  
16 chairman of the State committee and to the chairman of the county com-  
17 mittee, of the several political parties, five copies of the lists of voters of each  
18 election district in each of the municipalities in his county.

19 The chief of police shall cause an investigation to be made of the names  
20 of the persons so appearing on such lists, to ascertain if such persons are resi-  
21 dents of the houses from which they are registered, and shall, not later than  
22 five days after the receipt thereof from the county clerk, forward the vari-  
23 ous reports of such investigations, certified by the chief of police, to the  
24 county board in counties not having a superintendent of elections, and  
25 to the superintendents in counties having a superintendent of elections,  
26 where they shall be kept open to public inspection and preserved for three  
27 years.

28 The county clerk, after causing copies of such registry lists to be printed,  
29 shall file the original registry lists in his office and keep same on file for one  
30 year.

1 17. Section 19:31-2 of the Revised Statutes is amended to read as  
2 follows:

3 19:31-2. In all counties having a superintendent of elections, the super-  
4 intendent of elections is hereby constituted the commissioner of registration  
5 and in all other counties the secretary of the county board is hereby con-  
6-7 stituted the commissioner of registration.

8 The commissioner of registration in all counties having a superintendent  
9 of elections, and the county board in all other counties, shall have complete

10 charge of the permanent registration of all eligible voters within their re-  
11 spective counties.

12 The commissioner of registration in counties having a superintendent of  
13 elections, and the county board in all other counties, shall have power to ap-  
14 point temporarily such number of persons as in his or its judgment may be  
15 necessary in order to carry out the provisions of this Title. Such persons  
16 when temporarily appointed shall not be subject to any of the provisions of  
17 Title 11, Civil Service, but shall be in the unclassified service.

18 The commissioner of registration in counties having a superintendent of  
19 elections, and the county board in all other counties, shall provide such  
20 printed forms, blanks, supplies and office telephone and transportation equip-  
21 ment and shall prescribe such reasonable rules and regulations as are nec-  
22 essary in the opinion of the commissioner or county board to carry out the  
23 provisions of this Title and any amendments or supplements thereto.

24 All necessary expenses incurred, as and when certified and approved by  
25 the commissioner of registration in counties having a superintendent of elec-  
26 tions, and by the county board in all other counties, shall be paid by the  
27 county treasurer of the county; *provided, however*, that all expenses of every  
28 nature in the office of the commissioner of registration in counties of the first  
29 class, exclusive of county board expenses, shall not exceed the sum of three  
30 hundred ten thousand dollars (\$310,000.00) for the year one thousand nine  
31 hundred and forty-one and shall not exceed the sum of two hundred sixty  
32 thousand dollars (\$260,000.00) per annum for each succeeding year there-  
33-43 after.

44 Nothing in the provisions of subtitle two of the Title, Municipalities and  
45 Counties (40:16-1 et seq.), shall in anywise be construed to affect, restrict or  
46 abridge the powers herein conferred on the commissioners in counties having  
47 a superintendent of elections, and upon the county boards in all other counties.

48 All powers granted to the commissioner in all counties not having super-  
49 intendent of elections by the provisions of this Title are hereby conferred  
50 upon the county board in such counties, and any and all duties conferred

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51 upon the commissioner in all counties not having a superintendent of elec-  
52 tions by the provisions of this Title shall only be exercised and performed  
53 by such commissioner under the instructions and directions of and subject  
54 to the approval of the county board of such counties.

1 18. Section 19:31-6 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-6. In counties having a superintendent of elections, the members of  
4 the county board may, and the commissioner or a duly authorized clerk or  
5 clerks acting for him shall, up to and including the fortieth day preceding  
6 any election, and in counties not having a superintendent of elections up to  
7 and including the fortieth day preceding any election, and after any such  
8 election, receive the application for registration of all eligible voters who  
9 shall personally appear for registration during office hours, at the office of  
10 the commissioner or at such other place or places as may from time to time  
11 be designated by him for registration, and who have the qualifications as  
12 herein provided. Any eligible voter who applies for registration shall sub-  
13-14 scribe to the following oath or affirmation, viz.:

15 "You do solemnly swear (or affirm) that you will fully and truly  
16 answer such questions as shall be put to you touching your eligibility as  
17 a voter under the laws of this State."

18 Upon being sworn the applicant shall answer such questions as are pro-  
19 vided for in the original and duplicate permanent registration forms herein-  
20 before set forth, and the person receiving the application shall fill out the  
21 forms which the applicant shall sign. If an eligible voter is unable to write  
22 his name, he shall be required to make a cross, which shall be followed by the  
23 writing of the words "his or her mark," as the case may be, by the person  
24 receiving the application, and such applicant shall answer the additional  
25 questions required under this Title. Such additional questions shall be sworn  
26 to or affirmed in the manner above provided. Registration by mail is speci-  
27 cally prohibited.

1 19. Section 19:31-15 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-15. For the purpose of preventing fraudulent voting and of elimi-  
4 nating names improperly registered, the commissioner in counties hav-  
5 ing a superintendent of elections, and the county board in all other  
6 counties, shall within ninety days after each general election preceding the  
7 general election at which members of the House of Representatives are  
8 elected send by government reply postal card to each registrant who failed to  
9 vote at such election, at his registered address, a notice substantially as fol-  
10 lows:

11 "Please answer the question as to residence and removal as indi-  
12 cated on attached reply card.

13 .....  
14 Commissioner of Registration."

14 The reply card shall be addressed to the commissioner and shall bear  
15 substantially the following questions with appropriate spaces for answers:

16 "(1) Do you still reside at the address to which this notice has been  
17 mailed?

18 (2) If not, where do you now reside? (stating street address and  
19 city or town to which you have moved.)

20 Signed ....."

21 The county board in counties not having a superintendent of elections,  
22 may also, and in addition to the method hereinbefore provided, direct at any  
23 time an authorized clerk or clerks to make any personal investigation which  
24 the commissioner or county board may deem necessary to establish the fact  
25 of continued residence or of removal of any registrant.

26 The commissioner in counties having a superintendent of elections, and  
27 the county board in all other counties, shall, in addition to the method here-  
28 inbefore provided, at least once during every four years and as often as the  
29 commissioner in counties having a superintendent of elections or the county  
30 board in all other counties, may deem necessary cause the entire registry list

31 to be investigated by house-to-house canvass to establish the fact of continued  
32-38 residence, removal, death, disqualification or improper registration.

39 In case of registrants who have been found to the satisfaction of the com-  
40 missioner in counties having a superintendent of elections and to the county  
41 board in all other counties, to have moved from one address to another within  
42 the same county, the commissioner in counties having a superintendent of  
43 elections, and the county board in all other counties, shall cause the permanent  
44 registration forms of said registrants to be transferred to the proper reg-  
45 isters, upon receipt of a change of residence notice duly executed by such  
46 registrants, as provided by law.

47 In case of registrants so found to have moved to any place outside the  
48 county or State, the commissioner in counties having a superintendent of  
49 elections, and the county board in all other counties shall cause the perma-  
50 nent registration forms of such persons to be transferred to the inactive file.  
51 Such persons upon return to any municipality within the county shall be re-  
52 quired to reregister before being allowed to vote.

53 In case of registrants so found to have died, been disqualified or im-  
54 properly registered, the county board in counties not having a superintendent  
55 of elections shall cause the permanent registration forms of such persons to  
56 be transferred to the inactive or death file as the case may be.

57 The county board in counties not having a superintendent of elections  
58 before removing, for any reason whatsoever, the permanent registration  
59 forms of any registrant from the signature copy registers, or before trans-  
60 ferring such forms to the inactive file shall cause to be published a notice  
61 setting forth the proposed action of the county board. This notice shall  
62 contain the list of the names and registered addresses of all registrants to  
63 be affected by the proposed action. Such notice and list shall be published  
64 at least two entire days prior to the removal of such names and shall be  
65 published in two or more newspapers published within the county, one of  
66 which newspapers, at least, shall be published in the municipality affected.  
67 At least one of such newspapers shall be a daily newspaper, but if there be

68 no daily newspapers published in the county then such notices shall be pub-  
69 lished as above provided in weekly papers. The notice and list shall in addi-  
70 tion specify the reason or reasons for the contemplated removal or transfer  
71 of the permanent registration forms of the registrants affected. The notice  
72 and list shall be published in the manner above provided prior to the second  
73 Tuesday preceding any election.

74 Any person affected by any action of the county board in counties not  
75 having a superintendent of elections, shall, during the two weeks immedi-  
76 ately preceding any election and on election day, have the right to make ap-  
77 plication to any judge of the court of common pleas of that county, for the  
78 purpose of obtaining an order entitling him to vote in the district in which  
79 he actually resides. The burden of proof shall be upon the applicant. The  
80 judge of the court of common pleas, if satisfied that the applicant is entitled,  
81 under the law, to vote at such election, and after determining the election dis-  
82 trict in which such person actually resides, may issue an order directing the  
83 district board of that district to permit such person to vote. Such person  
84 must reregister before voting at any subsequent election by court order or  
85 otherwise. If the applicant shall be refused the right to vote, due to in-  
86 ability of the district board or of the commissioner or of the county board  
87 to find the permanent registration forms of such applicant, then in addition  
88 such applicant shall establish by reference to the registry lists of former  
89 elections, that he was previously registered. Such evidence shall be deemed  
90 sufficient to establish the fact that the applicant was formerly registered.  
91 If the order is directed to a district board, the district board shall certify  
92 and return the order at the close of the election to the commissioner.

93 In counties having a superintendent of elections, any registrant so found  
94 to have died, or been disqualified by conviction of a crime which would dis-  
95 franchise a person under the laws of this State, or never has resided at the  
96 place of registry or is registered from some place other than his actual resi-  
97 dence, or does not possess the qualifications to vote required by the Constitu-  
98 tion of this State, or is otherwise not entitled to vote, the commissioner shall

99 cause the permanent registration forms of such registrant to be transferred  
100 to the inactive or death file as the case may be.

101 The commissioner in counties having a superintendent of elections, be-  
102 fore transferring such forms to the inactive file or death file, shall serve an  
103 order in writing signed by him, upon the proper district board, ordering it  
104 to refuse to allow such person to vote at the next election.

105 The commissioner in counties having a superintendent of elections,  
106 before signing such order in writing to any district board, shall give  
107 notice of his proposed action to such registered person, (1) person-  
108-13 ally, or (2) by leaving the same at the person's registered place of resi-  
114 dence with a person above the age of fourteen years, if any such person can  
115 be found, and if not, by affixing the same to the outer door of such place of  
116 residence or to any other portion of such premises if no building be found  
117 thereon, or (3) by sending the same by mail addressed to the person at his  
118 registered place of residence at least two entire days before the issuance of  
119 the order and the commissioner shall cause a list of the names of such per-  
120 sons, with their registry addresses, to be published at least two entire days  
121 before the issuance of the order in two or more newspapers published within  
122 the county, at least one of which shall be a daily newspaper. Such published  
123 notice, in addition to containing the names and addresses of such persons,  
124 shall give notice to them of the proposed action of the commissioner. No  
125 such order in writing shall be signed by the commissioner subsequent to the  
126 Tuesday preceding an election.

127 In all counties when the transfer of any person's permanent reg-  
128 istration form is to be made to the death file or is to be made to the in-  
129 active file because such person did not vote at a general election during four  
130 consecutive years, or because the name of such person has been ordered  
131 stricken from the register by the court, or because such person has changed  
132 his or her name by decree of court, or because such person is a woman who  
133 changed her name due to marriage or divorce and neglected to re-register in  
134 accordance with law, or because the information which forms the basis of such

135 proposed action in making such transfer was received from such person di-  
136 rectly, no notice of such proposed action need be given to such registered per-  
137 son and such person's name and registry address need not be published as re-  
138 quired in this section.

139 The commissioner in counties having a superintendent of elections,  
140 shall cause such order to be delivered to the district board at the  
141 same time as the challenge lists are delivered, which order shall be re-  
142 ceipted for by the judge of the district board, who shall use the order in con-  
143 junction with the registry list, so that no person whose name appears upon  
144 the order shall be allowed to vote. Such order shall be signed and certified to  
145 by each member of the district board to the effect that no person whose name  
146 appears therein has been allowed to vote. The order shall be returned to  
147 the commissioner at the same time and together with the challenge lists. Upon  
148 receipt of such order the commissioner shall thereupon transfer the perma-  
149 nent registration forms of the person named in such order to the inactive,  
150 death or conviction file, as the case may be, and he shall not be permitted to  
151 vote at any subsequent election, by court order or otherwise, unless he has re-  
152 registered.

