

19:13-20

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:13-20

Laws of 1942 Chapter 50, sec. 4 (not sec. 1 as shown in NJSA)

Bill No. A107

Sponsor(s) Mahr

Date Introduced March 9, 1942

Committee: Assembly Elections

Senate Elections

Amended during passage Yes sec. 4 No Assembly Min., p.215-6  
not amended and 332

Date of passage: Assembly April 7

Senate April 27

Date of approval April 28, 1942

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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10/4/76

ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least [twenty-four] thirty-two days before the elec-  
9 tion, which determination shall be open for public inspection.

1 2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-16. When a person nominated as herein provided by direct peti-  
4 tion [or State convention] for election to public office at the general election  
5 shall, at least [thirty] forty days before the day of the general election, in a  
6 writing signed by him and duly acknowledged, notify the officer with whom  
7 the original petition or certificate of nomination was filed that he declines  
8 the nomination, the nomination shall be void.

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

3 19:13-19. If the candidate vacating the nomination was nominated  
4 directly by petition his successor shall be nominated in the same manner by  
5 direct petition; which new petition of nomination must be filed with the Secre-  
6 tary of State or county clerk, as the case may require, not later than  
7 ~~[twenty-five]~~ thirty-four days before the day of election whereat such  
8 candidate is to be voted for.

1 4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-20. In the event of a vacancy, howsoever caused, among candi-  
4 dates nominated at primaries, which vacancy shall occur not later than  
5 ~~[twenty-five]~~ thirty-seven days before the general election, or in the event  
6 of inability to select a candidate because of a tie vote at such primary, a  
7 candidate shall be selected in the following manner: In case of an office to  
8 be filled by the voters of the entire State or a portion thereof involving  
9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days

24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than ~~twenty-two~~ thirty-four days prior to the general election. It  
28 shall be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1 5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party ~~of the State convention~~ which nominated the elector whose nomina-  
8 tion is vacated. The chairman and secretary of the vacancy committee or  
9 State committee shall file with the Secretary of State not later than ~~thirty~~  
10 thirty-four days prior to the general election a certificate of nomination for  
11 filling the vacancy. This certificate shall be made and filed in the same  
12 manner and form as heretofore provided for filling vacancies among candi-  
13 dates nominated at the primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than ~~thirty~~ thirty-four  
4 days before any election whereat any candidates nominated in any direct  
5 petition ~~[,] or primary certificate of nomination [or State convention cer-~~  
6 tificate] filed with him are to be voted for, shall make and certify, under his  
7 hand and seal of office, and forward to the clerks of the several counties of  
8 the State a statement of all such candidates for whom the voters within such  
9 county may be by law entitled to vote at such election. This statement, in  
10 addition to the names of the candidates for President and Vice-President

11 of the United States, if any such have been included in any such certificate  
12 or petition filed with him, shall contain the names and residences of all  
13 other candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1       7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9       The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-  
14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 ~~twenty-eighth~~ thirty-fifth day prior to the day of the general election at  
16 three o'clock in the afternoon, draw from the box each card separately  
17 without knowledge on his part as to which card he is drawing.

18       The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22       The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the

25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the  
45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member

6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least [seventeen]  
24 thirty-four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-  
26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die [before  
8 such election,] within three days after the last day for filing such peti-  
9 tion, or in writing filed [at least twenty days] within three days after the

10 last day for filing such petition [prior to the primary] with the county  
 11 clerk or municipal clerk with whom such petition had been filed, decline to  
 12 stand as a candidate, the vacancy or vacancies thus caused shall be filled  
 13 by a majority of the persons signing the petition in and by which the per-  
 14 son so dying or declining was indorsed, filing within three days after the  
 15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
 16 forth the name of the person dying or declining the office for which he was  
 17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
 19 the same force and effect as the original petition.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
 4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
 5 cerned thereby at least [twenty-six] thirty-four days prior to the holding  
 6 of the primary election, specifying in such certificate the political parties  
 7 to which the persons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
 4 to him by the Secretary of State and in addition the names of all persons  
 5 indorsed in petitions filed in his office to the clerk of each municipality con-  
 6 cerned thereby in his respective county at least [twenty-three] thirty-one  
 7 days prior to the time fixed by law for the holding of the primary election,  
 8 specifying in such certificate the political party to which the person or per-  
 9 sons so nominated belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
 4 names of candidates for the primary for the general election shall have upon  
 5 the primary election ballots, in the case of candidates for nomination for

6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-  
13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk, or his deputy, as the case may be, shall at his office on the [day fol-  
22 lowing the last day for filing petitions for] thirty-third day prior to the  
23 primary election at three o'clock in the afternoon, draw from the box, as  
24 hereinafter described, each card separately without knowledge on his part  
25 as to which card he is drawing. Any legal voter of the county or munic-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-

37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such  
43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48       The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-  
53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1       13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall

13 be filed with the clerk of the county not later than ~~[thirty]~~ forty days  
14 previous to the election.

1 14. This act shall take effect immediately.

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STATEMENT

The purpose of this act is to make uniform the provisions of the election law so as to enable election officials to carry out the act concerning voting in time of war and during national emergencies, and to preserve the vote of persons in the military service.

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ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least thirty-two days before the election, which de-  
9 termination shall be open for public inspection.

1 2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-16. When a person nominated as herein provided by direct peti-  
4 tion for election to public office at the general election shall, at least forty  
5 days before the day of the general election, in a writing signed by him and  
6 duly acknowledged, notify the officer with whom the original petition or cer-  
7 tificate of nomination was filed that he declines the nomination, the nomina-  
8 tion shall be void.

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

3       19:13-19. If the candidate vacating the nomination was nominated  
4 directly by petition his successor shall be nominated in the same manner by  
5 direct petition; which new petition of nomination must be filed with the Secre-  
6 tary of State or county clerk, as the case may require, not later than  
7 thirty-four days before the day of election whereat such candidate is to be  
8 voted for.

1       4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:13-20. In the event of a vacancy, howsoever caused, among candi-  
4 dates nominated at primaries, which vacancy shall occur not later than  
5 thirty-seven days before the general election, or in the event of in-  
6 ability to select a candidate because of a tie vote at such primary, a  
7 candidate shall be selected in the following manner: In case of an office to  
8 be filled by the voters of the entire State or a portion thereof involving  
9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days

24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than thirty-four days prior to the general election. It shall  
28 be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1 5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party which nominated the elector whose nomination is vacated. The chair-  
8 man and secretary of the vacancy committee or State committee shall file  
9 with the Secretary of State not later than thirty-four days prior to the  
10 general election a certificate of nomination for filling the vacancy. This cer-  
11 tificate shall be made and filed in the same manner and form as heretofore  
12 provided for filling vacancies among candidates nominated at the primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than thirty-four days before  
4 any election whereat any candidates nominated in any direct petition or  
5 primary certificate of nomination filed with him are to be voted for, shall  
6 make and certify, under his hand and seal of office, and forward to the  
7 clerks of the several counties of the State a statement of all such candi-  
8 dates for whom the voters within such county may be by law entitled to  
9 vote at such election. This statement, in addition to the names of the candi-  
10 dates for President and Vice-President of the United States, if any  
11 such have been included in any such certificate or petition filed

12 with him, shall contain the names and residences of all other  
13 candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1 6a. Section 19:13-23 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-23. In the event of vacancies among the candidates whose peti-  
4 tions or certificate of nomination are on file with him, the Secretary of State  
5 in certifying the nominations of candidates to fill such vacancies to the  
6 various county clerks shall insert the name of the person who has been  
7 nominated as herein provided to fill the vacancy. In the event that he has  
8 already sent forward his certificate of nomination, as herein provided, he  
9 shall forthwith certify to the clerks of the proper counties the name and de-  
10 scription of the person so nominated to fill a vacancy, the office he is nomi-  
11 nated for, the party or political principle he represents, and the name of the  
12 person for whom such nominee is submitted.

1 7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9 The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-

14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 thirty-third day prior to the day of the general election at three o'clock in  
16 the afternoon, draw from the box each card separately without knowledge  
17 on his part as to which card he is drawing.

