

R.S. 19:48-6,7

May 7, 1970

LEGISLATIVE HISTORY OF R.S. 19:48-6, 7
(Duties of officials concerning machines; voting machine out of order)

L. 1930, Chapter 187 - S242

General revision of State Election Law (very long and hence, no copy attached).

March 25 - Introduced by Wolber.

April 15 - Reported with committee amendment.

April 15 - Passed in Senate.

April 16 - Passed in Assembly.

April 18 - Approved, Chapter 187.

Amended during passage.

No statement.

COPY NO. 2

Bill drafted and recommended by:

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

Amended by:

L. 1935, Chapter 302 - A115

January 28 - Introduced by Sanford.

April 8 - Passed in Assembly, amended.

June 10 - Passed in Senate.

June 29 - Approved, Chapter 302.

Amended during passage (copy enclosed).

Statement on bill (copy enclosed).

L. 1945, Chapter 56 - A299

February 19 - Introduced by Lusher.

March 12 - Passed in Assembly, amended.

March 26 - Passed in Senate.

March 31 - Approved, Chapter 56.

Amended during passage.

Statement on bill (copy enclosed).

Copy also attached of original bill showing changes this law made.

DEPOSITORY COPY
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L. 1947, Chapter 168 - A333

March 3 - Introduced by Kates.
March 25 - Reported by Committee Substitutes A & B.
April 8 - Committee Substitutes A & B passed Assembly.
April 15 - Passed in Senate.
May 20 - Committee Substitute A approved, Chapter 167.
May 20 - Committee Substitute B approved, Chapter 168.
No statement on original bill or substitutes.
Not amended during passage.
Copy enclosed of Sec. 25 of Committee Substitute B
which affects this section.

Reports (copies enclosed):

974.90 N.J. State board of voting machine commissioners.
E38 Report.
1906

974.90 N.J. Voting machine commissioners.
E38 ... The report on voting machines.
1910

974.90 N.J. Senate. Committee on Elections.
E38 Public hearing [on elections]
1940b Assembly Bill 14.

974.90 N.J. Legislature. Assembly. Committee on
E38 Revision and Amendment of Laws.
1961a Public hearing ... on A.C.R. 17 and 18
and A.J.R. no. 10 ...

974.90 N.J. Election Law Revision Commission.
E38 Preliminary report.
1966

3 voting machine, one set thereof shall be inserted or placed in or upon the
4 voting machine and the other shall be retained in the custody and possession
5 of the district board of registry and election, unless it shall become necessary
6 during the course of the election to make use of the same upon or in the voting
7 machine; at the close of the election all official ballots (except those actually
8 in or upon the voting machine at the close of the election) whether the same
9 shall have been used in the machine or not, shall be returned to the official
10 providing the same in the manner herein provided.

11 If the official ballots for an election district or precinct, at which a voting
12 machine is to be used, shall not be delivered in time for use on election day
13 or after delivery shall be lost, destroyed or stolen, the municipal clerk whose
14 duty it now is in such cases to provide other ballots for use at such elections
15 in lieu of those lost, destroyed or stolen, shall cause other ballots to be pre-
16 pared, printed or written as nearly as may be of the form and description of
17 the official ballots, and the district boards of registry and election shall cause
18 the ballots so substituted to be used at the election in the same manner, as
19 nearly as may be, as the official ballots would have been.