153 Any person affected by the action of the commissioner in counties  
154 having a superintendent of elections shall, during the week immediately  
155 preceding the election and on the election day have the right to make  
156 application to a judge of the court of common pleas of the county for the  
157 purpose of obtaining an order entitling him to vote in the district in which  
158 he actually resides. The burden of proof shall be upon the applicant. The judge  
159 of the court of common pleas, if satisfied that the applicant is entitled under  
160 the law to vote at such election and after determining the election district  
161 in which the person actually resides may issue an order directing the district  
162 board of that district to permit such person to vote. If the applicant shall  
163 be refused the right to vote, due to the inability of the district board or of the  
164 commissioner or of the county board to find the permanent registration  
165 forms of such applicant, then in addition such applicant shall establish by

166 reference to the registry lists of former elections, that he was previously reg-  
167 istered. Such evidence shall be deemed sufficient to establish the fact that the  
168 applicant was formerly registered. The district board shall certify and return  
169 the order to the commissioner at the close of the election, who thereupon  
170 shall restore the permanent registration forms of such person to the active  
171 file. Before the issuance of such order, the commissioner shall be heard per-  
172 sonally, or by his chief deputy or assistants, as to the reasons why he has  
173 issued an order denying such person the right to vote. The commissioner  
174 or any one representing him shall have full power to cross-examine any wit-  
175 ness. The judge of the court of common pleas making such order shall cause  
176 a full record of the proceedings of the application to be taken stenographi-  
177 cally, transcribed and filed in the office of the county clerk of the county,  
178 which record shall be open and public record. All costs and expense of such  
179 proceedings shall be paid by the county.

180 In no event shall the permanent registration forms or voting record of  
181 any registrant be removed or transferred to the inactive file subsequent to  
182 the second Tuesday preceding any election, until after such election; nor shall  
183 the permanent registration forms or voting record of any registrant in  
184 counties not having a superintendent of elections be removed or transferred  
185 to the inactive file if the name of such registrant is not first published in  
186-7 the manner above described, except as herein otherwise provided.

188 Any commissioner who, after ascertaining that a person has died, been  
189 disqualified, moved out of the permanent registration area or has been im-  
190 properly registered, and who willfully or fraudulently refuses to cause to  
191 transfer the permanent registration forms of such persons to the proper file  
192 shall be guilty of a misdemeanor.

1 20. Section 19:31-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-16. The health officer or other officer in charge of records of death  
4 in each municipality shall file with the commissioner in counties not having a  
5-6 superintendent of elections and with the superintendent in counties hav-

7 ing a superintendent of elections once each month, during the first  
8 five days thereof, the age, date of death, and the names and addresses of all  
9 persons over twenty-one years of age who have died within such municipality  
10 during the previous month. Upon receipt of such list the commissioner or  
11 superintendent, as the case may be, shall make such investigation as is neces-  
12 sary to establish to his satisfaction that such deceased person is actually the  
13 same person who is permanently registered. If such fact is so established,  
14 the commissioner shall cause the permanent registration and record of voting  
15 forms of the deceased registrant to be transferred to the death file. In  
16 counties having a superintendent of elections the superintendent shall certify  
17 to the commissioner such fact forthwith, including the address, municipality,  
18 ward and district of the deceased registrant, and the commissioner shall cause  
19 the permanent registration and record of voting forms of the deceased reg-  
20 istrant to be transferred to the death file.

1 21. Section 19:31-17 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-17. Once each month during the first five days thereof the prose-  
4 cutor of the pleas shall deliver to the commissioner in counties  
5 not having a superintendent of elections and to the superintendent  
6 in counties having a superintendent of elections a list of the names  
7 and addresses of all persons and their ages and offenses who have  
8 been convicted during the previous month of a crime which would  
9 disfranchise them under the laws of this State. Upon the receipt  
10 of the list the commissioner or superintendent, as the case may be,  
11 shall make such investigation as is necessary to establish to his satisfaction  
12 that the convicted person is actually the same person who is permanently  
13 registered. If it is so established, the commissioner shall cause the perma-  
14 nent registration and record of voting forms of such convicted registrant to  
15 be transferred to the conviction file. In counties having a superintendent of  
16 elections, the superintendent shall certify to the commissioner such fact forth-  
17 with, including the address, municipality, ward and district of the convicted

18 registrant and the commissioner shall cause the permanent registration and  
19 record of voting forms of the convicted registrant to be transferred to the  
20 inactive file. Such persons upon the restoration of their citizenship rights  
21 or upon being pardoned shall be required to reregister before being allowed  
22 to vote.

1 22. Section 19:31-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-20. On or before the second Monday preceding the primary election  
4 for the general election and the general election, respectively, the commis-  
5 sioner in counties not having a superintendent of elections, shall deliver to the  
6 municipal clerk in each municipality the signature copy registers for each  
7 election district in such municipality and shall take a receipt for same. The  
8 municipal clerk shall thereupon deliver at his office, or in any other way he  
9 sees fit, such registers to a member or members of the proper district boards  
10 at the same time and together with the primary for the general election sample  
11 ballots or the general election sample ballots, as the case may be. The  
12 registers shall be used by the district boards on election days and for the pur-  
13 pose of mailing the sample ballots. The commissioner in counties having a  
14 superintendent of elections shall deliver such registers at his office, or in  
15 any other way he may see fit, to the various district boards, taking a  
16 receipt for same.

17 Before delivering the registers the commissioner shall cause to be printed  
18 upon a separate sheet or sheets of paper, to be inserted inside of the front  
19 cover of such registers in conspicuous type, such instructions to election  
20 officers regarding the use and disposition of the binders and forms as he  
21 deems necessary.

1 23. Section 19:45-7 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:45-7. The compensation of the members of the several county boards  
4 shall be as follows: in counties having a population exceeding five hundred  
5 thousand, two thousand six hundred dollars (\$2,600.00) per annum; in coun-

6 ties having a population of not more than five hundred thousand or less than  
7 one hundred seventy-five thousand, two thousand dollars (\$2,000.00) per  
8 annum; in counties having a population of not more than one hundred  
9 seventy-five thousand or less than one hundred fifty thousand, eighteen  
10 hundred dollars (\$1,800.00) per annum; in counties having a population of  
11 not more than one hundred fifty thousand or less than one hundred  
12 fifteen thousand, twelve hundred dollars (\$1,200.00) per annum; in counties  
13 having a population of not more than one hundred fifteen thousand or  
14 less than ninety thousand, one thousand dollars (\$1,000.00) per annum; in  
15 counties having a population of not more than ninety thousand or less than  
16 forty-eight thousand, nine hundred dollars (\$900.00) per annum; in counties  
17 having a population of not more than forty-eight thousand, six hundred dol-  
18 lars (\$600.00) per annum. The members of the county board in counties  
19 other than counties of the first class who shall be elected as chairman and  
20 secretary thereof and who shall perform the duties of chairman and secre-  
21 tary thereof shall each receive an additional compensation of one-half of the  
22 compensation of the individual members of the board.

23     The compensation of the clerk of the county board of elections in coun-  
24 ties of the first class shall be as follows: for the first year of service in  
25 such position the sum of thirty-five hundred dollars (\$3,500.00) per annum; to  
26 be increased at the rate of one hundred fifty dollars (\$150.00) per annum  
27 for each year of service, to the maximum of fifty-five hundred dollars  
28 (\$5,500.00) per annum; and the compensation of the assistant clerks shall be,  
29 for the first year of service in such positions, the sum of three thousand dol-  
30 lars (\$3,000.00) per annum, to be increased at the rate of one hundred dol-  
31 lars (\$100.00) per annum for each year of service to the maximum of forty-  
32 five hundred dollars (\$4,500.00) per annum. The compensation of the clerk-  
33 stenographer shall be fixed by the county board, to be paid by the county  
34 treasurer, semimonthly as other county employees are paid; *provided, how-*  
35 *ever,* that in counties of the first class, wherever assistant clerks and the clerk-  
36 stenographer have not, at the time of the adoption of this act, been appointed

37 from the competitive class of civil service, the foregoing provisions concern-  
38 ing their salaries shall not apply but their salaries shall be, now or here-  
39 after, in such sums as shall be recommended from time to time by the county  
40 board of elections and approved by the county board of freeholders of the  
41 county. This section shall apply to such clerks and assistant clerks whether  
42 heretofore or hereafter appointed and the years of service shall be computed  
43-56 from the time of their respective appointments to such positions.

57 The commissioner of registration in a county of the first class  
58 shall receive twenty-five hundred dollars (\$2,500.00) per annum, for  
59 services performed as such commissioner of registration, and the com-  
60 missioner of registration in a county of the second class having a  
61 superintendent of elections shall receive one thousand dollars (\$1,000.00)  
62 per annum for services performed as such commissioner of registration, and  
63 for such services performed by a commissioner of registration in a county  
64 not having a superintendent of elections additional compensation shall be  
65 paid to such commissioner in an amount equal to fifty per centum (50%) of  
66 his salary as member and secretary of the county board. In counties of the  
67 second class where a member of the county board serves as commissioner  
68 of registration, he shall receive no additional compensation for the perform-  
69 ance of his duties as such commissioner unless he shall devote his full time  
70 to the performance of his duties as a member of the county board, secretary  
71 thereof, and commissioner of registration. "Full time" as here used means  
72 such time as is daily required of employees in the office of the county board.

1 24. Section 19:48-4 of the Revised Statutes is amended to read as  
2 follows:

3 19:48-4. Voting machines, heretofore or hereafter installed in any man-  
4 ner provided by law, in any county not having a superintendent of elections,  
5 shall be placed, and remain, in the custody of the county board of elections,  
6 and voting machines, heretofore or hereafter installed in any manner pro-  
7 vided by law, in any county having a superintendent of elections, shall be  
8 placed, and remain, in the custody of the superintendent of elections; except

9 that voting machines, heretofore or hereafter installed in any municipality  
10 by the governing body thereof, in any manner provided by law, shall be  
11 placed, and remain, in the custody of the municipal clerk unless taken over  
12 by the county according to law.

13 The county board of elections or the superintendent of elections or the  
14 municipal clerk, as the case may be, shall preserve and keep in repair all  
15 voting machines placed in its or his custody pursuant to the provisions of  
16 this section.

1 25. Section 19:48-6 of the Revised Statutes is amended to read as  
2 follows:

3 19:48-6. The county board of elections or the superintendent of elec-  
4 tions or the municipal clerk, as the case may be, having custody of voting  
5 machines, shall have the machine or machines and all necessary furniture  
6 and appliances at the proper polling place or places before the time fixed  
7 for opening the polls, and the counters set at zero (000), and otherwise in  
8 good and proper order for use at such election. For the purpose of plac-  
9 ing ballots in the ballot frames of the machines; putting in order, setting,  
10 testing, adjusting and delivering the machines, such county board of elec-  
11 tions or such superintendent of elections or such municipal clerk, as the  
12 case may be, may employ or appoint one or more fully competent persons  
13 to be known as custodian or custodians of voting machines, who shall be  
14 thoroughly instructed in their duties by such county board of elections or  
15 such superintendent of elections or such municipal clerk, as the case may  
16 be, and shall be sworn to perform their duties honestly and faithfully. Such  
17 custodians shall be employed or appointed and instructed at least thirty days  
18 before the election and shall be considered as officers of elections; *provided,*  
19 *however,* that for the purpose aforesaid in counties having a superin-  
20 tendent of elections, the superintendent of elections may employ or  
21 appoint, in addition to one or more custodian or custodians, other fully  
22 competent persons and may classify them, assign their duties, and fix their  
23 compensation according to the particular duties assigned them, which said

24 persons shall also be employed or appointed, and thoroughly instructed and  
25 sworn to perform their duties honestly and faithfully, at least thirty days  
26 before the election and shall likewise be considered as officers of election.