18 The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22 The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the  
25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the

45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member  
6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least thirty-  
24 four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-

26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die within  
8 three days after the last day for filing such petition, or in writing filed  
9-10 within three days after the last day for filing such petition with the county  
11 clerk or municipal clerk with whom such petition had been filed, decline to  
12 stand as a candidate, the vacancy or vacancies thus caused shall be filled  
13 by a majority of the persons signing the petition in and by which the per-  
14 son so dying or declining was indorsed, filing within three days after the  
15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
16 forth the name of the person dying or declining the office for which he was  
17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
19 the same force and effect as the original petition.

1 9a. Section 19:23-14 of the Revised Statutes is amended to read as fol-  
2 lows:

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

9 Within eight days after the last day for filing the petitions for  
10 nominations at the primary election for the general election, the municipal  
11 clerk shall certify to the county clerk the full and correct names and ad-

12 dresses of all candidates for nomination for public and party office and the  
13 name of the political party of which such persons are candidates together  
14 with their slogan and designation.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
5 cerned thereby at least thirty-four days prior to the holding of the primary  
6 election, specifying in such certificate the political parties to which the per-  
7 sons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
4 to him by the Secretary of State and in addition the names of all persons  
5 indorsed in petitions filed in his office to the clerk of each municipality con-  
6 cerned thereby in his respective county at least thirty-one days prior to  
7 the time fixed by law for the holding of the primary election, specifying in such  
8 certificate the political party to which the person or persons so nominated  
9 belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
4 names of candidates for the primary for the general election shall have upon  
5 the primary election ballots, in the case of candidates for nomination for  
6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-

13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and, ex-  
14½ cepting in counties where section 19:49-2 of the Revised Statutes applies, the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk or his deputy, as the case may be, shall at his office on  
22 the thirty-third day prior to the primary election at three o'clock  
23 in the afternoon, draw from the box, as hereinafter described,  
24 each card separately without knowledge on his part as to which card  
25 he is drawing. Any legal voter of the county or munici-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-  
37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such

43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-  
53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall  
13 be filed with the clerk of the county not later than forty days previous to the  
14 election.

1 14. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-12, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:13-23, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least thirty-two days before the election, which de-  
9 termination shall be open for public inspection.

1 1a. Section 19:13-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-12. The Chief Justice in the case of candidates to be voted for by  
4 the electors of the entire State, or of more than one county thereof, and in  
5 all other cases the justice of the Supreme Court holding the circuit court in  
6 and for the county in which any petition of nomination shall be filed, on the  
7 application or complaint, duly verified, of any candidate, which application

8 or complaint shall be made at least thirty-six days before the  
 9 election, setting forth any invasion or threatened invasion of his rights un-  
 10 der the petition of nomination filed with the Secretary of State or with  
 11 any county clerk, shall hear such application or complaint in a summary  
 12 way and make such order thereon as will protect and enforce the rights of  
 13 such candidates, which order or determination shall be filed within two days  
 14 after the filing of the application or complaint.

1     2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
 2 lows:

3     19:13-16. When a person nominated as herein provided by direct peti-  
 4 tion or State convention for election to public office at the general election  
 5 shall, at least forty days before the day of the general election, in a writing  
 6 signed by him and duly acknowledged, notify the officer with whom the  
 7 original petition or certificate of nomination was filed that he declines the  
 8 nomination, the nomination shall be void.

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

3     19:13-19. If the candidate vacating the nomination was nominated  
 4 directly by petition his successor shall be nominated in the same manner by  
 5 direct petition; which new petition of nomination must be filed with the Secre-  
 6 tary of State or county clerk, as the case may require, not later than  
 7 thirty-four days before the day of election whereat such candidate is to be  
 8 voted for.

1     4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
 2 lows:

3     19:13-20. In the event of a vacancy, howsoever caused, among candi-  
 4 dates nominated at primaries, which vacancy shall occur not later than  
 5 thirty-seven days before the general election, or in the event of in-  
 6 ability to select a candidate because of a tie vote at such primary, a  
 7 candidate shall be selected in the following manner: In case of an office to  
 8 be filled by the voters of the entire State or a portion thereof involving

9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days  
24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than thirty-four days prior to the general election. It shall  
28 be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1       5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party or the State convention which nominated the elector whose nomination  
8 is vacated. The chairman and secretary of the vacancy committee or State

9 committee shall file with the Secretary of State not later than thirty-four days  
10 prior to the general election a certificate of nomination for filling the vacancy.  
11 This certificate shall be made and filed in the same manner and form as here-  
12 tofore provided for filling vacancies among candidates nominated at the  
13 primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than thirty-four days before  
4 any election whereat any candidates nominated in any direct petition or pri-  
5 mary certificate of nomination or State convention certificate filed with him  
6 are to be voted for, shall make and certify, under his hand and seal of office, and  
7 forward to the clerks of the several counties of the State a statement of all  
8 such candidates for whom the voters within such county may be by law entitled  
9 to vote at such election. This statement, in addition to the names of the candi-  
10 dates for President and Vice-President of the United States, if any  
11 such have been included in any such certificate or petition filed  
12 with him, shall contain the names and residences of all other  
13 candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1 6a. Section 19:13-23 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-23. In the event of vacancies among the candidates whose peti-  
4 tions or certificate of nomination are on file with him, the Secretary of State  
5 in certifying the nominations of candidates to fill such vacancies to the  
6 various county clerks shall insert the name of the person who has been  
7 nominated as herein provided to fill the vacancy. In the event that he has  
8 already sent forward his certificate of nomination, as herein provided, he  
9 shall forthwith certify to the clerks of the proper counties the name and de-

10 scription of the person so nominated to fill a vacancy, the office he is nomi-  
11 nated for, the party or political principle he represents, and the name of the  
12 person for whom such nominee is submitted.

1 7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9 The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-  
14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 thirty-third day prior to the day of the general election at three o'clock in  
16 the afternoon, draw from the box each card separately without knowledge  
17 on his part as to which card he is drawing.

18 The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22 The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the  
25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the  
45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member  
6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least thirty-  
24 four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-  
26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die within  
8 three days after the last day for filing such petition, or in writing filed  
9-10 within three days after the last day for filing such petition with the county  
11 clerk or municipal clerk with whom such petition had been filed, decline to  
12 stand as a candidate, the vacancy or vacancies thus caused shall be filled

13 by a majority of the persons signing the petition in and by which the per-  
14 son so dying or declining was indorsed, filing within three days after the  
15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
16 forth the name of the person dying or declining the office for which he was  
17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
19 the same force and effect as the original petition.

1 9a. Section 19:23-14 of the Revised Statutes is amended to read as fol-  
2 lows:

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

9 Within eight days after the last day for filing the petitions for  
10 nominations at the primary election for the general election, the municipal  
11 clerk shall certify to the county clerk the full and correct names and ad-  
12 dresses of all candidates for nomination for public and party office and the  
13 name of the political party of which such persons are candidates together  
14 with their slogan and designation.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
5 cerned thereby at least thirty-four days prior to the holding of the primary  
6 election, specifying in such certificate the political parties to which the per-  
7 sons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
4 to him by the Secretary of State and in addition the names of all persons  
5 indorsed in petitions filed in his office to the clerk of each municipality con-  
6 cerned thereby in his respective county at least thirty-one days prior to  
7 the time fixed by law for the holding of the primary election, specifying in such  
8 certificate the political party to which the person or persons so nominated  
9 belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
4 names of candidates for the primary for the general election shall have upon  
5 the primary election ballots, in the case of candidates for nomination for  
6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-  
13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and, ex-  
14½ cepting in counties where section 19:49-2 of the Revised Statutes applies, the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk or his deputy, as the case may be, shall at his office on

22 the thirty-third day prior to the primary election at three o'clock  
23 in the afternoon, draw from the box, as hereinafter described,  
24 each card separately without knowledge on his part as to which card  
25 he is drawing. Any legal voter of the county or municipi-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-  
37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such  
43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-

53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall  
13 be filed with the clerk of the county not later than forty days previous to the  
14 election.

1 14. This act shall take effect immediately.

LEGISLATIVE HISTORY OF R.S.19:23-24  
(Drawing for positions on primary ballots; procedure;  
certification)

PROPERTY OF THE  
NEW JERSEY STATE LIBRARY

L.1930 - chap.187 - S242  
Bill had no statement.

L.1942 - chap.50 - A107  
Bill amended twice during passage.  
Bill had statement.