DUTY OF AUTHORITIES OF MUNICIPALITIES

1 9. It shall be the duty of the municipal clerk of the municipality wherein
2 voting machines have been adopted to have the machine and all necessary fur-
3 niture and appliances at the proper polling place or places before the time
4 fixed for opening the polls, and the counters set at zero (000), and otherwise
5 in good and proper order for use at such election; and for the purpose of
6 placing ballots in the ballot frames of the machine; putting it in order, set-
7 ting, testing, and adjusting and delivering the machine the county election of-
8 ficials may employ or appoint one or more competent persons to be known
9 as custodian or custodians of voting machines; who shall be fully competent,
10 thoroughly instructed by said county election officials and sworn to perform
11 their duties honestly and faithfully, and for such purpose shall be appointed
12 and instructed at least thirty days before the election and shall be considered
13 as officers of elections. Before preparing a voting machine for any election,
14 written notice shall be mailed to the chairman of the county committee of at

15 least two of the principal political parties, stating the time and place where
16 the machines will be prepared, at which time one representative of each such
17 political parties shall be afforded an opportunity to see that the machines
18 are in proper condition for use in election; such representatives shall be
19 sworn to faithfully perform their duties and shall be regarded as election of-
20 ficials, but shall not interfere with the custodians or assume any of their du-
21 ties. When a machine has been so examined by such representatives it shall
22 be sealed with a numbered metal seal. Such representatives shall certify,
23 upon a form to be provided by the municipal clerk, to the numbers of the ma-
24 chines, that all of the counters are set at zero (000), and as to the number
25 registered on the protective counter, if one is provided, and on the seal. After
26 the preparation of the machines, the said municipal clerk shall inspect each
27 machine, and report in writing, to the county board of elections, certifying
28 to the facts as to whether or not all of the registering counters are set at zero
29 (000), the machine is arranged in all respects in good order for the election
30 and locked; and as to the number registered on the protective counter; and
31 on the seal. When a voting machine has been properly prepared for elec-
32 tion, it shall be locked against voting and sealed; and the keys thereof shall
33 be delivered to the county election officials together with a written report
34 made by the custodian stating that it is in every way properly prepared for
35 the election. After the voting machines shall be transferred to the polling
36 places by the municipal clerk, it shall be the duty of the governing body of
37 said municipality to provide ample police protection against molestation, or
38 injury to the machine. Every voting machine shall be furnished with a lan-
39 tern, or an electric light fixture, which shall give sufficient light to enable vot-
40 ers while voting to read the ballots and suitable for use by the district board
41 of registry and election in examining the counters. The lantern or electric
42 light fixture shall be prepared in good order by the said municipal clerk for
43 use before the opening of the polls.

INSTRUCTION OF ELECTION OFFICERS

1 10. Not less than ten nor more than twenty-one days before each elec-
2 tion, the custodian or custodians of the machines shall instruct the members

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

APPLICATION

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

STATEMENT

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

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

It affords an easier and speedier method of voting.

It insures absolute secrecy in voting.

It makes impossible spoiled and defective ballots.

It produces an accurate automatic count of the votes cast.

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

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

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

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

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

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

The purpose of this act is expressed in its title.

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

Page 4, section 4, strike out the title "providing machines" and substitute therefor "custody and care of machines." Strike out the entire section and substitute the following section: "When voting machines are installed in any county or municipality they shall be placed and remain in the custody of the county board of elections or the officials in charge of elections or the municipal clerk as the case may be, who shall preserve and keep them in repair."

Page 4, section 5, line 1, add the following after the numeral 5: "any voting machines owned and in use by a municipality at the time of a county-wide installation at county expense may be taken over by the county if mutually agreeable between the county and municipality. In no case, however, shall the municipality be reimbursed to the extent of more than the original cost of the machines."

Page 4, section 5, line 3, strike out the word "may" and substitute therefor the word "shall". Insert after the word "thereof" the following: "in such manner as the governing body of such governmental unit deems best according to the financial of said unit and said governing body may meet the necessary expenditure by budget appropriation."

Page 5, section 7, line 7, after the word "sample" insert the words "or instruction."

Page 5, section 8, line 1, after the numeral "8" insert the words "at least one week prior to any primary, local, or general election," and substitute a small "t" for the capital "t" in the word "too."

Page 6, section 8, line 5, strike the words "district board of registry and election" and substitute therefor the word "custodian".

Page 6, section 8, strike out lines 11 to 19 inclusive.