27 Before preparing a voting machine for any election, written notice shall  
28 be mailed by such board of elections or such superintendent of elections or  
29 such municipal clerk, as the case may be, to the chairman of the county com-  
30 mittee of at least two of the principal political parties, stating the time and  
31 place where the machines will be prepared, at which time one representative  
32 of each such political party shall be afforded an opportunity to see that the  
33 machines are in proper condition for use in the election; such representa-  
34 tives shall be sworn to faithfully perform their duties and shall be regarded  
35 as election officials, but shall not interfere with the custodian or custodians  
36 or other persons employed or appointed as aforesaid or assume any of his  
37 or their duties. When a machine has been so examined by such represen-  
38 tatives it shall be sealed with a numbered metal seal. Such representatives  
39 shall certify, upon a form to be provided by such county board of elections  
40 or such superintendent of elections or such municipal clerk, as the case may  
41 be, as to the numbers of the machines, that all of the counters are set at zero  
42 (000), and as to the number registered on the protective counter, if one is  
43 provided, and on the seal. Such certificate shall be filed by them with such  
44 county board of elections or such superintendent of elections or such munic-  
45 ipal clerk, as the case may be. When a voting machine has been properly  
46 prepared for the election, it shall be locked against voting and sealed; and  
47 the keys thereof shall be delivered to such county board of elections or such  
48 superintendent of elections or such municipal clerk, as the case may be,  
49 together with a written report made by a custodian stating that it is in  
50 every way properly prepared for the election.

51 After the voting machines shall be delivered to the polling places, the  
52 governing body of the municipality, wherein such polling places are located,  
53 shall provide ample police protection against molestation, or tampering or  
54 damage to the machines. Every voting machine shall be furnished with a

55 lantern, or an electric light fixture, which shall give sufficient light to enable  
56 voters while voting to read the ballots and be suitable for use by the dis-  
57 trict board in examining the counters. The lantern or electric light fixture  
58 shall be prepared in good order by such county board of elections or such  
59 superintendent of elections or such municipal clerk, as the case may be, for  
60 use before the opening of the polls.

1       26. Section five of chapter seven of the laws of one thousand nine hun-  
2 dred and forty-four is amended to read as follows:

3       5. All voting machines purchased by the State House Commission pur-  
4 suant to this act shall be delivered to the superintendent of elections in coun-  
5 ties having a superintendent of elections and to the county board of elections  
6 in each county of the second class. If the State House Commission is unable  
7 at its first purchase to purchase sufficient voting machines to meet the re-  
8 quirements of this act, it shall determine in its discretion the county or  
9 counties to which the voting machines purchased are to be delivered and the  
10 machines shall be delivered as required by such determination, and as  
11 further purchases are made the same procedure shall be followed.

1       27. Section nine of chapter seven of the laws of one thousand nine hun-  
2 dred and forty-four is amended to read as follows:

3       9. When voting machines are delivered to any county pursuant to the  
4 provisions of this act and they are insufficient to provide voting machines  
5 for use in all election districts of said county, such voting machines shall be  
6 installed and used in such municipalities of said county and in such wards  
7 thereof as, in counties having a superintendent of elections, the superintendent  
8 of elections shall designate and as, in counties of the second class, not hav-  
9 ing a superintendent of elections the commissioner of registration shall des-  
10 ignate, giving preference to municipalities in the descending order of popu-  
11 lation measured by the last Federal census and, in any municipality, giving  
12 preference to the several wards thereof according to the same standard.

1       28. Section eleven of chapter seven of the laws of one thousand nine hun-  
2 dred and forty-four is amended to read as follows:

3 11. No ballots other than ballots required for use in voting machines  
4 shall be prepared or used at any election in any election district in any such  
5 county for which voting machines are available, and which has been desig-  
6 nated by the superintendent of elections of the county if any there be or by  
7 the commissioner of registration of the county if a county of the second class,  
8 having any superintendent of elections, under the provisions of this act, as an  
9 election district in which voting machines shall be used.

1 29. Section three of chapter fifty-nine of the laws of one thousand nine  
2 hundred and forty-five is amended to read as follows:

3 3. In any case in which voting machines have been so installed for use  
4 in part of, but not in all of, the election districts of any municipality in any  
5 county of the first or second class, thereby preventing the holding of any  
6 such municipal election in such municipality with the use of voting machines  
7 in all election districts, in accordance with the provisions of law relating to  
8 elections where voting machines are used, the superintendent of elections of  
9 any such county having a superintendent of elections or the county board of  
10 elections of any such county of the second class, if there be no superin-  
11 tendent of elections, as the case may be, may rent from any other county or  
12 counties in which voting machines have been installed under any law other  
13 than the act to which this act is a supplement, as many voting machines and  
14 any pertinent equipment as, in his or its judgment, shall be necessary to  
15 carry out the purpose of this act by providing voting machines for use in  
16 all of such election districts in such municipality at any municipal election  
17 to be held therein; *provided, however,* that all voting machines so rented  
18 shall conform substantially to the type of voting machines already installed  
19 for use in such municipality.

1 30. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]  
COMMITTEE SUBSTITUTE "B" FOR  
ASSEMBLY, No. 333

# STATE OF NEW JERSEY

ADOPTED MARCH 25, 1947

AN Act concerning elections, and amending sections 19:1-1, 19:9-2, 19:14-21, 19:14-23, 19:14-25, 19:17-3, 19:18-1, 19:23-30, 19:23-32, 19:23-33, 19:23-34, 19:23-35, 19:23-36, 19:23-53, 19:27-14, 19:30-2, 19:31-2, 19:31-6, 19:31-15, 19:31-16, 19:31-17, 19:31-20, 19:45-7, 19:48-4 and 19:48-6 of the Revised Statutes, "An act concerning elections, providing for the use of voting machines in first- and second-class counties, making an appropriation to the State House Commission, and supplementing chapter forty-eight of Title 19 of the Revised Statutes," approved February ninth, one thousand nine hundred and forty-four (P. L. 1944, c. 7), and "An act concerning municipal elections in certain municipalities, and supplementing 'An act concerning elections, providing for the use of voting machines in first- and second-class counties, making an appropriation to the State House Commission, and supplementing chapter forty-eight of Title 19 of the Revised Statutes,' approved February ninth, one thousand nine hundred and forty-four (P. L. 1944, c. 7)," approved March thirty-first, one thousand nine hundred and forty-five (P. L. 1945, c. 59).

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

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

3 19:1-1. As used in this Title:

4 "Election" means the procedure whereby the electors of this State or  
5 any political subdivision thereof elect persons to fill public office or pass on  
6 public questions.

7 "General election" means the annual election at which members of the  
8 General Assembly are voted for.

9 "Primary election" means the procedure whereby the members of a  
10 political party in this State or any political subdivision thereof nominate  
11 candidates to be voted for at elections, or elect persons to fill party offices,  
12 or delegates and alternates to national conventions.

13 "Municipal election" means an election to be held in and for a single  
14 municipality only, at regular intervals.

15 "Special election" means an election which is not provided for by law  
16 to be held at stated intervals.

17 "Any election" includes all primary, general, municipal and special  
18 elections, as defined herein.

19 "Municipality" includes any city, town, borough, village or township.

20 "Public office" includes any office in the government of this State or any  
21 of its political subdivisions filled at elections by the electors of the State or  
22 political subdivision.

23 "Public question" includes any question, proposition or referendum re-  
24 quired by the legislative or governing body of this State or any of its  
25 political subdivisions to be submitted by referendum procedure to the voters  
26 of the State or political subdivision for decision at elections.

27 "Political party" means a party which, at the election for members of  
28 the General Assembly next preceding the holding of any primary election  
29 held pursuant to this Title, polled for members of the General Assembly at  
30 least ten per centum (10%) of the total vote cast in this State.

31 "Party office" means the office of delegate or alternate to the national  
32 convention of a political party or member of the State, county or municipal  
33 committees of a political party.

34 "Masculine" includes the feminine, and the masculine pronoun where-  
35 ever used in this Title shall be construed to include the feminine.

36 "Presidential year" means the year in which electors of President and  
37 Vice-President of the United States are voted for at the general election.

38 "Election district" means the territory within which or for which there  
39 is a polling place or room for all voters in the territory to cast their ballots  
40 at any election.

41 "District board" means the district board of registry and election in  
42 an election district.

43 "County board" means the county board of elections in a county.

44 "Superintendent" means the superintendent of elections in counties  
45 wherein the same shall have been appointed.

46 "Commissioner" means the commissioner of registration in counties  
47 having municipalities having permanent registration.

48 "Municipalities having permanent registration" means municipalities  
49 coming within the provisions of chapter thirty-one of this Title (section  
50 19:31-1 et seq.), in which municipalities permanent registration of voters is  
51 required.

52 "Municipalities not having permanent registration" means all municipal-  
53 ities other than those last above defined.

1 2. Section 19:9-2 of the Revised Statutes is amended to read as follows:

2 19:9-2. The Secretary of State shall prepare and distribute on or before  
3 the first day of May in each year prior to the primary election for the gen-  
4 eral election and the general election the following information and election  
5 supplies: pamphlets of the election laws and instructions; precinct returns;  
6 electors of President and Vice-President; United States Senator; member of  
7 the House of Representatives; Governor; State Senator; assembly and  
8 county officers; justice of the peace; public question submitted to the voters  
9 of the entire State; self-addressed envelopes, plain and stamped, to each dis-  
10 trict; returns for the county board of canvassers for the above officers; pri-  
11 mary return sheets.

12 All other books, ballots, envelopes and other blank forms which the county  
13 clerk is required to furnish under any other section of this Title, stationery  
14 and supplies for the primary election for the general election, the primary  
14½ election for delegates and alternates to national conventions and the general

15 election, shall be furnished, prepared and distributed by the clerks of  
16 the various counties; except that all books, blank forms, stationery and sup-  
17 plies, articles and equipment which may be deemed necessary to be furnished,  
18 used or issued by the county board or superintendent shall be furnished, used  
19 or issued, prepared and distributed by such county board or superintendent,  
20 as the case may be.

21 The county board in counties having a superintendent of elections shall  
22 furnish and deliver to the county clerk, the municipal clerks and the district  
23 boards in municipalities having more than one election district, a map or  
24 description of the district lines of their respective election districts, to-  
25 gether with the street and house numbers where possible in such election  
26 districts. In counties not having a superintendent of elections the municipal  
27 clerks shall furnish and deliver such map or description of district lines to  
28 the county clerk, the county board and the district board in municipalities  
29 having more than one election district.

30 Nothing in subtitle two of the Title Municipalities and Counties (section  
31 40:16-1, et seq.) shall in anywise be construed to affect, restrict, or abridge  
32 the powers conferred on the county clerks, county boards or superintendents  
33 by this Title.

1 3. Section 19:14-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-21. The county clerk shall cause samples of the official general  
4 election ballot to be printed.

5 a. In counties not having a superintendent of elections where the county  
6 board of elections does not have the equipment or facilities to address and  
7 mail sample ballot envelopes, the county clerk not later than noon of the  
8 eighth day prior to the general election shall furnish to the municipal clerk  
9 of each municipality in his county one and one-tenth times as many such  
10 sample ballots and stamped envelopes as there are voters registered, to enable  
11 each district board in each municipality to mail one of such sample ballots to  
12 each voter who is registered in the municipality for such election and shall

13 take a receipt for the same from each of the municipal clerks, which receipt  
14 shall indicate the number of such sample ballots and stamped envelopes de-  
15 livered by the county clerk and the date and hour of their delivery.

16     b. In counties having a superintendent of elections, and in other counties  
17 where the county board of elections may have the equipment or facilities to  
18 prepare a properly stamped envelope addressed to each registered voter in  
19 the county for mailing, the county clerk, not later than the thirtieth day  
20 preceding the general election, shall furnish to the commissioner of registra-  
21 tion located in his county one and one-tenth times as many stamped envelopes  
22 as there are registered voters in the county and not later than noon of the  
23 twelfth day preceding the general election shall furnish to the commissioner  
24 of registration located in the county, one and one-tenth times as many sam-  
25 ple ballots as there are registered voters in the county to enable the commis-  
26 sioner of registration of the county to mail one of such sample ballots to each  
27 voter registered in the county for such election and shall take a receipt for  
28 the same from the commissioner of registration, which receipt shall indicate  
29 the number of such sample ballots and stamped envelopes delivered by the  
30 county clerk and the date and hour of their delivery. County boards of  
31 elections which elect to operate under the provisions of this paragraph shall  
32 notify their county clerk in sufficient time to enable him to make the neces-  
33 sary arrangements the first year.

34     c. The county clerk in counties having a superintendent of elections shall  
35 also deliver to the county board not later than the twelfth day preceding the  
36 general election ten such sample ballots of each election district of each  
37 municipality in the county.

1     4. Section 19:14-23 of the Revised Statutes is amended to read as follows:

2     19:14-23. The stamped envelopes shall be of sufficient size and have suf-  
3 ficient postage to enable the official general election sample ballots and any-  
4 thing else required to be enclosed therewith to be mailed therein.