No hearings were located for either bill.

For background:

974.90     \* Governor's Message Transmitting Report  
E38             of Commission to Revise the Primary and  
1909             Election Laws.

J324.23     Boots, Ralph Simpson  
B725             The Direct Primary in New Jersey.  
                   New York, 1917

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ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least [twenty-four] thirty-two days before the elec-  
9 tion, which determination shall be open for public inspection.

1 2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-16. When a person nominated as herein provided by direct peti-  
4 tion [or State convention] for election to public office at the general election  
5 shall, at least [thirty] forty days before the day of the general election, in a  
6 writing signed by him and duly acknowledged, notify the officer with whom  
7 the original petition or certificate of nomination was filed that he declines  
8 the nomination, the nomination shall be void.

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

3 19:13-19. If the candidate vacating the nomination was nominated  
4 directly by petition his successor shall be nominated in the same manner by  
5 direct petition; which new petition of nomination must be filed with the Secre-  
6 tary of State or county clerk, as the case may require, not later than  
7 ~~twenty-five~~ thirty-four days before the day of election whereat such  
8 candidate is to be voted for.

1 4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-20. In the event of a vacancy, howsoever caused, among candi-  
4 dates nominated at primaries, which vacancy shall occur not later than  
5 ~~twenty-five~~ thirty-seven days before the general election, or in the event  
6 of inability to select a candidate because of a tie vote at such primary, a  
7 candidate shall be selected in the following manner: In case of an office to  
8 be filled by the voters of the entire State or a portion thereof involving  
9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days

24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than ~~twenty-two~~ thirty-four days prior to the general election. It  
28 shall be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1 5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party ~~of the State convention~~ which nominated the elector whose nomina-  
8 tion is vacated. The chairman and secretary of the vacancy committee or  
9 State committee shall file with the Secretary of State not later than ~~thirty~~  
10 thirty-four days prior to the general election a certificate of nomination for  
11 filling the vacancy. This certificate shall be made and filed in the same  
12 manner and form as heretofore provided for filling vacancies among candi-  
13 dates nominated at the primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than ~~thirty~~ thirty-four  
4 days before any election whereat any candidates nominated in any direct  
5 petition ~~[,] or primary certificate of nomination [or State convention cer-~~  
6 tificate] filed with him are to be voted for, shall make and certify, under his  
7 hand and seal of office, and forward to the clerks of the several counties of  
8 the State a statement of all such candidates for whom the voters within such  
9 county may be by law entitled to vote at such election. This statement, in  
10 addition to the names of the candidates for President and Vice-President

11 of the United States, if any such have been included in any such certificate  
12 or petition filed with him, shall contain the names and residences of all  
13 other candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1       7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9       The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-  
14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 ~~twenty-eighth~~ thirty-fifth day prior to the day of the general election at  
16 three o'clock in the afternoon, draw from the box each card separately  
17 without knowledge on his part as to which card he is drawing.

18       The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22       The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the

25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the  
45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member

6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least [seventeen]  
24 thirty-four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-  
26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die [before  
8 such election,] within three days after the last day for filing such peti-  
9 tion, or in writing filed [at least twenty days] within three days after the

10 last day for filing such petition [prior to the primary] with the county  
 11 clerk or municipal clerk with whom such petition had been filed, decline to  
 12 stand as a candidate, the vacancy or vacancies thus caused shall be filled  
 13 by a majority of the persons signing the petition in and by which the per-  
 14 son so dying or declining was indorsed, filing within three days after the  
 15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
 16 forth the name of the person dying or declining the office for which he was  
 17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
 19 the same force and effect as the original petition.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
 4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
 5 cerned thereby at least [twenty-six] thirty-four days prior to the holding  
 6 of the primary election, specifying in such certificate the political parties  
 7 to which the persons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
 4 to him by the Secretary of State and in addition the names of all persons  
 5 indorsed in petitions filed in his office to the clerk of each municipality con-  
 6 cerned thereby in his respective county at least [twenty-three] thirty-one  
 7 days prior to the time fixed by law for the holding of the primary election,  
 8 specifying in such certificate the political party to which the person or per-  
 9 sons so nominated belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
 4 names of candidates for the primary for the general election shall have upon  
 5 the primary election ballots, in the case of candidates for nomination for

6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-  
13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk, or his deputy, as the case may be, shall at his office on the [day fol-  
22 lowing the last day for filing petitions for] thirty-third day prior to the  
23 primary election at three o'clock in the afternoon, draw from the box, as  
24 hereinafter described, each card separately without knowledge on his part  
25 as to which card he is drawing. Any legal voter of the county or munici-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-

37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such  
43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-  
53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall

13 be filed with the clerk of the county not later than ~~[thirty]~~ forty days  
14 previous to the election.

1 14. This act shall take effect immediately.

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STATEMENT

The purpose of this act is to make uniform the provisions of the election law so as to enable election officials to carry out the act concerning voting in time of war and during national emergencies, and to preserve the vote of persons in the military service.

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ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least thirty-two days before the election, which de-  
9 termination shall be open for public inspection.

1 2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-16. When a person nominated as herein provided by direct peti-  
4 tion for election to public office at the general election shall, at least forty  
5 days before the day of the general election, in a writing signed by him and  
6 duly acknowledged, notify the officer with whom the original petition or cer-  
7 tificate of nomination was filed that he declines the nomination, the nomina-  
8 tion shall be void.

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

3       19:13-19. If the candidate vacating the nomination was nominated  
4 directly by petition his successor shall be nominated in the same manner by  
5 direct petition; which new petition of nomination must be filed with the Secre-  
6 tary of State or county clerk, as the case may require, not later than  
7 thirty-four days before the day of election whereat such candidate is to be  
8 voted for.

1       4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:13-20. In the event of a vacancy, howsoever caused, among candi-  
4 dates nominated at primaries, which vacancy shall occur not later than  
5 thirty-seven days before the general election, or in the event of in-  
6 ability to select a candidate because of a tie vote at such primary, a  
7 candidate shall be selected in the following manner: In case of an office to  
8 be filled by the voters of the entire State or a portion thereof involving  
9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days

24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than thirty-four days prior to the general election. It shall  
28 be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1 5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party which nominated the elector whose nomination is vacated. The chair-  
8 man and secretary of the vacancy committee or State committee shall file  
9 with the Secretary of State not later than thirty-four days prior to the  
10 general election a certificate of nomination for filling the vacancy. This cer-  
11 tificate shall be made and filed in the same manner and form as heretofore  
12 provided for filling vacancies among candidates nominated at the primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than thirty-four days before  
4 any election whereat any candidates nominated in any direct petition or  
5 primary certificate of nomination filed with him are to be voted for, shall  
6 make and certify, under his hand and seal of office, and forward to the  
7 clerks of the several counties of the State a statement of all such candi-  
8 dates for whom the voters within such county may be by law entitled to  
9 vote at such election. This statement, in addition to the names of the candi-  
10 dates for President and Vice-President of the United States, if any  
11 such have been included in any such certificate or petition filed

12 with him, shall contain the names and residences of all other  
13 candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1 6a. Section 19:13-23 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-23. In the event of vacancies among the candidates whose peti-  
4 tions or certificate of nomination are on file with him, the Secretary of State  
5 in certifying the nominations of candidates to fill such vacancies to the  
6 various county clerks shall insert the name of the person who has been  
7 nominated as herein provided to fill the vacancy. In the event that he has  
8 already sent forward his certificate of nomination, as herein provided, he  
9 shall forthwith certify to the clerks of the proper counties the name and de-  
10 scription of the person so nominated to fill a vacancy, the office he is nomi-  
11 nated for, the party or political principle he represents, and the name of the  
12 person for whom such nominee is submitted.

1 7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9 The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-

14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 thirty-third day prior to the day of the general election at three o'clock in  
16 the afternoon, draw from the box each card separately without knowledge  
17 on his part as to which card he is drawing.

18 The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22 The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the  
25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the

45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member  
6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least thirty-  
24 four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-

26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die within  
8 three days after the last day for filing such petition, or in writing filed  
9-10 within three days after the last day for filing such petition with the county  
11 clerk or municipal clerk with whom such petition had been filed, decline to  
12 stand as a candidate, the vacancy or vacancies thus caused shall be filled  
13 by a majority of the persons signing the petition in and by which the per-  
14 son so dying or declining was indorsed, filing within three days after the  
15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
16 forth the name of the person dying or declining the office for which he was  
17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
19 the same force and effect as the original petition.