Page 6, section 9, strike out the title "duty of authorities of municipalities" and substitute therefor the title "duties of municipal officials."

Page 6, section 9, line 1, after the words "duty of the county officials in charge of elections or". After the word "municipality" insert the words "as the case may be"

Page 6, section 9, line 5, after the word "election" insert a period and strike out the word "and" and substitute a capital "I" for the small "f" in the word "for".

Page 6, section 9, line 8, after the first two syllables "ficials" insert the words "or the municipal clerk as the case may be."

Page 6, section 9, line 10, after the word "officials" insert "or municipal clerk as the case may be."

Page 7, section 9, line 23, after the words "provided by the" insert the words "county election official or." After the word "clerk" insert the words "as the case may be".

Page 7, section 9, line 25, after the word "sal" insert the following sentence: "such certificate shall be filed with the county election officials or the municipal clerk as the case may be." Strike out the word "after."

Page 7, section 9, strike out lines 26-30 inclusive and in line 31 strike out the words "on this seal."

Page 7, section 9, line 33, after the word "officials" insert the words "or municipal clerk as the case may be."

Page 7, section 9, line 38, strike out the word "injury" and substitute the words "tempering or damage."

Page 7, section 9, line 42, after the word "said" insert the words "county election officials or", after the word "clerk" insert a comma by the words "as the case may be."

Page 8, section 11, line 1, after the word "election" insert the words "or municipal clerk as the case may be."

Page 9, section 11, line 12, after the first syllable "cials" insert the words "or municipal as the case may be"

Page 9, section 12, line 2, strike out the word "at" and in line 3 strike out the words "the same time, and be delivered to the same officials."

Page 9, section 13, after the words "number of" in the title insert the word "registered".

Page 9, section 13, line 4, after the word "fifty" insert the word "registered."

Page 9, section 13, line 5, after the word "thousand" insert the word "registered."

A299-1945

23 tions in each county of the first class by the board of chosen freeholders
24 thereof for the year one thousand nine hundred and forty-five for the pur-
25 pose of defraying the cost, including all salaries, and of storing, delivering
26 to and from polling places, repairing, servicing, and maintaining voting
27 machines, shall be transferred forthwith to the account of the superintendent
28 of elections and shall be used by him solely for such purpose, and no other.

1 12. This act shall take effect immediately.

STATEMENT

The purpose of this act is to amend the election law so that in counties of the first class voting machines will be placed and remain in the custody of the superintendent of elections instead of the county board of elections, and to make certain other necessary adjustments and corrections.

16 The county board of elections or the superintendent of elections or the
 17 municipal clerk, as the case may be, shall preserve and keep in repair all vot-
 18 ing machines placed in its or his custody pursuant to the provisions of this
 19 section.

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

3 19:48-6. ~~【The county officials in charge of elections】~~ The county board
 4 of elections or the superintendent of elections or the municipal clerk ~~【of the~~
 5 ~~municipality】~~, as the case may be, ~~【wherein voting machines have been~~
 6 ~~adopted,】~~ having custody of voting machines, shall have the machine or
 7 machines and all necessary furniture and appliances at the proper polling
 8 place or places before the time fixed for opening the polls, and the counters
 9 set at zero (000), and otherwise in good and proper order for use at such
 10 election. For the purpose of placing ballots in the ballot frames of the
 11 machines ~~【machine】~~; putting ~~【it】~~ in order, setting, testing, adjusting and
 12 delivering the machines ~~【machine】~~, such ~~【the county election officials】~~ county
 13 board of elections or such superintendent of elections or ~~【the】~~ such municipal
 14 clerk, as the case may be, may employ or appoint one or more fully competent
 15 persons to be known as custodian or custodians of voting machines, who shall
 16 be ~~【fully competent,】~~ thoroughly instructed in their duties by such ~~【the county~~
 17 ~~election officials】~~ county board of elections or such superintendent of elections
 18-19 or such municipal clerk, as the case may be, and shall be sworn to perform
 20 their duties honestly and faithfully ~~【,】~~ . ~~【and for such purpose】~~ Such cus-
 21 todians shall be employed or appointed and instructed at least thirty days be-
 22 fore the election and shall be considered as officers of elections ~~【.】~~ ; provided,
 23 however, that for the purpose aforesaid in counties of the first class, the super-
 24 intendent of elections may employ or appoint, in addition to one or more
 25 custodian or custodians, other fully competent persons and may classify
 26 them, assign their duties, and fix their compensation according to the par-
 27 ticular duties assigned them, which said persons shall also be employed or