5     On the face of each of the envelopes shall be printed the words "Official  
6 General Election Sample Ballot" in large type and in small type in the up-

7 per left-hand corner, the words: "If not delivered in two days return to the  
 8 'Superintendent of Elections'" in counties having a superintendent of elec-  
 9 tions and to the "Commissioner of Registration" in all other counties and  
 10 in the lower left-hand corner shall be printed the words "Municipality" fol-  
 11 lowed by a line ".....," "Ward" followed by a line  
 12 ".....," and "district" followed by a line ".....  
 13 .....,," arranged in three lines one under the other.

1 5. Section 19:14-25 of the Revised Statutes is amended to read as follows:

2 19:14-25. In counties not having a superintendent of elections where the  
 3 county board of elections does not have the equipment or facilities to address  
 4 and mail sample ballot envelopes, all the members of each of the district  
 5 boards shall prepare and deposit in the post office, on or before twelve o'clock  
 6 noon on Wednesday preceding the general election day, a properly stamped  
 7 envelope containing a copy of the sample ballot, addressed to each registered  
 8 voter in the district of such board at the address shown on the register. The  
 9 board shall also post the sample ballots in the polling place in its district and  
 10 in at least five other public places therein.

11 The board shall return to the municipal clerk all ballots and envelopes not  
 12 mailed or posted by it, with a sworn statement in writing signed by a ma-  
 13 jority of the board that all the remainder of such ballots and envelopes had  
 14 been mailed.

15 In counties having a superintendent of elections, and in other counties  
 16 where the county board of elections shall elect to operate under the pro-  
 17 visions of subsection b of section 19:14-21 of this Title, the commissioner of  
 18 registration shall prepare and deposit in the post office on or before twelve  
 19 o'clock noon, on the Wednesday preceding the general election day, a prop-  
 20 erly stamped envelope containing a copy of the sample ballot addressed to  
 21 each registered voter in the county at the address shown on the registry. The  
 22 commissioner of registration shall return to the county clerk all ballots and  
 23 envelopes not mailed or posted by him, with a sworn statement in writing

24 signed by him that all the remainder of such ballots and envelopes have been  
25 mailed.

26 The county board of elections, in all counties having a superintendent  
27 of elections, and in other counties where the county board of elections shall  
28 elect to operate under the provisions of subsection b of section 19:14-21 of  
29 this Title, shall, not later than noon of the second Monday preceding the  
30 election, deliver or mail to the members of the district board six sample bal-  
31 lots for their respective election district. The board shall post the sample  
32 ballots in the polling place in its district and in at least five other public  
33 places therein not later than twelve o'clock noon of the Friday preceding  
34 election.

1 6. Section 19:17-3 of the Revised Statutes is amended to read as follows:

2 19:17-3. After the district board shall have made up and certified such  
3 statements, it shall at the same time and with the ballot boxes, as hereinafter  
4 provided, deliver or safely transmit one of the statements to the clerk of the  
5 municipality wherein such election is held, who shall forthwith file the same.  
6 In counties having a superintendent of elections one of such statements shall  
7 forthwith be filed with the superintendent of elections of the county. The su-  
8 perintendent may arrange to accept such certificates in such municipality  
9 within the county at the office of the clerk of such municipality or some  
10 other convenient place. Any municipal clerk who shall refuse to permit such  
11 superintendent or his deputies or assistants access to his office for the pur-  
12 pose of collecting such certificates or any municipal clerk or other person  
13 who shall interfere or obstruct the superintendent, his deputies or assistants  
14 in the collection of such certificates, or any member of a district board who  
15 shall willfully fail or refuse to deliver such statement to the superintendent,  
16 his deputies or assistants as the case may be, shall be guilty of a misde-  
17 meanor. In all counties the board shall, immediately after election, deliver  
18 or safely transmit another of the statements to the clerk of the county, who  
19 shall forthwith file the same.

20 If officers were voted for or public questions were voted upon at the elec-  
 21 tion by the voters of the entire State or of more than one county thereof, or  
 22 of a congressional district, then the board shall, immediately after the elec-  
 23 tion, inclose, seal up and transmit the fourth statement to the Secretary of  
 24 State by mail in stamped envelopes to be furnished by the Secretary of State,  
 25 addressing the same in the following manner: "To the Secretary of State of  
 26 New Jersey, Trenton, New Jersey." In each year in which the board is  
 27 required by this section to transmit a statement to the Secretary of State the  
 28 statement required by section 19:17-4 of this Title shall be inclosed in the  
 29 same envelope and forwarded therewith. If no statement hereunder be re-  
 30 quired to be so transmitted in any year then the statement required by said  
 31 section 19:17-4 shall be transmitted by the board in an envelope addressed  
 32 as above provided. Upon receiving such statements the Secretary of State  
 33 shall forthwith file the same in his office.

1 7. Section 19:18-1 of the Revised Statutes is amended to read as follows:

2 19:18-1. As soon as the election shall be finished and the votes can-  
 3 vassed and the statements made and certified by the district board as herein  
 4 required, all ballots which have been cast, whether the same have been can-  
 5 vassed and counted or rejected for any cause, and one tally sheet, spoiled and  
 6 unused ballots, shall be carefully collected and deposited in the ballot box.

7 In all municipalities the signature copy registers shall not be placed in  
 8 the ballot box but shall be delivered immediately by the district board to the  
 9 commissioner of registration.

9½ In order to carry out his duties, any superintendent of elections in  
 10 counties having a superintendent of elections shall have access and be per-  
 11 mitted to inspect and examine any and all signature copy registers for said  
 12 county for any election which may have been or shall be held in said county  
 13 and any official or person having possession or custody of same who shall  
 14 refuse to deliver said signature copy registers to the office of said superin-  
 15 tendent of elections forthwith upon demand having been made upon him by  
 16 said superintendent of elections as aforesaid shall be adjudged a disorderly

17 person and unless the said official having custody or possession of said signa-  
18 ture copy registers shall forthwith produce the same at the office of the super-  
19 intendent of elections when demanded by him so to do, the said superin-  
20 tendent of elections may apply to any justice of the Supreme Court or to any  
21 judge of the court of common pleas, and such justice or judge shall forthwith  
22 make an order directing the official having possession or custody of the said  
23 signature copy registers to produce them at once in the court in which said  
24 justice of the Supreme Court or judge of the court of common pleas may be  
25 sitting, and upon their being produced said justice or judge shall deliver the  
26 same to the superintendent of elections.

1 8. Section 19:23-30 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-30. a. In counties not having a superintendent of elections where  
4 the county board of elections does not have the equipment or facilities to ad-  
5 dress and mail sample ballot envelopes, the municipal clerk shall cause to be  
6 printed as herewith prescribed a sufficient number of official primary sample  
7 ballots of each political party in each election district and shall furnish a  
8 sufficient number of stamped envelopes to enable every district board to mail  
9 one copy of such ballot of each political party to each voter who is regis-  
10 tered in the district for the primary election. The municipal clerk shall de-  
11 liver to the county clerk in all counties and the county board in counties  
12 having a superintendent of elections one official primary sample ballot of  
13 each political party for each district in his municipality. The cost of print-  
14 ing the official primary sample ballots and the stamped envelopes therefor  
15 shall be paid by the respective municipalities.

16 b. In counties having a superintendent of elections, and in other counties  
17 where the county board of elections may have the equipment or facilities to  
18 prepare a properly stamped envelope addressed to each registered voter in  
19 the county for mailing, the municipal clerk shall cause to be printed as here-  
20 with prescribed a sufficient number of official primary sample ballots of each  
21 political party for each election district and shall furnish a sufficient num-

22 ber of stamped envelopes to enable the commissioner of registration of the  
 23 county to mail one copy of such ballot of each political party to each voter  
 24 who is registered in the district for the primary election. The municipal clerk  
 25 shall also deliver to the county board ten official primary sample ballots of  
 26 each political party for each district in his municipality. The cost of print-  
 27 ing of the official primary sample ballots and stamped envelopes therefor  
 28 shall be paid for by the respective municipalities. County boards of elections  
 29 which elect to operate under the provisions of this paragraph shall notify  
 30 their respective municipal clerks in sufficient time to enable them to make the  
 31 necessary arrangements the first year.

1 9. Section 19:23-32 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-32. Each of such envelopes shall have printed on the face thereof,  
 4 in large type, the words, "Official Primary Sample Ballot," and in smaller  
 5 type, in the upper left-hand corner, the words, "If not delivered in two days  
 6 return to the superintendent of elections" in counties having a superin-  
 7 tendent of elections, to the "Commissioner of Registration" in other counties  
 8 and in the lower left-hand corner shall be printed the words "Municipality"  
 9 followed by a line "....." "Ward"  
 10 followed by a line "....." and "District"  
 11 followed by a line "....." arranged in three  
 12 lines one under the other.

1 10. Section 19:23-33 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-33. In counties not having a superintendent of elections where the  
 4 county board of elections does not have the equipment or facilities to  
 5 address and mail sample ballot envelopes, the municipal clerk in each munici-  
 6 pality shall furnish to a member of each district board in his municipality, at  
 7 his office, or in any other way that he sees fit, on or before Tuesday preceding  
 8 the primary election in each year, sufficient sample ballots and sufficient  
 9 stamped envelopes to enable the board to mail sample ballots to the voters

10 as hereinbefore provided. Each of the boards shall give the municipal clerk  
11 a receipt for such sample ballots and envelopes signed by one of its members.

12 In counties having a superintendent of elections, and in other counties  
13 where the county board of elections shall elect to operate under the provisions  
14 of subsection b of section 19:23-30 of this Title, the municipal clerk in each  
15 municipality shall furnish to the commissioner of registration of his county  
16 not later than thirty days preceding the primary election of each year,  
17 sufficient stamped envelopes to enable the commissioner of registration to  
18 mail sample ballots to each voter who is registered in the county and shall,  
19 not later than noon of the twelfth day preceding the primary election fur-  
20 nish sufficient sample ballots to the commissioner of registration of his county  
21 for that purpose. The commissioner of registration shall give the municipal  
22 clerk a receipt for such sample ballots and envelopes.

1 11. Section 19:23-34 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-34. Each of such district boards, in counties not having a superin-  
4 tendent of elections where the county board of elections does not have the  
5 equipment or facilities to address and mail sample ballot envelopes, and the  
6 commissioner of registration in all other counties, shall prepare and deposit  
7 in the post office, on or before twelve o'clock noon on Wednesday preceding  
8 the primary day, the stamped envelopes containing a copy of the sample  
9 primary ballot of each political party addressed to each voter whose name  
10 appears in the primary election registry book.

1 12. Section 19:23-35 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-35. In counties not having a superintendent of elections, where the  
4 county board of elections does not have the equipment or facilities to address  
5 and mail sample ballot envelopes, such district board shall also post the  
6 sample ballot in the polling place in its district and five other places therein.

7 The county board of elections in all counties of the first class, and in  
8 other counties where the county board of elections shall elect to operate under

9 the provisions of subsection b of section 19:23-30 of this Title, shall, not later  
 10 than noon of the second Monday preceding the primary election, deliver or  
 11 mail to the members of the district board six sample ballots for their respec-  
 12 tive election district. The board shall post the sample ballots in the polling  
 13 place in its district and in at least five other public places therein not later  
 14 than twelve o'clock noon of the Friday preceding the primary election.

1 13. Section 19:23-36 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-36. In counties not having a superintendent of elections where the  
 4 county board of elections does not have the equipment or facilities to mail  
 5 sample ballot envelopes, the district boards shall return to the municipal  
 6 clerk the unused sample ballots and stamped envelopes, with a sworn state-  
 7 ment in writing, signed by a majority of the members of the board, to the  
 8 effect that the remainder of the sample ballots in envelopes were actually  
 9 mailed or posted as provided in this Title, and the members of the board  
 10 failing to file such statement shall receive no compensation for the service  
 11 of mailing.

12 In counties having a superintendent of elections, and in other counties  
 13 where the county board of elections shall elect to operate under the provisions  
 14 of subsection b of section 19:23-30 of this Title, the commissioner of regis-  
 15 tration shall return to the municipal clerk the unused sample ballots and  
 16 stamped envelopes with a sworn statement to the effect that the remainder of  
 17 the sample ballots and envelopes were actually mailed or posted as herein  
 18 provided.