1 9a. Section 19:23-14 of the Revised Statutes is amended to read as fol-  
2 lows:

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

9 Within eight days after the last day for filing the petitions for  
10 nominations at the primary election for the general election, the municipal  
11 clerk shall certify to the county clerk the full and correct names and ad-

12 dresses of all candidates for nomination for public and party office and the  
13 name of the political party of which such persons are candidates together  
14 with their slogan and designation.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
5 cerned thereby at least thirty-four days prior to the holding of the primary  
6 election, specifying in such certificate the political parties to which the per-  
7 sons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
4 to him by the Secretary of State and in addition the names of all persons  
5 indorsed in petitions filed in his office to the clerk of each municipality con-  
6 cerned thereby in his respective county at least thirty-one days prior to  
7 the time fixed by law for the holding of the primary election, specifying in such  
8 certificate the political party to which the person or persons so nominated  
9 belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
4 names of candidates for the primary for the general election shall have upon  
5 the primary election ballots, in the case of candidates for nomination for  
6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-

13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and, ex-  
14½ cepting in counties where section 19:49-2 of the Revised Statutes applies, the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk or his deputy, as the case may be, shall at his office on  
22 the thirty-third day prior to the primary election at three o'clock  
23 in the afternoon, draw from the box, as hereinafter described,  
24 each card separately without knowledge on his part as to which card  
25 he is drawing. Any legal voter of the county or munic-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-  
37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such

43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-  
53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall  
13 be filed with the clerk of the county not later than forty days previous to the  
14 election.

1 14. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-12, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:13-23, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least thirty-two days before the election, which de-  
9 termination shall be open for public inspection.

1 1a. Section 19:13-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-12. The Chief Justice in the case of candidates to be voted for by  
4 the electors of the entire State, or of more than one county thereof, and in  
5 all other cases the justice of the Supreme Court holding the circuit court in  
6 and for the county in which any petition of nomination shall be filed, on the  
7 application or complaint, duly verified, of any candidate, which application

8 or complaint shall be made at least thirty-six days before the  
 9 election, setting forth any invasion or threatened invasion of his rights un-  
 10 der the petition of nomination filed with the Secretary of State or with  
 11 any county clerk, shall hear such application or complaint in a summary  
 12 way and make such order thereon as will protect and enforce the rights of  
 13 such candidates, which order or determination shall be filed within two days  
 14 after the filing of the application or complaint.

1     2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
 2 lows:

3     19:13-16. When a person nominated as herein provided by direct peti-  
 4 tion or State convention for election to public office at the general election  
 5 shall, at least forty days before the day of the general election, in a writing  
 6 signed by him and duly acknowledged, notify the officer with whom the  
 7 original petition or certificate of nomination was filed that he declines the  
 8 nomination, the nomination shall be void.

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

3     19:13-19. If the candidate vacating the nomination was nominated  
 4 directly by petition his successor shall be nominated in the same manner by  
 5 direct petition; which new petition of nomination must be filed with the Secre-  
 6 tary of State or county clerk, as the case may require, not later than  
 7 thirty-four days before the day of election whereat such candidate is to be  
 8 voted for.

1     4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
 2 lows:

3     19:13-20. In the event of a vacancy, howsoever caused, among candi-  
 4 dates nominated at primaries, which vacancy shall occur not later than  
 5 thirty-seven days before the general election, or in the event of in-  
 6 ability to select a candidate because of a tie vote at such primary, a  
 7 candidate shall be selected in the following manner: In case of an office to  
 8 be filled by the voters of the entire State or a portion thereof involving

9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days  
24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than thirty-four days prior to the general election. It shall  
28 be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1       5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party or the State convention which nominated the elector whose nomination  
8 is vacated. The chairman and secretary of the vacancy committee or State

9 committee shall file with the Secretary of State not later than thirty-four days  
10 prior to the general election a certificate of nomination for filling the vacancy.  
11 This certificate shall be made and filed in the same manner and form as here-  
12 tofore provided for filling vacancies among candidates nominated at the  
13 primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than thirty-four days before  
4 any election whereat any candidates nominated in any direct petition or pri-  
5 mary certificate of nomination or State convention certificate filed with him  
6 are to be voted for, shall make and certify, under his hand and seal of office, and  
7 forward to the clerks of the several counties of the State a statement of all  
8 such candidates for whom the voters within such county may be by law entitled  
9 to vote at such election. This statement, in addition to the names of the candi-  
10 dates for President and Vice-President of the United States, if any  
11 such have been included in any such certificate or petition filed  
12 with him, shall contain the names and residences of all other  
13 candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1 6a. Section 19:13-23 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-23. In the event of vacancies among the candidates whose peti-  
4 tions or certificate of nomination are on file with him, the Secretary of State  
5 in certifying the nominations of candidates to fill such vacancies to the  
6 various county clerks shall insert the name of the person who has been  
7 nominated as herein provided to fill the vacancy. In the event that he has  
8 already sent forward his certificate of nomination, as herein provided, he  
9 shall forthwith certify to the clerks of the proper counties the name and de-

10 scription of the person so nominated to fill a vacancy, the office he is nomi-  
11 nated for, the party or political principle he represents, and the name of the  
12 person for whom such nominee is submitted.

1       7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9       The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-  
14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 thirty-third day prior to the day of the general election at three o'clock in  
16 the afternoon, draw from the box each card separately without knowledge  
17 on his part as to which card he is drawing.

18       The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22       The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the  
25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the  
45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member  
6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least thirty-  
24 four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-  
26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die within  
8 three days after the last day for filing such petition, or in writing filed  
9-10 within three days after the last day for filing such petition with the county  
11 clerk or municipal clerk with whom such petition had been filed, decline to  
12 stand as a candidate, the vacancy or vacancies thus caused shall be filled

13 by a majority of the persons signing the petition in and by which the per-  
14 son so dying or declining was indorsed, filing within three days after the  
15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
16 forth the name of the person dying or declining the office for which he was  
17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
19 the same force and effect as the original petition.

1 9a. Section 19:23-14 of the Revised Statutes is amended to read as fol-  
2 lows:

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

9 Within eight days after the last day for filing the petitions for  
10 nominations at the primary election for the general election, the municipal  
11 clerk shall certify to the county clerk the full and correct names and ad-  
12 dresses of all candidates for nomination for public and party office and the  
13 name of the political party of which such persons are candidates together  
14 with their slogan and designation.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
5 cerned thereby at least thirty-four days prior to the holding of the primary  
6 election, specifying in such certificate the political parties to which the per-  
7 sons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
4 to him by the Secretary of State and in addition the names of all persons  
5 indorsed in petitions filed in his office to the clerk of each municipality con-  
6 cerned thereby in his respective county at least thirty-one days prior to  
7 the time fixed by law for the holding of the primary election, specifying in such  
8 certificate the political party to which the person or persons so nominated  
9 belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
4 names of candidates for the primary for the general election shall have upon  
5 the primary election ballots, in the case of candidates for nomination for  
6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-  
13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and, ex-  
14½ cepting in counties where section 19:49-2 of the Revised Statutes applies, the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk or his deputy, as the case may be, shall at his office on

22 the thirty-third day prior to the primary election at three o'clock  
23 in the afternoon, draw from the box, as hereinafter described,  
24 each card separately without knowledge on his part as to which card  
25 he is drawing. Any legal voter of the county or municipi-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-  
37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such  
43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-

53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall  
13 be filed with the clerk of the county not later than forty days previous to the  
14 election.

1 14. This act shall take effect immediately.

19:37-1,1.1

COPY NO. 2

LEGISLATIVE HISTORY OF R.S.19:37-1,1.1  
(Ordinance or resolution for submitting question;  
request to county clerk)

Laws 1930 - C.187.  
Copy enclosed of this section.

Amended by:

L.1942 - C.50 - A 107.  
Amended during passage. (Amendment did not affect  
this section)  
Statement. (copy enclosed)

Laws 1967 - C. 101 - A 840.  
Not amended during passage  
Statement on bill (copy enclosed).  
Not amended during passage.