28 appointed, and thoroughly instructed and sworn to perform their duties
29 honestly and faithfully, at least thirty days before the election and shall
30 likewise be considered as officers of election.

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

56 After the voting machines shall be ~~transferred~~ delivered to the polling
57 places ~~by the municipal clerk~~, the governing body of ~~such~~ the municipi-
58 ality, wherein such polling places are located, shall provide ample police

59 protection against molestation, or tampering or damage to the [machine]
60 machines. Every voting machine shall be furnished with a lantern, or an
61 electric light fixture, which shall give sufficient light to enable voters while
62 voting to read the ballots and be suitable for use by the district board in
63 examining the counters. The lantern or electric light fixture shall be pre-
64 pared in good order by [the county election officials] such county board of
65 elections or such superintendent of elections or such municipal clerk, as the
66 case may be, for use before the opening of the polls.

1 3. Section 19:48-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 19:48-7. If any voting machine being used in any election district shall,
4 during the time the polls are open, become damaged so as to render it in-
5 operative in whole or in part, the election officers shall immediately give
6 notice thereof to the [custodian,] county board of elections or the superin-
7 tendent of elections or the municipal clerk, as the case may be, having custody
8 of voting machines, and such [custodian] county board of elections or such
9 superintendent of elections or such municipal clerk, as the case may be, shall
10 cause any person or persons employed or appointed pursuant to section
11 19:48-6 of this Title to substitute a machine in perfect mechanical order for
12 the damaged machine. At the close of the polls the records of both machines
13 shall be taken and the votes shown on their counters shall be added together
14 in ascertaining and determining the results of the election. Unofficial ballots
15 made as nearly as possible in the form of the official ballot may be used,
16 received by the election officers and placed by them in a ballot box in such
17 case to be provided as now required by law, and counted with the votes
18 registered on the voting machines. The result shall be declared the same as
19 though there had been no accident to the voting machine. The ballots thus
20 voted shall be preserved and returned as herein directed with a certificate or
21 statement setting forth how and why the same were voted.

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

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

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

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

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

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

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

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

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

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

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

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

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

May 19, 1965

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

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

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

COPY NO. :

L. 1935, Chapter 302, sec. 6. - A115

Photostat of section 6 and statement enclosed. Amendment does not affect this section.

L. 1940, Chapter 137, p. 301 - A15

This bill inserts:

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

STATEMENT

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

VETO MESSAGE * GOVERNOR MOORE

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

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

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

Respectfully submitted,

A. HARRY MOORE,
Governor

Passed over veto.

L. 1941, Chapter 163 - A17

Photostat of bill and statement enclosed.

AMENDMENT

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

NEW JERSEY STATE LIBRARY
185 W. State Street
Trenton, N. J.

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

L. 1944, Chapter 127 - A12

Deals with public questions. Not applicable to our problem.

L. 1945, Chapter 70, §1 - S173

Photostat of original bill and statement enclosed.

Amended in Senate.

Strike out material in brackets and insert underlined material.

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

2) Strike out brackets of original bill.

L. 1946, Chapter 17, p. 48 - A216

Bill not amended.

Bill inserted after:

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

STATEMENT

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

L. 1948, Chapter 240 - A477

Photostat of bill enclosed.