1 14. Section 19:23-53 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-53. The district board shall immediately deliver or transmit this  
 4 statement to the clerks of the county and municipality within which such  
 5 primary election was held. In counties having a superintendent of elec-  
 6 tions one of such statements shall forthwith be filed with the super-  
 7 intendent of elections of the county. The superintendent may arrange

8 to accept such certificates in each municipality within the county at the  
 9 office of the clerk of such municipality or some other convenient place. Any  
 10 municipal clerk who shall refuse to permit such superintendent or his  
 11 deputies or assistants access to his office for the purpose of collecting such  
 12 certificates or any municipal clerk or other person who shall interfere or  
 13 obstruct the superintendent, his deputies or assistants in the collection of  
 14 such certificates, or any member of a district board who shall willfully fail  
 15 or refuse to deliver such statement to the superintendent, his deputies or as-  
 16 sistants as the case may be, shall be guilty of a misdemeanor.

1 15. Section 19:27-14 of the Revised Statutes is amended to read as fol-  
 2 lows:

3-4 19:27-14. In each municipality in counties not having a superintendent of  
 5 elections, the commissioner shall deliver to the clerk of the municipality in  
 6 which the special election is to be held, at least thirty days prior thereto, the  
 7 signature copy registers. The municipal clerk shall deliver such signature  
 8 copy registers and also the registers of voters to the several district boards  
 9 in time to be used at the special election.

10 In counties having a superintendent of elections the commissioner shall  
 11 deliver the signature copy registers at his office or in any other way he may see  
 12 fit, and the municipal clerks shall deliver the registers of voters to the sev-  
 13 eral district boards, in time to be used at the special election.

14 At the close of the special election the district boards shall return such  
 15 registers as provided in the case of a general election.

1 16. Section 19:30-2 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:30-2. The county clerk in counties having a superintendent of  
 4 elections shall forthwith and the county clerk in all other counties may  
 5 cause copies of such registry lists to be printed in handbill form, and  
 6 shall furnish to any voter applying for the same such copies, charg-  
 7 ing therefor twenty-five cents (\$0.25) per copy. He shall also furnish  
 8 five printed copies thereof to each district board, which shall within two days

9 post two such registry lists, one in the polling place and one in another con-  
10 spicuous place within the election district. The county clerk shall also forth-  
11 with deliver to the chief of police and the municipal clerk of each of the mu-  
12 nicipalities in the county for which the lists have been printed, five copies of  
13 the lists of voters of each election district in such municipalities, and to the  
14 county board ten copies of the lists of voters of each election district in each  
15 of such municipalities. The county clerk shall also forthwith deliver to the  
16 chairman of the State committee and to the chairman of the county com-  
17 mittee, of the several political parties, five copies of the lists of voters of each  
18 election district in each of the municipalities in his county.

19 The chief of police shall cause an investigation to be made of the names  
20 of the persons so appearing on such lists, to ascertain if such persons are resi-  
21 dents of the houses from which they are registered, and shall, not later than  
22 five days after the receipt thereof from the county clerk, forward the vari-  
23 ous reports of such investigations, certified by the chief of police, to the  
24 county board in counties not having a superintendent of elections, and  
25 to the superintendents in counties having a superintendent of elections,  
26 where they shall be kept open to public inspection and preserved for three  
27 years.

28 The county clerk, after causing copies of such registry lists to be printed,  
29 shall file the original registry lists in his office and keep same on file for one  
30 year.

1 17. Section 19:31-2 of the Revised Statutes is amended to read as  
2 follows:

3 19:31-2. In all counties having a superintendent of elections, the super-  
4 intendent of elections is hereby constituted the commissioner of registration  
5 and in all other counties the secretary of the county board is hereby con-  
6-7 stituted the commissioner of registration.

8 The commissioner of registration in all counties having a superintendent  
9 of elections, and the county board in all other counties, shall have complete

10 charge of the permanent registration of all eligible voters within their re-  
11 spective counties.

12 The commissioner of registration in counties having a superintendent of  
13 elections, and the county board in all other counties, shall have power to ap-  
14 point temporarily such number of persons as in his or its judgment may be  
15 necessary in order to carry out the provisions of this Title. Such persons  
16 when temporarily appointed shall not be subject to any of the provisions of  
17 Title 11, Civil Service, but shall be in the unclassified service.

18 The commissioner of registration in counties having a superintendent of  
19 elections, and the county board in all other counties, shall provide such  
20 printed forms, blanks, supplies and office telephone and transportation equip-  
21 ment and shall prescribe such reasonable rules and regulations as are nec-  
22 essary in the opinion of the commissioner or county board to carry out the  
23 provisions of this Title and any amendments or supplements thereto.

24 All necessary expenses incurred, as and when certified and approved by  
25 the commissioner of registration in counties having a superintendent of elec-  
26 tions, and by the county board in all other counties, shall be paid by the  
27 county treasurer of the county; *provided, however*, that all expenses of every  
28 nature in the office of the commissioner of registration in counties of the first  
29 class, exclusive of county board expenses, shall not exceed the sum of three  
30 hundred ten thousand dollars (\$310,000.00) for the year one thousand nine  
31 hundred and forty-one and shall not exceed the sum of two hundred sixty  
32 thousand dollars (\$260,000.00) per annum for each succeeding year there-  
33-43 after.

44 Nothing in the provisions of subtitle two of the Title, Municipalities and  
45 Counties (40:16-1 et seq.), shall in anywise be construed to affect, restrict or  
46 abridge the powers herein conferred on the commissioners in counties having  
47 a superintendent of elections, and upon the county boards in all other counties.

48 All powers granted to the commissioner in all counties not having super-  
49 intendent of elections by the provisions of this Title are hereby conferred  
50 upon the county board in such counties, and any and all duties conferred

51 upon the commissioner in all counties not having a superintendent of elec-  
 52 tions by the provisions of this Title shall only be exercised and performed  
 53 by such commissioner under the instructions and directions of and subject  
 54 to the approval of the county board of such counties.

1 Section 19:31-6 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:31-6. In counties having a superintendent of elections, the members of  
 4 the county board may, and the commissioner or a duly authorized clerk or  
 5 clerk acting for him shall, up to and including the fortieth day preceding  
 6 any election, and in counties not having a superintendent of elections, up to  
 7 and including the fortieth day preceding any election, and after any such  
 8 election, receive the application for registration of all eligible voters who  
 9 shall personally appear for registration during office hours, at the office of  
 10 the commissioner or at such other place or places as may from time to time  
 11 be designated by him for registration, and who have the qualifications as  
 12 herein provided. Any eligible voter who applies for registration shall sub-  
 13-14 scribe to the following oath or affirmation, viz.:

15 "You do solemnly swear (or affirm) that you will fully and truly  
 16 answer such questions as shall be put to you touching your eligibility as  
 17 a voter under the laws of this State."

18 Upon being sworn the applicant shall answer such questions as are pro-  
 19 vided for in the original and duplicate permanent registration forms herein-  
 20 before set forth, and the person receiving the application shall fill out the  
 21 forms which the applicant shall sign. If an eligible voter is unable to write  
 22 his name, he shall be required to make a cross, which shall be followed by the  
 23 writing of the words "his or her mark," as the case may be, by the person  
 24 receiving the application, and such applicant shall answer the additional  
 25 questions required under this Title. Such additional questions shall be sworn  
 26 to or affirmed in the manner above provided. Registration by mail is specifi-  
 27 cally prohibited.

1 19. Section 19:31-15 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-15. For the purpose of preventing fraudulent voting and of elimi-  
4 nating names improperly registered, the commissioner in counties hav-  
5 ing a superintendent of elections, and the county board in all other  
6 counties, shall within ninety days after each general election preceding the  
7 general election at which members of the House of Representatives are  
8 elected send by government reply postal card to each registrant who failed to  
9 vote at such election, at his registered address, a notice substantially as fol-  
10 lows:

11 "Please answer the question as to residence and removal as indi-  
12 cated on attached reply card.

13 .....  
Commissioner of Registration."

14 The reply card shall be addressed to the commissioner and shall bear  
15 substantially the following questions with appropriate spaces for answers:

16 "(1) Do you still reside at the address to which this notice has been  
17 mailed?

18 (2) If not, where do you now reside? (stating street address and  
19 city or town to which you have moved.)

20 Signed ....."

21 The county board in counties not having a superintendent of elections,  
22 may also, and in addition to the method hereinbefore provided, direct at any  
23 time an authorized clerk or clerks to make any personal investigation which  
24 the commissioner or county board may deem necessary to establish the fact  
25 of continued residence or of removal of any registrant.

26 The commissioner in counties having a superintendent of elections, and  
27 the county board in all other counties, shall, in addition to the method here-  
28 inbefore provided, at least once during every four years and as often as the  
29 commissioner in counties having a superintendent of elections or the county  
30 board in all other counties, may deem necessary cause the entire registry list

31 to be investigated by house-to-house canvass to establish the fact of continued  
32-38 residence, removal, death, disqualification or improper registration.

39 In case of registrants who have been found to the satisfaction of the com-  
40 missioner in counties having a superintendent of elections and to the county  
41 board in all other counties, to have moved from one address to another within  
42 the same county, the commissioner in counties having a superintendent of  
43 elections, and the county board in all other counties, shall cause the permanent  
44 registration forms of said registrants to be transferred to the proper reg-  
45 isters, upon receipt of a change of residence notice duly executed by such  
46 registrants, as provided by law.

47 In case of registrants so found to have moved to any place outside the  
48 county or State, the commissioner in counties having a superintendent of  
49 elections, and the county board in all other counties shall cause the perma-  
50 nent registration forms of such persons to be transferred to the inactive file.  
51 Such persons upon return to any municipality within the county shall be re-  
52 quired to reregister before being allowed to vote.

53 In case of registrants so found to have died, been disqualified or im-  
54 properly registered, the county board in counties not having a superintendent  
55 of elections shall cause the permanent registration forms of such persons to  
56 be transferred to the inactive or death file as the case may be.

57 The county board in counties not having a superintendent of elections  
58 before removing, for any reason whatsoever, the permanent registration  
59 forms of any registrant from the signature copy registers, or before trans-  
60 ferring such forms to the inactive file shall cause to be published a notice  
61 setting forth the proposed action of the county board. This notice shall  
62 contain the list of the names and registered addresses of all registrants to  
63 be affected by the proposed action. Such notice and list shall be published  
64 at least two entire days prior to the removal of such names and shall be  
65 published in two or more newspapers published within the county, one of  
66 which newspapers, at least, shall be published in the municipality affected.  
67 At least one of such newspapers shall be a daily newspaper, but if there be

68 no daily newspapers published in the county then such notices shall be pub-  
69 lished as above provided in weekly papers. The notice and list shall in addi-  
70 tion specify the reason or reasons for the contemplated removal or transfer  
71 of the permanent registration forms of the registrants affected. The notice  
72 and list shall be published in the manner above provided prior to the second  
73 Tuesday preceding any election.

74 Any person affected by any action of the county board in counties not  
75 having a superintendent of elections, shall, during the two weeks immedi-  
76 ately preceding any election and on election day, have the right to make ap-  
77 plication to any judge of the court of common pleas of that county, for the  
78 purpose of obtaining an order entitling him to vote in the district in which  
79 he actually resides. The burden of proof shall be upon the applicant. The  
80 judge of the court of common pleas, if satisfied that the applicant is entitled,  
81 under the law, to vote at such election, and after determining the election dis-  
82 trict in which such person actually resides, may issue an order directing the  
83 district board of that district to permit such person to vote. Such person  
84 must reregister before voting at any subsequent election by court order or  
85 otherwise. If the applicant shall be refused the right to vote, due to in-  
86 ability of the district board or of the commissioner or of the county board  
87 to find the permanent registration forms of such applicant, then in addition  
88 such applicant shall establish by reference to the registry lists of former  
89 elections, that he was previously registered. Such evidence shall be deemed  
90 sufficient to establish the fact that the applicant was formerly registered.  
91 If the order is directed to a district board, the district board shall certify  
92 and return the order at the close of the election to the commissioner.

93 In counties having a superintendent of elections, any registrant so found  
94 to have died, or been disqualified by conviction of a crime which would dis-  
95 franchise a person under the laws of this State, or never has resided at the  
96 place of registry or is registered from some place other than his actual resi-  
97 dence, or does not possess the qualifications to vote required by the Constitu-  
98 tion of this State, or is otherwise not entitled to vote, the commissioner shall

99 cause the permanent registration forms of such registrant to be transferred  
100 to the inactive or death file as the case may be.

101 The commissioner in counties having a superintendent of elections, be-  
102 fore transferring such forms to the inactive file or death file, shall serve an  
103 order in writing signed by him, upon the proper district board, ordering it  
104 to refuse to allow such person to vote at the next election.