Hearings and reports

974.90	N.J. Commission to Codify and Revise
E38	Election Laws.
1930	Report

Copy enclosed of above report.

JH/EH

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## ARTICLE XXXV

*Non-Binding Referenda in Municipality*

## Request to Have Question Placed on Ballot.

Ascertaining  
local senti-  
ment by  
referendum.

Par. 517, Sec. 1. Whenever the governing body of any municipality or of any county desires to ascertain the sentiment of the legal voters of such municipality or county upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which such sentiment can be ascertained by the submission of such question to a vote of the electors in such municipality or county at any election hereafter to be held therein, it shall be lawful for such governing body to adopt at any regular meeting an ordinance or a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in such ordinance or resolution in concise form; *provided, however,* such request shall be filed with the clerk of the county not later than thirty days previous to such election.

Proviso.

## County Clerk to Place Question on Ballot.

Proposition  
printed on  
ballot.

Par. 518, Sec. 2. If a copy of such ordinance or resolution certified by the clerk or secretary of such governing body of any such municipality or county is delivered to such county clerk not less than thirty days before any such general election, he shall cause it to be printed on each sample ballot and official ballot to be printed for or used in such municipality or county, as the case may be, at the next ensuing general election.

## Canvass of Votes.

Ascertaining  
result.

Par. 519, Sec. 3. The said ballots so cast for or against said public question shall be counted and the result thereof returned by the election officers and a canvass of such election had and announced in the same manner as is now provided by law.

ASSEMBLY, No. 840

STATE OF NEW JERSEY

INTRODUCED APRIL 3, 1967

By Assemblyman A. E. BROWN

(Without Reference)

AN ACT concerning nonbinding municipal referenda and amending section 19:37-1 and supplementing chapter 37 of Title 19 of the Revised Statutes.

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

3 1. Section 19:37-1 of the Revised Statutes is amended to read  
4 as follows:

5 19:37-1. When the governing body of any municipality or of  
6 any county desires to ascertain the sentiment of the legal voters  
7 of the municipality or county upon any question or policy pertain-  
8 ing to the government or internal affairs thereof, and there is no  
9 other statute by which the sentiment can be ascertained by the  
10 submission of such question to a vote of the electors in the munici-  
11 pality or county at any election to be held therein, the governing  
12 body may adopt at any regular meeting an ordinance or a resolu-  
13 tion requesting the clerk of the county to print upon the official  
14 ballots to be used at the next ensuing general election a certain  
15 proposition to be formulated and expressed in the ordinance or  
16 resolution in concise form. Such request shall be filed with the  
17 clerk of the county not later than **[40]** 60 days previous to the  
18 election.

19 2. Whenever a governing body of a municipality has adopted  
20 an ordinance or resolution pursuant to section 19:37-1 of the Re-  
21 vised Statutes, upon the presentation to the governing body of  
22 such municipality of a petition signed by 10% or more of the voters  
23 registered and qualified to vote at the last general election in such  
24 municipality, requesting the governing body of such municipality  
25 to ascertain the sentiment of the legal voters of the municipality  
26 upon any question or policy pertaining to the government or in-  
27 ternal affairs thereof that is reasonably related to any proposition

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

1 formulated and expressed in such ordinance or resolution, such  
2 municipality shall thereupon adopt at its next regular meeting  
3 following the presentation of such petition a resolution requesting  
4 the clerk of the county to print upon the official ballots to be used  
5 at the next ensuing general election a certain proposition as formu-  
6 lated and expressed in the petition. Such request shall be filed  
7 with the clerk of the county not later than 30 days previous to  
8 the election.

9 3. This act shall take effect immediately.

---

#### STATEMENT

At present the election law makes no provision for nonbinding referendum at the request of citizens of a municipality. This bill will correct the omission by providing a means by which citizens of a municipality may compel a governing body to submit to public referendum questions alternate or related to those proposed for nonbinding referendum by the governing body. The bill also affords adequate time for such citizen action following the adoption of such a resolution or ordinance by the municipality.

CHAPTER 101 LAWS OF N. J. 1967

APPROVED 5-12-67

**ASSEMBLY, No. 840**

**STATE OF NEW JERSEY**

INTRODUCED APRIL 3, 1967

By Assemblyman A. E. BROWN

(Without Reference)

AN ACT concerning nonbinding municipal referenda and amending section 19:37-1 and supplementing chapter 37 of Title 19 of the Revised Statutes.

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

3 1. Section 19:37-1 of the Revised Statutes is amended to read  
4 as follows:

5 19:37-1. When the governing body of any municipality or of  
6 any county desires to ascertain the sentiment of the legal voters  
7 of the municipality or county upon any question or policy pertain-  
8 ing to the government or internal affairs thereof, and there is no  
9 other statute by which the sentiment can be ascertained by the  
10 submission of such question to a vote of the electors in the munici-  
11 pality or county at any election to be held therein, the governing  
12 body may adopt at any regular meeting an ordinance or a resolu-  
13 tion requesting the clerk of the county to print upon the official  
14 ballots to be used at the next ensuing general election a certain  
15 proposition to be formulated and expressed in the ordinance or  
16 resolution in concise form. Such request shall be filed with the  
17 clerk of the county not later than **[40]** 60 days previous to the  
18 election.

19 2. Whenever a governing body of a municipality has adopted  
20 an ordinance or resolution pursuant to section 19:37-1 of the Re-  
21 vised Statutes, upon the presentation to the governing body of  
22 such municipality of a petition signed by 10% or more of the voters  
23 registered and qualified to vote at the last general election in such  
24 municipality, requesting the governing body of such municipality  
25 to ascertain the sentiment of the legal voters of the municipality  
26 upon any question or policy pertaining to the government or in-  
27 ternal affairs thereof that is reasonably related to any proposition

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

1 formulated and expressed in such ordinance or resolution, such  
2 municipality shall thereupon adopt at its next regular meeting  
3 following the presentation of such petition a resolution requesting  
4 the clerk of the county to print upon the official ballots to be used  
5 at the next ensuing general election a certain proposition as formu-  
6 lated and expressed in the petition. Such request shall be filed  
7 with the clerk of the county not later than 30 days previous to  
8 the election.

9 3. This act shall take effect immediately.

---

#### STATEMENT

At present the election law makes no provision for nonbinding referendum at the request of citizens of a municipality. This bill will correct the omission by providing a means by which citizens of a municipality may compel a governing body to submit to public referendum questions alternate or related to those proposed for nonbinding referendum by the governing body. The bill also affords adequate time for such citizen action following the adoption of such a resolution or ordinance by the municipality.

ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least [twenty-four] thirty-two days before the elec-  
9 tion, which determination shall be open for public inspection.

1 2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-16. When a person nominated as herein provided by direct peti-  
4 tion [or State convention] for election to public office at the general election  
5 shall, at least [thirty] forty days before the day of the general election, in a  
6 writing signed by him and duly acknowledged, notify the officer with whom  
7 the original petition or certificate of nomination was filed that he declines  
8 the nomination, the nomination shall be void.

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

3 19:13-19. If the candidate vacating the nomination was nominated  
4 directly by petition his successor shall be nominated in the same manner by  
5 direct petition; which new petition of nomination must be filed with the Secre-  
6 tary of State or county clerk, as the case may require, not later than  
7 ~~twenty-five~~ thirty-four days before the day of election whereat such  
8 candidate is to be voted for.