105 The commissioner in counties having a superintendent of elections,  
106 before signing such order in writing to any district board, shall give  
107 notice of his proposed action to such registered person, (1) person-  
108-13 ally, or (2) by leaving the same at the person's registered place of resi-  
114 dence with a person above the age of fourteen years, if any such person can  
115 be found, and if not, by affixing the same to the outer door of such place of  
116 residence or to any other portion of such premises if no building be found  
117 thereon, or (3) by sending the same by mail addressed to the person at his  
118 registered place of residence at least two entire days before the issuance of  
119 the order and the commissioner shall cause a list of the names of such per-  
120 sons, with their registry addresses, to be published at least two entire days  
121 before the issuance of the order in two or more newspapers published within  
122 the county, at least one of which shall be a daily newspaper. Such published  
123 notice, in addition to containing the names and addresses of such persons,  
124 shall give notice to them of the proposed action of the commissioner. No  
125 such order in writing shall be signed by the commissioner subsequent to the  
126 Tuesday preceding an election.

127 In all counties when the transfer of any person's permanent reg-  
128 istration form is to be made to the death file or is to be made to the in-  
129 active file because such person did not vote at a general election during four  
130 consecutive years, or because the name of such person has been ordered  
131 stricken from the register by the court, or because such person has changed  
132 his or her name by decree of court, or because such person is a woman who  
133 changed her name due to marriage or divorce and neglected to reregister in  
134 accordance with law, or because the information which forms the basis of such

135 proposed action in making such transfer was received from such person di-  
136 rectly, no notice of such proposed action need be given to such registered per-  
137 son and such person's name and registry address need not be published as re-  
138 quired in this section.

139 The commissioner in counties having a superintendent of elections,  
140 shall cause such order to be delivered to the district board at the  
141 same time as the challenge lists are delivered, which order shall be re-  
142 ceipted for by the judge of the district board, who shall use the order in con-  
143 junction with the registry list, so that no person whose name appears upon  
144 the order shall be allowed to vote. Such order shall be signed and certified to  
145 by each member of the district board to the effect that no person whose name  
146 appears therein has been allowed to vote. The order shall be returned to  
147 the commissioner at the same time and together with the challenge lists. Upon  
148 receipt of such order the commissioner shall thereupon transfer the perma-  
149 nent registration forms of the person named in such order to the inactive,  
150 death or conviction file, as the case may be, and he shall not be permitted to  
151 vote at any subsequent election, by court order or otherwise, unless he has re-  
152 registered.

153 Any person affected by the action of the commissioner in counties  
154 having a superintendent of elections shall, during the week immediately  
155 preceding the election and on the election day have the right to make  
156 application to a judge of the court of common pleas of the county for the  
157 purpose of obtaining an order entitling him to vote in the district in which  
158 he actually resides. The burden of proof shall be upon the applicant. The judge  
159 of the court of common pleas, if satisfied that the applicant is entitled under  
160 the law to vote at such election and after determining the election district  
161 in which the person actually resides may issue an order directing the district  
162 board of that district to permit such person to vote. If the applicant shall  
163 be refused the right to vote, due to the inability of the district board or of the  
164 commissioner or of the county board to find the permanent registration  
165 forms of such applicant, then in addition such applicant shall establish by

166 reference to the registry lists of former elections; that he was previously reg-  
 167 istered. Such evidence shall be deemed sufficient to establish the fact that the  
 168 applicant was formerly registered. The district board shall certify and return  
 169 the order to the commissioner at the close of the election, who thereupon  
 170 shall restore the permanent registration forms of such person to the active  
 171 file. Before the issuance of such order, the commissioner shall be heard per-  
 172 sonally, or by his chief deputy or assistants, as to the reasons why he has  
 173 issued an order denying such person the right to vote. The commissioner  
 174 or any one representing him shall have full power to cross-examine any wit-  
 175 ness. The judge of the court of common pleas making such order shall cause  
 176 a full record of the proceedings of the application to be taken stenographi-  
 177 cally, transcribed and filed in the office of the county clerk of the county,  
 178 which record shall be open and public record. All costs and expense of such  
 179 proceedings shall be paid by the county.

180 In no event shall the permanent registration forms or voting record of  
 181 any registrant be removed or transferred to the inactive file subsequent to  
 182 the second Tuesday preceding any election, until after such election; nor shall  
 183 the permanent registration forms or voting record of any registrant in  
 184 counties not having a superintendent of elections be removed or transferred  
 185 to the inactive file if the name of such registrant is not first published in  
 186-7 the manner above described, except as herein otherwise provided.

188 Any commissioner who, after ascertaining that a person has died, been  
 189 disqualified, moved out of the permanent registration area or has been im-  
 190 properly registered, and who willfully or fraudulently refuses to cause to  
 191 transfer the permanent registration forms of such persons to the proper file  
 192 shall be guilty of a misdemeanor.

1 20. Section 19:31-16 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:31-16. The health officer or other officer in charge of records of death  
 4 in each municipality shall file with the commissioner in counties not having a  
 5-6 superintendent of elections and with the superintendent in counties hav-

7 ing a superintendent of elections once each month, during the first  
8 five days thereof, the age, date of death, and the names and addresses of all  
9 persons over twenty-one years of age who have died within such municipality  
10 during the previous month. Upon receipt of such list the commissioner or  
11 superintendent, as the case may be, shall make such investigation as is neces-  
12 sary to establish to his satisfaction that such deceased person is actually the  
13 same person who is permanently registered. If such fact is so established,  
14 the commissioner shall cause the permanent registration and record of voting  
15 forms of the deceased registrant to be transferred to the death file. In  
16 counties having a superintendent of elections the superintendent shall certify  
17 to the commissioner such fact forthwith, including the address, municipality,  
18 ward and district of the deceased registrant, and the commissioner shall cause  
19 the permanent registration and record of voting forms of the deceased reg-  
20 istrant to be transferred to the death file.

1 21. Section 19:31-17 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:31-17. Once each month during the first five days thereof the prose-  
4 cutor of the pleas shall deliver to the commissioner in counties  
5 not having a superintendent of elections and to the superintendent  
6 in counties having a superintendent of elections a list of the names  
7 and addresses of all persons and their ages and offenses who have  
8 been convicted during the previous month of a crime which would  
9 disfranchise them under the laws of this State. Upon the receipt  
10 of the list the commissioner or superintendent, as the case may be,  
11 shall make such investigation as is necessary to establish to his satisfaction  
12 that the convicted person is actually the same person who is permanently  
13 registered. If it is so established, the commissioner shall cause the perma-  
14 nent registration and record of voting forms of such convicted registrant to  
15 be transferred to the conviction file. In counties having a superintendent of  
16 elections, the superintendent shall certify to the commissioner such fact forth-  
17 with, including the address, municipality, ward and district of the convicted

18 registrant and the commissioner shall cause the permanent registration and  
 19 record of voting forms of the convicted registrant to be transferred to the  
 20 inactive file. Such persons upon the restoration of their citizenship rights  
 21 or upon being pardoned shall be required to reregister before being allowed  
 22 to vote.

1 22. Section 19:31-20 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:31-20. On or before the second Monday preceding the primary election  
 4 for the general election and the general election, respectively, the commis-  
 5 sioner in counties not having a superintendent of elections, shall deliver to the  
 6 municipal clerk in each municipality the signature copy registers for each  
 7 election district in such municipality and shall take a receipt for same. The  
 8 municipal clerk shall thereupon deliver at his office, or in any other way he  
 9 sees fit, such registers to a member or members of the proper district boards  
 10 at the same time and together with the primary for the general election sample  
 11 ballots or the general election sample ballots, as the case may be. The  
 12 registers shall be used by the district boards on election days and for the pur-  
 13 pose of mailing the sample ballots. The commissioner in counties having a  
 14 superintendent of elections shall deliver such registers at his office, or in  
 15 any other way he may see fit, to the various district boards, taking a  
 16 receipt for same.

17 Before delivering the registers the commissioner shall cause to be printed  
 18 upon a separate sheet or sheets of paper, to be inserted inside of the front  
 19 cover of such registers in conspicuous type, such instructions to election  
 20 officers regarding the use and disposition of the binders and forms as he  
 21 deems necessary.

1 23. Section 19:45-7 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:45-7. The compensation of the members of the several county boards  
 4 shall be as follows: in counties having a population exceeding five hundred  
 5 thousand, two thousand six hundred dollars (\$2,600.00) per annum; in coun-

6 ties having a population of not more than five hundred thousand or less than  
7 one hundred seventy-five thousand, two thousand dollars (\$2,000.00) per  
8 annum; in counties having a population of not more than one hundred  
9 seventy-five thousand or less than one hundred fifty thousand, eighteen  
10 hundred dollars (\$1,800.00) per annum; in counties having a population of  
11 not more than one hundred fifty thousand or less than one hundred  
12 fifteen thousand, twelve hundred dollars (\$1,200.00) per annum; in counties  
13 having a population of not more than one hundred fifteen thousand or  
14 less than ninety thousand, one thousand dollars (\$1,000.00) per annum; in  
15 counties having a population of not more than ninety thousand or less than  
16 forty-eight thousand, nine hundred dollars (\$900.00) per annum; in counties  
17 having a population of not more than forty-eight thousand, six hundred dol-  
18 lars (\$600.00) per annum. The members of the county board in counties  
19 other than counties of the first class who shall be elected as chairman and  
20 secretary thereof and who shall perform the duties of chairman and secre-  
21 tary thereof shall each receive an additional compensation of one-half of the  
22 compensation of the individual members of the board.

23       The compensation of the clerk of the county board of elections in coun-  
24 ties of the first class shall be as follows: for the first year of service in  
25 such position the sum of thirty-five hundred dollars (\$3,500.00) per annum; to  
26 be increased at the rate of one hundred fifty dollars (\$150.00) per annum  
27 for each year of service, to the maximum of fifty-five hundred dollars  
28 (\$5,500.00) per annum; and the compensation of the assistant clerks shall be,  
29 for the first year of service in such positions, the sum of three thousand dol-  
30 lars (\$3,000.00) per annum, to be increased at the rate of one hundred dol-  
31 lars (\$100.00) per annum for each year of service to the maximum of forty-  
32 five hundred dollars (\$4,500.00) per annum. The compensation of the clerk-  
33 stenographer shall be fixed by the county board, to be paid by the county  
34 treasurer, semimonthly as other county employees are paid; *provided, how-*  
35 *ever,* that in counties of the first class, wherever assistant clerks and the clerk-  
36 stenographer have not, at the time of the adoption of this act, been appointed

37 from the competitive class of civil service, the foregoing provisions concern-  
38 ing their salaries shall not apply but their salaries shall be, now or here-  
39 after, in such sums as shall be recommended from time to time by the county  
40 board of elections and approved by the county board of freeholders of the  
41 county. This section shall apply to such clerks and assistant clerks whether  
42 heretofore or hereafter appointed and the years of service shall be computed  
43-56 from the time of their respective appointments to such positions.

57 The commissioner of registration in a county of the first class  
58 shall receive twenty-five hundred dollars (\$2,500.00) per annum, for  
59 services performed as such commissioner of registration, and the com-  
60 missioner of registration in a county of the second class having a  
61 superintendent of elections shall receive one thousand dollars (\$1,000.00)  
62 per annum for services performed as such commissioner of registration, and  
63 for such services performed by a commissioner of registration in a county  
64 not having a superintendent of elections additional compensation shall be  
65 paid to such commissioner in an amount equal to fifty per centum (50%) of  
66 his salary as member and secretary of the county board. In counties of the  
67 second class where a member of the county board serves as commissioner  
68 of registration, he shall receive no additional compensation for the perform-  
69 ance of his duties as such commissioner unless he shall devote his full time  
70 to the performance of his duties as a member of the county board, secretary  
71 thereof, and commissioner of registration. "Full time" as here used means  
72 such time as is daily required of employees in the office of the county board.

1 24. Section 19:48-4 of the Revised Statutes is amended to read as  
2 follows:

3 19:48-4. Voting machines, heretofore or hereafter installed in any man-  
4 ner provided by law, in any county not having a superintendent of elections,  
5 shall be placed, and remain, in the custody of the county board of elections,  
6 and voting machines, heretofore or hereafter installed in any manner pro-  
7 vided by law, in any county having a superintendent of elections, shall be  
8 placed, and remain, in the custody of the superintendent of elections; except

9 that voting machines, heretofore or hereafter installed in any municipality  
10 by the governing body thereof, in any manner provided by law, shall be  
11 placed, and remain, in the custody of the municipal clerk unless taken over  
12 by the county according to law.

13 The county board of elections or the superintendent of elections or the  
14 municipal clerk, as the case may be, shall preserve and keep in repair all  
15 voting machines placed in its or his custody pursuant to the provisions of  
16 this section.