1 4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-20. In the event of a vacancy, howsoever caused, among candi-  
4 dates nominated at primaries, which vacancy shall occur not later than  
5 ~~twenty-five~~ thirty-seven days before the general election, or in the event  
6 of inability to select a candidate because of a tie vote at such primary, a  
7 candidate shall be selected in the following manner: In case of an office to  
8 be filled by the voters of the entire State or a portion thereof involving  
9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days

24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than ~~twenty-two~~ thirty-four days prior to the general election. It  
28 shall be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1 5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party ~~of the State convention~~ which nominated the elector whose nomina-  
8 tion is vacated. The chairman and secretary of the vacancy committee or  
9 State committee shall file with the Secretary of State not later than ~~thirty~~  
10 thirty-four days prior to the general election a certificate of nomination for  
11 filling the vacancy. This certificate shall be made and filed in the same  
12 manner and form as heretofore provided for filling vacancies among candi-  
13 dates nominated at the primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than ~~thirty~~ thirty-four  
4 days before any election whereat any candidates nominated in any direct  
5 petition ~~[,] or primary certificate of nomination [or State convention cer-~~  
6 tificate] filed with him are to be voted for, shall make and certify, under his  
7 hand and seal of office, and forward to the clerks of the several counties of  
8 the State a statement of all such candidates for whom the voters within such  
9 county may be by law entitled to vote at such election. This statement, in  
10 addition to the names of the candidates for President and Vice-President

11 of the United States, if any such have been included in any such certificate  
12 or petition filed with him, shall contain the names and residences of all  
13 other candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1       7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9       The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-  
14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 ~~twenty-eighth~~ thirty-fifth day prior to the day of the general election at  
16 three o'clock in the afternoon, draw from the box each card separately  
17 without knowledge on his part as to which card he is drawing.

18       The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22       The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the

25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the  
45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member

6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least [seventeen]  
24 thirty-four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-  
26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die [before  
8 such election,] within three days after the last day for filing such peti-  
9 tion, or in writing filed [at least twenty days] within three days after the

10 last day for filing such petition [prior to the primary] with the county  
 11 clerk or municipal clerk with whom such petition had been filed, decline to  
 12 stand as a candidate, the vacancy or vacancies thus caused shall be filled  
 13 by a majority of the persons signing the petition in and by which the per-  
 14 son so dying or declining was indorsed, filing within three days after the  
 15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
 16 forth the name of the person dying or declining the office for which he was  
 17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
 19 the same force and effect as the original petition.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
 4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
 5 cerned thereby at least [twenty-six] thirty-four days prior to the holding  
 6 of the primary election, specifying in such certificate the political parties  
 7 to which the persons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
 4 to him by the Secretary of State and in addition the names of all persons  
 5 indorsed in petitions filed in his office to the clerk of each municipality con-  
 6 cerned thereby in his respective county at least [twenty-three] thirty-one  
 7 days prior to the time fixed by law for the holding of the primary election,  
 8 specifying in such certificate the political party to which the person or per-  
 9 sons so nominated belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
 2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
 4 names of candidates for the primary for the general election shall have upon  
 5 the primary election ballots, in the case of candidates for nomination for

6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-  
13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk, or his deputy, as the case may be, shall at his office on the [day fol-  
22 lowing the last day for filing petitions for] thirty-third day prior to the  
23 primary election at three o'clock in the afternoon, draw from the box, as  
24 hereinafter described, each card separately without knowledge on his part  
25 as to which card he is drawing. Any legal voter of the county or munic-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-

37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such  
43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48       The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-  
53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1       13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall

13 be filed with the clerk of the county not later than ~~[thirty]~~ forty days  
14 previous to the election.

1 14. This act shall take effect immediately.

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STATEMENT

The purpose of this act is to make uniform the provisions of the election law so as to enable election officials to carry out the act concerning voting in time of war and during national emergencies, and to preserve the vote of persons in the military service.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least thirty-two days before the election, which de-  
9 termination shall be open for public inspection.

1 2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-16. When a person nominated as herein provided by direct peti-  
4 tion for election to public office at the general election shall, at least forty  
5 days before the day of the general election, in a writing signed by him and  
6 duly acknowledged, notify the officer with whom the original petition or cer-  
7 tificate of nomination was filed that he declines the nomination, the nomina-  
8 tion shall be void.

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

3 19:13-19. If the candidate vacating the nomination was nominated  
4 directly by petition his successor shall be nominated in the same manner by  
5 direct petition; which new petition of nomination must be filed with the Secre-  
6 tary of State or county clerk, as the case may require, not later than  
7 thirty-four days before the day of election whereat such candidate is to be  
8 voted for.

1 4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-20. In the event of a vacancy, howsoever caused, among candi-  
4 dates nominated at primaries, which vacancy shall occur not later than  
5 thirty-seven days before the general election, or in the event of in-  
6 ability to select a candidate because of a tie vote at such primary, a  
7 candidate shall be selected in the following manner: In case of an office to  
8 be filled by the voters of the entire State or a portion thereof involving  
9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days

24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than thirty-four days prior to the general election. It shall  
28 be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1 5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party which nominated the elector whose nomination is vacated. The chair-  
8 man and secretary of the vacancy committee or State committee shall file  
9 with the Secretary of State not later than thirty-four days prior to the  
10 general election a certificate of nomination for filling the vacancy. This cer-  
11 tificate shall be made and filed in the same manner and form as heretofore  
12 provided for filling vacancies among candidates nominated at the primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than thirty-four days before  
4 any election whereat any candidates nominated in any direct petition or  
5 primary certificate of nomination filed with him are to be voted for, shall  
6 make and certify, under his hand and seal of office, and forward to the  
7 clerks of the several counties of the State a statement of all such candi-  
8 dates for whom the voters within such county may be by law entitled to  
9 vote at such election. This statement, in addition to the names of the candi-  
10 dates for President and Vice-President of the United States, if any  
11 such have been included in any such certificate or petition filed

12 with him, shall contain the names and residences of all other  
13 candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1 6a. Section 19:13-23 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-23. In the event of vacancies among the candidates whose peti-  
4 tions or certificate of nomination are on file with him, the Secretary of State  
5 in certifying the nominations of candidates to fill such vacancies to the  
6 various county clerks shall insert the name of the person who has been  
7 nominated as herein provided to fill the vacancy. In the event that he has  
8 already sent forward his certificate of nomination, as herein provided, he  
9 shall forthwith certify to the clerks of the proper counties the name and de-  
10 scription of the person so nominated to fill a vacancy, the office he is nomi-  
11 nated for, the party or political principle he represents, and the name of the  
12 person for whom such nominee is submitted.

1 7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9 The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-

14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 thirty-third day prior to the day of the general election at three o'clock in  
16 the afternoon, draw from the box each card separately without knowledge  
17 on his part as to which card he is drawing.

18 The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22 The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the  
25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the

45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member  
6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least thirty-  
24 four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-

26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die within  
8 three days after the last day for filing such petition, or in writing filed  
9-10 within three days after the last day for filing such petition with the county  
11 clerk or municipal clerk with whom such petition had been filed, decline to  
12 stand as a candidate, the vacancy or vacancies thus caused shall be filled  
13 by a majority of the persons signing the petition in and by which the per-  
14 son so dying or declining was indorsed, filing within three days after the  
15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
16 forth the name of the person dying or declining the office for which he was  
17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
19 the same force and effect as the original petition.

1 9a. Section 19:23-14 of the Revised Statutes is amended to read as fol-  
2 lows:

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

9 Within eight days after the last day for filing the petitions for  
10 nominations at the primary election for the general election, the municipal  
11 clerk shall certify to the county clerk the full and correct names and ad-

12 dresses of all candidates for nomination for public and party office and the  
13 name of the political party of which such persons are candidates together  
14 with their slogan and designation.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
5 cerned thereby at least thirty-four days prior to the holding of the primary  
6 election, specifying in such certificate the political parties to which the per-  
7 sons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
4 to him by the Secretary of State and in addition the names of all persons  
5 indorsed in petitions filed in his office to the clerk of each municipality con-  
6 cerned thereby in his respective county at least thirty-one days prior to  
7 the time fixed by law for the holding of the primary election, specifying in such  
8 certificate the political party to which the person or persons so nominated  
9 belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
4 names of candidates for the primary for the general election shall have upon  
5 the primary election ballots, in the case of candidates for nomination for  
6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-

13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and, ex-  
14½ cepting in counties where section 19:49-2 of the Revised Statutes applies, the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk or his deputy, as the case may be, shall at his office on  
22 the thirty-third day prior to the primary election at three o'clock  
23 in the afternoon, draw from the box, as hereinafter described,  
24 each card separately without knowledge on his part as to which card  
25 he is drawing. Any legal voter of the county or munic-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-  
37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such

43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-  
53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall  
13 be filed with the clerk of the county not later than forty days previous to the  
14 election.

1 14. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 107

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. MAHR

Referred to Committee on Elections

AN ACT concerning elections, and amending sections 19:13-11, 19:13-12, 19:13-16, 19:13-19, 19:13-20, 19:13-21, 19:13-22, 19:13-23, 19:14-12, 19:23-12, 19:23-13, 19:23-21, 19:23-22, 19:23-24 and 19:37-1 of the Revised Statutes.