1 25. Section 19:48-6 of the Revised Statutes is amended to read as  
2 follows:

3 19:48-6. The county board of elections or the superintendent of elec-  
4 tions or the municipal clerk, as the case may be, having custody of voting  
5 machines, shall have the machine or machines and all necessary furniture  
6 and appliances at the proper polling place or places before the time fixed  
7 for opening the polls, and the counters set at zero (000), and otherwise in  
8 good and proper order for use at such election. For the purpose of plac-  
9 ing ballots in the ballot frames of the machines; putting in order, setting,  
10 testing, adjusting and delivering the machines, such county board of elec-  
11 tions or such superintendent of elections or such municipal clerk, as the  
12 case may be, may employ or appoint one or more fully competent persons  
13 to be known as custodian or custodians of voting machines, who shall be  
14 thoroughly instructed in their duties by such county board of elections or  
15 such superintendent of elections or such municipal clerk, as the case may  
16 be, and shall be sworn to perform their duties honestly and faithfully. Such  
17 custodians shall be employed or appointed and instructed at least thirty days  
18 before the election and shall be considered as officers of elections; *provided,*  
19 *however,* that for the purpose aforesaid in counties having a superin-  
20 tendent of elections, the superintendent of elections may employ or  
21 appoint, in addition to one or more custodian or custodians, other fully  
22 competent persons and may classify them, assign their duties, and fix their  
23 compensation according to the particular duties assigned them, which said

24 persons shall also be employed or appointed, and thoroughly instructed and  
25 sworn to perform their duties honestly and faithfully, at least thirty days  
26 before the election and shall likewise be considered as officers of election.

27 Before preparing a voting machine for any election, written notice shall  
28 be mailed by such board of elections or such superintendent of elections or  
29 such municipal clerk, as the case may be, to the chairman of the county com-  
30 mittee of at least two of the principal political parties, stating the time and  
31 place where the machines will be prepared, at which time one representative  
32 of each such political party shall be afforded an opportunity to see that the  
33 machines are in proper condition for use in the election; such representa-  
34 tives shall be sworn to faithfully perform their duties and shall be regarded  
35 as election officials, but shall not interfere with the custodian or custodians  
36 or other persons employed or appointed as aforesaid or assume any of his  
37 or their duties. When a machine has been so examined by such represen-  
38 tatives it shall be sealed with a numbered metal seal. Such representatives  
39 shall certify, upon a form to be provided by such county board of elections  
40 or such superintendent of elections or such municipal clerk, as the case may  
41 be, as to the numbers of the machines, that all of the counters are set at zero  
42 (000), and as to the number registered on the protective counter, if one is  
43 provided, and on the seal. Such certificate shall be filed by them with such  
44 county board of elections or such superintendent of elections or such munic-  
45 ipal clerk, as the case may be. When a voting machine has been properly  
46 prepared for the election, it shall be locked against voting and sealed; and  
47 the keys thereof shall be delivered to such county board of elections or such  
48 superintendent of elections or such municipal clerk, as the case may be,  
49 together with a written report made by a custodian stating that it is in  
50 every way properly prepared for the election.

51 After the voting machines shall be delivered to the polling places, the  
52 governing body of the municipality, wherein such polling places are located,  
53 shall provide ample police protection against molestation, or tampering or  
54 damage to the machines. Every voting machine shall be furnished with a

55 lantern, or an electric light fixture, which shall give sufficient light to enable  
56 voters while voting to read the ballots and be suitable for use by the dis-  
57 trict board in examining the counters. The lantern or electric light fixture  
58 shall be prepared in good order by such county board of elections or such  
59 superintendent of elections or such municipal clerk, as the case may be, for  
60 use before the opening of the polls.

1 26. Section five of chapter seven of the laws of one thousand nine hun-  
2 dred and forty-four is amended to read as follows:

3 5. All voting machines purchased by the State House Commission pur-  
4 suant to this act shall be delivered to the superintendent of elections in coun-  
5 ties having a superintendent of elections and to the county board of elections  
6 in each county of the second class. If the State House Commission is unable  
7 at its first purchase to purchase sufficient voting machines to meet the re-  
8 quirements of this act, it shall determine in its discretion the county or  
9 counties to which the voting machines purchased are to be delivered and the  
10 machines shall be delivered as required by such determination, and as  
11 further purchases are made the same procedure shall be followed.

1 27. Section nine of chapter seven of the laws of one thousand nine hun-  
2 dred and forty-four is amended to read as follows:

3 9. When voting machines are delivered to any county pursuant to the  
4 provisions of this act and they are insufficient to provide voting machines  
5 for use in all election districts of said county, such voting machines shall be  
6 installed and used in such municipalities of said county and in such wards  
7 thereof as, in counties having a superintendent of elections, the superintendent  
8 of elections shall designate and as, in counties of the second class, not hav-  
9 ing a superintendent of elections the commissioner of registration shall des-  
10 ignate, giving preference to municipalities in the descending order of popu-  
11 lation measured by the last Federal census and, in any municipality, giving  
12 preference to the several wards thereof according to the same standard.

1 28. Section eleven of chapter seven of the laws of one thousand nine hun-  
2 dred and forty-four is amended to read as follows:

3 11. No ballots other than ballots required for use in voting machines  
4 shall be prepared or used at any election in any election district in any such  
5 county for which voting machines are available, and which has been desig-  
6 nated by the superintendent of elections of the county if any there be or by  
7 the commissioner of registration of the county if a county of the second class,  
8 having any superintendent of elections, under the provisions of this act, as an  
9 election district in which voting machines shall be used.

1 29. Section three of chapter fifty-nine of the laws of one thousand nine  
2 hundred and forty-five is amended to read as follows:

3 3. In any case in which voting machines have been so installed for use  
4 in part of, but not in all of, the election districts of any municipality in any  
5 county of the first or second class, thereby preventing the holding of any  
6 such municipal election in such municipality with the use of voting machines  
7 in all election districts, in accordance with the provisions of law relating to  
8 elections where voting machines are used, the superintendent of elections of  
9 any such county having a superintendent of elections or the county board of  
10 elections of any such county of the second class, if there be no superin-  
11 tendent of elections, as the case may be, may rent from any other county or  
12 counties in which voting machines have been installed under any law other  
13 than the act to which this act is a supplement, as many voting machines and  
14 any pertinent equipment as, in his or its judgment, shall be necessary to  
15 carry out the purpose of this act by providing voting machines for use in  
16 all of such election districts in such municipality at any municipal election  
17 to be held therein; *provided, however,* that all voting machines so rented  
18 shall conform substantially to the type of voting machines already installed  
19 for use in such municipality.

1 30. This act shall take effect immediately.

ASSEMBLY, No. 61

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Mr. KATES

Referred to Committee on Elections

AN ACT to amend the title of "An act to authorize the board of chosen freeholders of any county of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," approved May twentieth, one thousand nine hundred and forty-seven (P. L. 1947, c. 167), so that the same shall read "An act to authorize the board of chosen freeholders of certain counties of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," and to amend the body of said act.

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

1 1. The title of "An act to authorize the board of chosen freeholders of  
2 any county of the second class to establish the office of superintendent of  
3 elections for said county and providing for the appointment, term of office  
4 and compensation of such superintendent of elections and fixing his powers  
5 and duties, and supplementing Title 19 of the Revised Statutes," approved  
6 May twentieth, one thousand nine hundred and forty-seven, is amended to  
7 read "An act to authorize the board of chosen freeholders of certain

8 counties of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes.”

1       2. Section one of the act of which this act is amendatory is amended to  
2 read as follows:

3       1. In any county of the second class, other than those having a popula-  
4 tion between two hundred and twenty-five thousand and three hundred thou-  
5 sand, the board of chosen freeholders may establish, by resolution, the office  
6 of superintendent of elections for the county, and said office when once estab-  
7 lished shall not be altered or abolished.

8       The board of chosen freeholders shall file a certified copy of such  
9 resolution, attested by the director and clerk of the board, in the office of the  
10 Secretary of State within ten days after the adoption of the resolution, and  
11 the resolution shall take effect at the expiration of thirty days after the next  
12 primary election for the general election, or the next general election, after  
13 the adoption of such resolution, whichever shall occur first.

14       The office so established shall be filled by some suitable person who shall  
15 be nominated by the Governor with the advice and consent of the Senate for  
16 a term of five years from the date of his appointment and until his successor  
17 is appointed and shall have qualified.

18       Each superintendent so appointed shall receive a salary of four thou-  
19 sand dollars (\$4,000.00) per annum to be paid by the county treasurer and  
20 shall have his office in the county for which he is appointed.

21       Vacancies shall be filled, for the unexpired terms only, in the same  
22 manner as original appointments are made.

1       3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

**ASSEMBLY, No. 61**

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**STATE OF NEW JERSEY**

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INTRODUCED JANUARY 17, 1949

By Mr. KATES

Referred to Committee on Elections

AN ACT to amend the title of "An act to authorize the board of chosen freeholders of any county of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," approved May twentieth, one thousand nine hundred and forty-seven (P. L. 1947, c. 167), so that the same shall read "An act to authorize the board of chosen freeholders of certain counties of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," and to amend the body of said act.

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

1     1. The title of "An act to authorize the board of chosen freeholders of  
2 any county of the second class to establish the office of superintendent of  
3 elections for said county and providing for the appointment, term of office  
4 and compensation of such superintendent of elections and fixing his powers  
5 and duties, and supplementing Title 19 of the Revised Statutes," approved  
6 May twentieth, one thousand nine hundred and forty-seven, is amended to  
7 read "An act to authorize the board of chosen freeholders of certain

8 counties of the second class to establish the office of superintendent of elec-  
9 tions for said county and providing for the appointment, term of office and  
10 compensation of such superintendent of elections and fixing his powers and  
11 duties, and supplementing Title 19 of the Revised Statutes.”

1     2. Section one of the act of which this act is amendatory is amended to  
2 read as follows:

3     1. In any county of the second class, other than those having a popula-  
4 tion between two hundred and twenty-five thousand and three hundred thou-  
5 sand, the board of chosen freeholders may establish, by resolution, the office  
6 of superintendent of elections for the county, and said office when once estab-  
7 lished shall not be altered or abolished.

8     The board of chosen freeholders shall file a certified copy of such  
9 resolution, attested by the director and clerk of the board, in the office of the  
10 Secretary of State within ten days after the adoption of the resolution, and  
11 the resolution shall take effect at the expiration of thirty days after the next  
12 primary election for the general election, or the next general election, after  
13 the adoption of such resolution, whichever shall occur first.

14     The office so established shall be filled by some suitable person who shall  
15 be nominated by the Governor with the advice and consent of the Senate for  
16 a term of five years from the date of his appointment and until his successor  
17 is appointed and shall have qualified.

18     Each superintendent so appointed shall receive a salary of four thou-  
19 sand dollars (\$4,000.00) per annum to be paid by the county treasurer and  
20 shall have his office in the county for which he is appointed.

21     Vacancies shall be filled, for the unexpired terms only, in the same  
22 manner as original appointments are made.

1     3. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 61

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Mr. KATES

Referred to Committee on Elections

AN ACT to amend the title of "An act to authorize the board of chosen freeholders of any county of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," approved May twentieth, one thousand nine hundred and forty-seven (P. L. 1947, c. 167), so that the same shall read "An act to authorize the board of chosen freeholders of certain counties of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," and to amend the body of said act.

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

1 1. The title of "An act to authorize the board of chosen freeholders of  
2 any county of the second class to establish the office of superintendent of  
3 elections for said county and providing for the appointment, term of office  
4 and compensation of such superintendent of elections and fixing his powers  
5 and duties, and supplementing Title 19 of the Revised Statutes," approved  
6 May twentieth, one thousand nine hundred and forty-seven, is amended to  
7 read "An act to authorize the board of chosen freeholders of certain

8 counties of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes.”

1       2. Section one of the act of which this act is amendatory is amended to  
2 read as follows:

3       1. In any county of the second class, other than those having a popula-  
4 tion between two hundred and twenty-five thousand and three hundred twen-  
5 ty-five thousand, the board of chosen freeholders may establish, by resolu-  
6 tion, the office of superintendent of elections for the county, and said office  
7 when once established shall not be altered or abolished.

8       The board of chosen freeholders shall file a certified copy of such  
9 resolution, attested by the director and clerk of the board, in the office of the  
10 Secretary of State within ten days after the adoption of the resolution, and  
11 the resolution shall take effect at the expiration of thirty days after the next  
12 primary election for the general election, or the next general election, after  
13 the adoption of such resolution, whichever shall occur first.

14       The office so established shall be filled by some suitable person who shall  
15 be nominated by the Governor with the advice and consent of the Senate for  
16 a term of five years from the date of his appointment and until his successor  
17 is appointed and shall have qualified.

18       Each superintendent so appointed shall receive a salary of four thou-  
19 sand dollars (\$4,000.00) per annum to be paid by the county treasurer and  
20 shall have his office in the county for which he is appointed.

21       Vacancies shall be filled, for the unexpired terms only, in the same  
22 manner as original appointments are made.

1       3. This act shall take effect immediately.

SENATE, No. 280

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. STOUT

Referred to Committee on Counties and Municipalities

AN ACT to amend the title of "An act to authorize the board of chosen freeholders of certain counties of the second class to establish the office of superintendent of elections for said county, and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," approved May twentieth, one thousand nine hundred and forty-seven, (P. L. 1947, c. 167), as said title was amended by chapter one hundred and eighty-eight of the laws of one thousand nine hundred and forty-nine, so that the same shall read "An act to authorize the board of chosen freeholders of any county of the fifth class and of certain counties of the second class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," and to amend the body of said act.

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

1 1. The title of "An act to authorize the board of chosen freeholders of  
2 certain counties of the second class to establish the office of superintendent of  
3 elections for said county and providing for the appointment, term of office  
4 and compensation of such superintendent of elections and fixing his powers  
5 and duties, and supplementing Title 19 of the Revised Statutes," approved

6 May twentieth, one thousand nine hundred and forty-seven (P. L. 1947, c.  
7 167), as said title was amended by chapter one hundred and eighty-eight of  
8 the laws of one thousand nine hundred and forty-nine, is amended to read  
9 "An act to authorize the board of chosen freeholders of any county of the  
10 fifth class and of certain counties of the second class to establish the office  
11 of superintendent of elections for said county and providing for the appoint-  
12 ment, term of office and compensation of such superintendent of elections and  
13 fixing his powers and duties, and supplementing Title 19 of the Revised  
14 Statutes."

1       2. Section one of the act of which this act is amendatory is amended to  
2 read as follows:

3       1. In any county of the second class, other than those having a popula-  
4 tion between two hundred and twenty-five thousand and three hundred  
5 twenty-five thousand, and in any county of the fifth class, the board of chosen  
6 freeholders may establish, by resolution, the office of superintendent of  
7 elections for the county, and said office when once established shall not be  
8 altered or abolished.

9       The board of chosen freeholders shall file a certified copy of such reso-  
10 lution, attested by the director and clerk of the board, in the office of the Sec-  
11 retary of State within ten days after the adoption of the resolution, and the  
12 resolution shall take effect at the expiration of thirty days after the next  
13 primary election for the general election, or the next general election, after  
14 the adoption of such resolution, whichever shall occur first.

15       The office so established shall be filled by some suitable person who shall  
16 be nominated by the Governor with the advice and consent of the Senate  
17 for a term of five years from the date of his appointment and until his suc-  
18 cessor is appointed and shall have qualified.

19       Each superintendent so appointed shall receive a salary of four thou-  
20 sand dollars (\$4,000.00) per annum to be paid by the county treasurer and  
21 shall have his office in the county for which he is appointed.

22       Vacancies shall be filled, for the unexpired terms only, in the same man-  
23 ner as original appointments are made.

1       3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

SENATE, No. 280

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# STATE OF NEW JERSEY

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INTRODUCED MARCH 16, 1953

By Mr. STOUT

Referred to Committee on Counties and Municipalities

AN ACT to amend the title of "An act to authorize the board of chosen freeholders of certain counties of the second class to establish the office of superintendent of elections for said county, and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," approved May twentieth, one thousand nine hundred and forty-seven, (P. L. 1947, c. 167), as said title was amended by chapter one hundred and eighty-eight of the laws of one thousand nine hundred and forty-nine, so that the same shall read "An act to authorize the board of chosen freeholders of certain counties of the second or fifth class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes," and to amend the body of said act.

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

1 1. The title of "An act to authorize the board of chosen freeholders of  
2 certain counties of the second class to establish the office of superintendent of  
3 elections for said county and providing for the appointment, term of office  
4 and compensation of such superintendent of elections and fixing his powers  
5 and duties, and supplementing Title 19 of the Revised Statutes," approved

6 May twentieth, one thousand nine hundred and forty-seven (P. L. 1947, c.  
7 167), as said title was amended by chapter one hundred and eighty-eight of  
8 the laws of one thousand nine hundred and forty-nine, is amended to read  
9 "An act to authorize the board of chosen freeholders of certain counties of  
10 the second or fifth class to establish the office of superintendent of elections  
11 for said county and providing for the appointment, term of office and compen-  
12 sation of such superintendent of elections and fixing his powers and duties,  
13 and supplementing Title 19 of the Revised Statutes."

1     2. Section one of the act of which this act is amendatory is amended to  
2 read as follows:

3     1. In any county of the second class, other than those having a popula-  
4 tion between two hundred and twenty-five thousand and three hundred  
5 twenty-five thousand, and in any county of the fifth class having a population  
6 in excess of two hundred thousand (200,000), the board of chosen freeholders  
7 may establish, by resolution, the office of superintendent of elections for the  
8 county, and said office when once established shall not be altered or abolished.

9     The board of chosen freeholders shall file a certified copy of such reso-  
10 lution, attested by the director and clerk of the board, in the office of the Sec-  
11 retary of State within ten days after the adoption of the resolution, and the  
12 resolution shall take effect at the expiration of thirty days after the next  
13 primary election for the general election, or the next general election, after  
14 the adoption of such resolution, whichever shall occur first.

15     The office so established shall be filled by some suitable person who shall  
16 be nominated by the Governor with the advice and consent of the Senate  
17 for a term of five years from the date of his appointment and until his suc-  
18 cessor is appointed and shall have qualified.

19     Each superintendent so appointed shall receive a salary of four thou-  
20 sand dollars (\$4,000.00) per annum to be paid by the county treasurer and  
21 shall have his office in the county for which he is appointed.

22     Vacancies shall be filled, for the unexpired terms only, in the same man-  
23 ner as original appointments are made.

1     3. This act shall take effect immediately.

ASSEMBLY, No. 639

STATE OF NEW JERSEY

INTRODUCED APRIL 12, 1965

By Assemblyman BIBER, Assemblywoman KORDJA, Assemblymen WEGNER  
and A. SMITH

Referred to Committee on County and Municipal Government

AN ACT concerning salaries of superintendents of elections in certain counties,  
and amending P. L. 1953, chapter 444, approved December 30, 1953.

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

1 1. Section 1 of the act of which this act is amendatory is amended to read  
2 as follows:

3 1. In any county of the second class, other than those having a popula-  
4 tion between 275,000 and 325,000 and other than those having a population  
5 between 350,000 and 400,000 according to the 1950 Census, and in any county  
6 of the fifth class having a population in excess of 200,000 according to the  
7 1950 Census, the board of chosen freeholders may establish, by resolution,  
8 the office of superintendent of elections for the county, and said office when  
9 once established shall not be altered or abolished.

10 The board of chosen freeholders shall file a certified copy of such resolu-  
11 tion, attested by the director and clerk of the board, in the office of the Sec-  
12 retary of State within 10 days after the adoption of the resolution, and the  
13 resolution shall take effect at the expiration of 30 days after the next  
14 primary election for the general election, or the next general election, after  
15 the adoption of such resolution, whichever shall occur first.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted  
and is intended to be omitted in the law.**

16 The office so established shall be filled by some suitable person who shall  
17 be nominated by the Governor with the advice and consent of the Senate for a  
18 term of 5 years from the date of his appointment and until his successor is ap-  
19 pointed and shall have qualified. In the event that no such appointment to  
20 such office is made within 30 days following the taking effect of the resolu-  
21 tion, heretofore or hereafter adopted, of the board of chosen freeholders of  
22 the county, as herein provided, then the said board of chosen freeholders of  
23 the county shall appoint some suitable person to fill such office for a term  
24 of 5 years from the date of appointment and until the successor of such per-  
25 son is in the same manner appointed and shall have qualified. The board  
26 shall file notice of such appointment in the office of the Secretary of State.

27 Each superintendent so appointed *in a county of the fifth class* shall re-  
28 ceive a salary of \$4,000.00 per annum *and each superintendent so appointed*  
29 *in a county of the second class shall receive a salary in such amount, not less*  
30 *than \$4,000.00 per annum, as shall be fixed by the board of chosen free-*  
31 *holders; such salaries shall [to] be paid by the county treasurer and the*  
32 *superintendent shall have his office in the county for which he is appointed.*

33 Any vacancy occurring in such office of superintendent of elections shall  
34 be filled in the same manner as the original appointment to such office was  
35 made, but for the unexpired term only.

1 2. This act shall take effect immediately.

SENATE AMENDMENT TO  
**ASSEMBLY, No. 639**

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**STATE OF NEW JERSEY**

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ADOPTED MAY 17, 1965

Amend page 1, title, omit title and insert a new title as follows:

“AN ACT to amend ‘An act to authorize the board of chosen freeholders of certain counties of the second or fifth class to establish the office of superintendent of elections for said county and providing for the appointment, term of office and compensation of such superintendent of elections and fixing his powers and duties, and supplementing Title 19 of the Revised Statutes,’ approved May 20, 1947 (P. L. 1947, c. 167), as said Title was amended by chapter 84 of the laws of 1953.’”

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 639

STATE OF NEW JERSEY

INTRODUCED APRIL 12, 1965

By Assemblyman BIBER, Assemblywoman KORDJA, Assemblymen WEGNER  
and A. SMITH

Referred to Committee on County and Municipal Government

\*[AN ACT concerning salaries of superintendents of elections in certain counties,  
and amending P. L. 1953, chapter 444, approved December 30, 1953.]\*

*\*AN ACT to amend "An act to authorize the board of chosen freeholders of  
certain counties of the second or fifth class to establish the office of super-  
intendent of elections for said county and providing for the appointment,  
term of office and compensation of such superintendent of elections and fix-  
ing his powers and duties, and supplementing Title 19 of the Revised Stat-  
utes," approved May 20, 1947 (P. L. 1947, c. 167), as said Title was amended  
by chapter 84 of the laws of 1953.\**

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

1 1. Section 1 of the act of which this act is amendatory is amended to read  
2 as follows:

3 1. In any county of the second class, other than those having a popula-  
4 tion between 275,000 and 325,000 and other than those having a population  
5 between 350,000 and 400,000 according to the 1950 Census, and in any county  
6 of the fifth class having a population in excess of 200,000 according to the  
7 1950 Census, the board of chosen freeholders may establish, by resolution,  
8 the office of superintendent of elections for the county, and said office when  
9 once established shall not be altered or abolished.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted  
and is intended to be omitted in the law.**

10 The board of chosen freeholders shall file a certified copy of such resolu-  
11 tion, attested by the director and clerk of the board, in the office of the Sec-  
12 retary of State within 10 days after the adoption of the resolution, and the  
13 resolution shall take effect at the expiration of 30 days after the next  
14 primary election for the general election, or the next general election, after  
15 the adoption of such resolution, whichever shall occur first.

16 The office so established shall be filled by some suitable person who shall  
17 be nominated by the Governor with the advice and consent of the Senate for a  
18 term of 5 years from the date of his appointment and until his successor is ap-  
19 pointed and shall have qualified. In the event that no such appointment to  
20 such office is made within 30 days following the taking effect of the resolu-  
21 tion, heretofore or hereafter adopted, of the board of chosen freeholders of  
22 the county, as herein provided, then the said board of chosen freeholders of  
23 the county shall appoint some suitable person to fill such office for a term  
24 of 5 years from the date of appointment and until the successor of such per-  
25 son is in the same manner appointed and shall have qualified. The board  
26 shall file notice of such appointment in the office of the Secretary of State.

27 Each superintendent so appointed *in a county of the fifth class* shall re-  
28 ceive a salary of \$4,000.00 per annum *and each superintendent so appointed*  
29 *in a county of the second class shall receive a salary in such amount, not less*  
30 *than \$4,000.00 per annum, as shall be fixed by the board of chosen free-*  
31 *holders; such salaries shall [to] be paid by the county treasurer and the*  
32 *superintendent* shall have his office in the county for which he is appointed.

33 Any vacancy occurring in such office of superintendent of elections shall  
34 be filled in the same manner as the original appointment to such office was  
35 made, but for the unexpired term only.

1 2. This act shall take effect immediately.