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

1 1. Section 19:13-11 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-11. The officer with whom the original petition was filed shall in  
4 the first instance pass upon the validity of such objection in a summary  
5 way unless an order shall be made in the matter by a court of competent  
6 jurisdiction and for this purpose such officer shall have power to subpoena  
7 witnesses and take testimony or depositions. He shall file his determination  
8 in writing in his office at least thirty-two days before the election, which de-  
9 termination shall be open for public inspection.

1 1a. Section 19:13-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-12. The Chief Justice in the case of candidates to be voted for by  
4 the electors of the entire State, or of more than one county thereof, and in  
5 all other cases the justice of the Supreme Court holding the circuit court in  
6 and for the county in which any petition of nomination shall be filed, on the  
7 application or complaint, duly verified, of any candidate, which application

8 or complaint shall be made at least thirty-six days before the  
 9 election, setting forth any invasion or threatened invasion of his rights un-  
 10 der the petition of nomination filed with the Secretary of State or with  
 11 any county clerk, shall hear such application or complaint in a summary  
 12 way and make such order thereon as will protect and enforce the rights of  
 13 such candidates, which order or determination shall be filed within two days  
 14 after the filing of the application or complaint.

1     2. Section 19:13-16 of the Revised Statutes is amended to read as fol-  
 2 lows:

3     19:13-16. When a person nominated as herein provided by direct peti-  
 4 tion or State convention for election to public office at the general election  
 5 shall, at least forty days before the day of the general election, in a writing  
 6 signed by him and duly acknowledged, notify the officer with whom the  
 7 original petition or certificate of nomination was filed that he declines the  
 8 nomination, the nomination shall be void.

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

3     19:13-19. If the candidate vacating the nomination was nominated  
 4 directly by petition his successor shall be nominated in the same manner by  
 5 direct petition; which new petition of nomination must be filed with the Secre-  
 6 tary of State or county clerk, as the case may require, not later than  
 7 thirty-four days before the day of election whereat such candidate is to be  
 8 voted for.

1     4. Section 19:13-20 of the Revised Statutes is amended to read as fol-  
 2 lows:

3     19:13-20. In the event of a vacancy, howsoever caused, among candi-  
 4 dates nominated at primaries, which vacancy shall occur not later than  
 5 thirty-seven days before the general election, or in the event of in-  
 6 ability to select a candidate because of a tie vote at such primary, a  
 7 candidate shall be selected in the following manner: In case of an office to  
 8 be filled by the voters of the entire State or a portion thereof involving

9 more than one county, the candidate shall be selected by the State committee  
10 of the political party wherein such vacancy has occurred; in case of an office  
11 to be filled by the voters of an entire county or a portion thereof involving  
12 more than one municipality, the candidate shall be selected by the county  
13 committee of such political party within the county. When a vacancy  
14 occurs in a congressional district lying wholly within a county, the county  
15 committee of the political party of such county shall select a candidate to  
16 fill such vacancy and shall certify the name of the candidate to the chairman  
17 of the State committee, who shall certify such name to the Secretary of  
18 State, and in case of an office to be filled by the voters of less than a county  
19 (excepting in the case of a congressional district), such vacancy shall be  
20 filled by the members of the county committee representing the territory  
21 affected by the vacancy; and except that in case of a tie vote the selection  
22 shall be made from among those who have thus received the same number  
23 of votes at the primary. The selection shall be made within three days  
24 after the vacancy shall occur and a statement of the selection filed as follows:  
25 The State committee with the Secretary of State, the county committee or  
26 subdivision thereof with the county clerk. Such statement shall not be filed  
27 later than thirty-four days prior to the general election. It shall  
28 be in substantially the same form as is required by this Title for filling  
29 vacancies for candidates nominated by petition for the primary election. The  
30 person so selected shall be the candidate of the party for such office at the  
31 ensuing general election.

1       5. Section 19:13-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3       19:13-21. If the nomination vacated is that of a candidate for elector of  
4 the President and Vice-President of the United States, the vacancy shall be  
5 filled by the committee to whom power shall have been delegated to fill  
6 vacancies if such there be, otherwise by the State committee of the political  
7 party or the State convention which nominated the elector whose nomination  
8 is vacated. The chairman and secretary of the vacancy committee or State

9 committee shall file with the Secretary of State not later than thirty-four days  
10 prior to the general election a certificate of nomination for filling the vacancy.  
11 This certificate shall be made and filed in the same manner and form as here-  
12 tofore provided for filling vacancies among candidates nominated at the  
13 primary.

1 6. Section 19:13-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-22. The Secretary of State, not later than thirty-four days before  
4 any election whereat any candidates nominated in any direct petition or pri-  
5 mary certificate of nomination or State convention certificate filed with him  
6 are to be voted for, shall make and certify, under his hand and seal of office, and  
7 forward to the clerks of the several counties of the State a statement of all  
8 such candidates for whom the voters within such county may be by law entitled  
9 to vote at such election. This statement, in addition to the names of the candi-  
10 dates for President and Vice-President of the United States, if any  
11 such have been included in any such certificate or petition filed  
12 with him, shall contain the names and residences of all other  
13 candidates, the offices for which they are respectively nominated, and  
14 the names of the parties by which or the political appellation under which  
15 they are respectively nominated. Candidates nominated directly by peti-  
16 tion, without distinctive political appellation, shall be certified as inde-  
17 pendent candidates.

1 6a. Section 19:13-23 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:13-23. In the event of vacancies among the candidates whose peti-  
4 tions or certificate of nomination are on file with him, the Secretary of State  
5 in certifying the nominations of candidates to fill such vacancies to the  
6 various county clerks shall insert the name of the person who has been  
7 nominated as herein provided to fill the vacancy. In the event that he has  
8 already sent forward his certificate of nomination, as herein provided, he  
9 shall forthwith certify to the clerks of the proper counties the name and de-

10 scription of the person so nominated to fill a vacancy, the office he is nomi-  
11 nated for, the party or political principle he represents, and the name of the  
12 person for whom such nominee is submitted.

1 7. Section 19:14-12 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:14-12. The county clerk shall draw lots in his county to determine  
4 which columns the political parties which made nominations at the next pre-  
5 ceding primary election shall occupy on the ballot in the county. The name  
6 of the party first drawn shall occupy the first column at the left of the bal-  
7 lot, and the name of the party next drawn shall occupy the second column,  
8 and so forth.

9 The manner of drawing the lots shall be as follows: paper cards, of the  
10 same size, substance and thickness, with the names of each political party  
11 written thereon, shall be placed in a covered box with an aperture in the top  
12 large enough to admit a man's hand and to allow the cards to be drawn  
13 therefrom. The box shall be well shaken and turned over to thoroughly in-  
14 termingle the cards. The county clerk or his deputy shall at his office on the  
15 thirty-third day prior to the day of the general election at three o'clock in  
16 the afternoon, draw from the box each card separately without knowledge  
17 on his part as to which card he is drawing.

18 The position which the names of candidates, and bracketed groups of  
19 names of candidates nominated by petitions for all offices, shall have upon  
20 the general election ballot, shall be determined by the county clerks in their  
21 respective counties.

22 The drawing of names shall take place at three o'clock in the afternoon  
23 on the day following the last day for filing petitions for the general elec-  
24 tion at the office of the county clerk. The drawing shall be done by the  
25 county clerk or his deputy. The person making the drawing shall make  
26 public announcement at the drawing of each name, the order in which name  
27 is drawn and the office for which the drawing is made.

28 When there is but one person to be elected to an office, the names of the  
29 several candidates who have filed petitions for such office shall be written  
30 upon cards of the same size, substance and thickness. The cards shall be  
31 placed in a covered box with an aperture in the top large enough to admit  
32 a man's hand and to allow the cards to be drawn therefrom. The box shall  
33 be turned and shaken thoroughly to mix the cards and the cards shall be  
34 withdrawn one at a time.

35 When there is more than one person to be elected to an office where  
36 petitions have designated that certain candidates shall be bracketed, the  
37 position of such bracketed names on the ballot (each bracketed group to be  
38 treated as a single name), together with individuals who have filed petitions  
39 for such office, shall be determined as above described.

40 Any legal voter of the county or municipality, as the case may be, shall  
41 have the privilege of witnessing the drawing.

42 The name or names of the candidate or bracketed group of candidates  
43 first drawn from the box shall be printed directly below the proper title of  
44 the office for which they were nominated, and the name or names of the  
45 candidate or bracketed group of candidates next drawn shall be printed  
46 next in order, and so on, until the last name or bracketed group of names  
47 shall be drawn from the box.

48 The arrangement of names of any bracketed group of candidates for any  
49 office for which more than one are to be elected shall be printed in the same  
50 order on the ballot as they were arranged on the petition of nomination.

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

3 19:23-12. The signers to petitions for "Choice for President," dele-  
4 gates and alternatives to national conventions, for Governor, United States  
5 Senator, member of the House of Representatives, State Senator, member  
6 of the General Assembly and any county office may name three persons in  
7 their petition as a committee on vacancies.

8 This committee shall have power in case of death or resignation or other-  
9 wise of the person indorsed as a candidate in said petition to fill such  
10 vacancy by filing with the Secretary of State in the case of officers to be  
11 voted for by the voters of the entire State or a portion thereof involving  
12 more than one county thereof or any congressional district, and with the  
13 county clerk in the case of officers to be voted for by the voters of the  
14 entire county, a certificate of nomination to fill the vacancy.

15 Such certificate shall set forth the cause of the vacancy, the name of  
16 the person nominated and that he is a member of the same political party  
17 as the candidate for whom he is substituted, the office for which he is nom-  
18 inated, the name of the person for whom the new nominee is to be sub-  
19 stituted, the fact that the committee is authorized to fill vacancies and such  
20 further information as is required to be given in any original petition of  
21 nomination.

22 The certificate so made shall be executed and sworn to by the mem-  
23 bers of such committee, and shall upon being filed at least thirty-  
24 four days before election have the same force and effect as the orig-  
25 inal petition of nomination for the primary election for the general elec-  
26 tion. The name of the candidate submitted shall be immediately certified  
27 to the proper municipal clerks.

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

3 19:23-13. Should any person indorsed in any petition as a candidate to  
4 be voted for at any primary election, except for the office of "Choice for  
5 President," delegates and alternates to national conventions, Governor,  
6 United States Senator, member of the House of Representatives, State Sen-  
7 ator, members of the General Assembly, and any county office, die within  
8 three days after the last day for filing such petition, or in writing filed  
9-10 within three days after the last day for filing such petition with the county  
11 clerk or municipal clerk with whom such petition had been filed, decline to  
12 stand as a candidate, the vacancy or vacancies thus caused shall be filled

13 by a majority of the persons signing the petition in and by which the per-  
14 son so dying or declining was indorsed, filing within three days after the  
15 occurrence of the vacancy with the municipal clerk, a new petition, setting  
16 forth the name of the person dying or declining the office for which he was  
17 indorsed, and the name of the person to be substituted.

18 Such petition shall be verified by three of the signers, and shall have  
19 the same force and effect as the original petition.

1 9a. Section 19:23-14 of the Revised Statutes is amended to read as fol-  
2 lows:

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

9 Within eight days after the last day for filing the petitions for  
10 nominations at the primary election for the general election, the municipal  
11 clerk shall certify to the county clerk the full and correct names and ad-  
12 dresses of all candidates for nomination for public and party office and the  
13 name of the political party of which such persons are candidates together  
14 with their slogan and designation.

1 10. Section 19:23-21 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-21. The Secretary of State shall certify the names of the per-  
4 sons indorsed in the petitions filed in his office to the clerks of counties con-  
5 cerned thereby at least thirty-four days prior to the holding of the primary  
6 election, specifying in such certificate the political parties to which the per-  
7 sons so nominated in the petitions belong.

1 11. Section 19:23-22 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-22. The county clerk shall certify all of the persons so certified  
4 to him by the Secretary of State and in addition the names of all persons  
5 indorsed in petitions filed in his office to the clerk of each municipality con-  
6 cerned thereby in his respective county at least thirty-one days prior to  
7 the time fixed by law for the holding of the primary election, specifying in such  
8 certificate the political party to which the person or persons so nominated  
9 belong.

1 12. Section 19:23-24 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:23-24. The position which the candidates, and bracketed groups of  
4 names of candidates for the primary for the general election shall have upon  
5 the primary election ballots, in the case of candidates for nomination for  
6 members of the United States Senate; Governor; members of the House of  
7 Representatives; members of the State Senate; members of the General  
8 Assembly; choice for President; delegates and alternates at large to the  
9 national conventions of political parties; district delegates and alternates to  
10 conventions of political parties; candidates for party position; and county  
11 offices or party positions which are to be voted for by the voters of the  
12 entire county or a portion thereof greater than a single municipality includ-  
13 ing a congressional district which is wholly within a single municipality,  
14 shall be determined by the county clerks in their respective counties; and, ex-  
14½ cepting in counties where section 19:49-2 of the Revised Statutes applies, the  
15 position on the primary ballots in the case of candidates for nomination for  
16 office or party position wherein the candidates for office or party position to  
17 be filled are to be voted for by the voters of a municipality only, or a sub-  
18 division thereof (excepting in the case of members of the House of Repre-  
19 sentatives) shall be determined by the municipal clerk in such municipalities,  
20 in the following manner: The county clerk, or his deputy, or the municipal  
21 clerk or his deputy, as the case may be, shall at his office on

22 the thirty-third day prior to the primary election at three o'clock  
23 in the afternoon, draw from the box, as hereinafter described,  
24 each card separately without knowledge on his part as to which card  
25 he is drawing. Any legal voter of the county or municipi-  
26 pality, as the case may be, shall have the privilege of witnessing such draw-  
27 ing. The person making the drawing shall make public announcement at the  
28 drawing of each name, the order in which same is drawn, and the office for  
29 which the drawing is made. When there is to be but one person nominated  
30 for the office, the names of the several candidates who have filed petitions for  
31 such office shall be written upon cards (one name on a card) of the same  
32 size, substance and thickness. The cards shall be deposited in a box with an  
33 aperture in the cover of sufficient size to admit a man's hand. The box shall  
34 be well shaken and turned over to thoroughly mix the cards, and the cards  
35 shall then be withdrawn one at a time. The first name drawn shall have first  
36 place, the second name drawn, second place, and so on; the order of the with-  
37 drawal of the cards from the box determining the order of arrangement in  
38 which the names shall appear upon the primary election ballot. Where there  
39 is more than one person to be nominated to an office where petitions have  
40 designated that certain candidates shall be bracketed, the position of such  
41 bracketed names on the ballot (each bracket to be treated as a single name),  
42 together with individuals who have filed petitions for nominations for such  
43 office, shall be determined as above described. Where there is more than one  
44 person to be nominated for an office and there are more candidates who  
45 have filed petitions than there are persons to be nominated, the order of the  
46 printing of such names upon the primary election ballots shall be determined  
47 as above described.

48 The county clerk in certifying to the municipal clerk the offices to be  
49 filled and the names of candidates to be printed upon the primary election  
50 ballots, shall certify them in the order as drawn in accordance with the above  
51 described procedure, and the municipal clerk shall print the names upon the  
52 ballots as so certified and in addition shall print the names of such candi-

53 dates as have filed petitions with him in the order as determined as a result  
54 of the drawing as above described.

1 13. Section 19:37-1 of the Revised Statutes is amended to read as fol-  
2 lows:

3 19:37-1. When the governing body of any municipality or of any county  
4 desires to ascertain the sentiment of the legal voters of the municipality or  
5 county upon any question or policy pertaining to the government or internal  
6 affairs thereof, and there is no other statute by which the sentiment can be  
7 ascertained by the submission of such question to a vote of the electors in  
8 the municipality or county at any election to be held therein, the governing  
9 body may adopt at any regular meeting an ordinance or a resolution request-  
10 ing the clerk of the county to print upon the official ballots to be used at the  
11 next ensuing general election a certain proposition to be formulated and  
12 expressed in the ordinance or resolution in concise form. Such request shall  
13 be filed with the clerk of the county not later than forty days previous to the  
14 election.

1 14. This act shall take effect immediately.