No statement.

COMMITTEE AMENDMENT

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

A 115, 1935

6 to the provisions of an act of the Legislature of the State of New Jersey en-
7 titled "An act to authorize and regulate the issuance of bonds and other
8 obligations and the incurring of indebtedness by county, city, borough, village,
9 town, township, or any municipality governed by an improvement commis-
10 sion," approved March twenty-second, one thousand nine hundred and six-
11 teen, and all acts amendatory thereof and supplemental thereto.

PRINTING OFFICIAL BALLOTS

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

MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS

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

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

NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED

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

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

APPLICATION

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

A115,1935

STATEMENT

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

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

It affords an easier and speedier method of voting.

It insures absolute secrecy in voting.

It makes impossible spoiled and defective ballots.

It produces an accurate automatic count of the votes cast.

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

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

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

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

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

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

The purpose of this act is expressed in its title.

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

ASSEMBLY, No. 17

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1941

By Mr. MAHR

Referred to Committee on Elections

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

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

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

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

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

17 who shall choose the same designation or slogan shall be drawn for position
 18 on the ballot as a unit and shall have their names placed on the same line of
 19 the voting machine; and provided, further, that all candidates for municipal
 20 or party office in municipalities in counties of the first class where voting
 21 machines are or shall be used who shall file a petition with the clerk of their
 22 municipality, bearing the same designation or slogan as that of the candi-
 23 dates filing a joint petition with the county clerk as aforesaid may
 24 request that his or her name be placed on the same line of the
 24½ voting machine with the candidates who have filed a joint petition
 25 with the county clerk as aforesaid by so notifying the county clerk of said
 26 county in writing within two days after the last day for filing nominating
 27 petitions and thereupon the county clerk shall forthwith notify the campaign
 28 manager of such candidates filing a joint petition as aforesaid of said re-
 29 quest, and if the said campaign manager shall file his consent in writing with
 30 the said county clerk within two days after the receipt of said notification
 31 from said county clerk, the clerk of said county shall place the name of such
 32 candidate on the same line of the voting machine on which appears the
 33 names of the candidates who have filed the joint petition as aforesaid; pro-
 34 vided, also, that any candidate filing a petition with the Secretary of State
 35 may request that his or her name be placed on the same line of the voting
 36 machine with the candidates who have filed a joint petition with the county
 37 clerk as aforesaid by so notifying the county clerk of said county in writing
 38 within two days after the last day for filing nominating petitions and there-
 39 upon the county clerk shall forthwith notify the campaign manager of such
 40 candidates filing a joint petition as aforesaid of said request, and if the said
 41 campaign manager shall file his consent in writing with the said county clerk
 42 within two days after the receipt of said notification from said county clerk,
 43 the clerk of said county shall place the name of such candidate on the same
 44 line of the voting machine on which appears the names of the candidates
 45 who have filed the joint petition as aforesaid.

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

1 3. This act to take effect immediately.

STATEMENT

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

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10 ballots and the order of the precedence and arrangement of parties and of
11 candidates shall be as now required by law; *provided, however,* that in those
12 counties where voting machines are used, the specifications for the printing
13 of the official ballots shall be drawn by the county clerk.

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

17 who shall choose the same designation or slogan shall be drawn for position
18 on the ballot as a unit and shall have their names placed on the same line of
19 the voting machine; *and provided, further,* that all candidates for municipal
20 or party office in municipalities in counties of the first class where voting
21 machines are or shall be used who shall file a petition with the clerk of their
22 municipality, bearing the same designation or slogan as that of the candi-
23 dates filing a joint petition with the county clerk as aforesaid may
24 request that his or her name be placed on the same line of the
24½ voting machine with the candidates who have filed a joint petition
25 with the county clerk as aforesaid by so notifying the county clerk of said
26 county in writing within two days after the last day for filing nominating
27 petitions and thereupon the county clerk shall forthwith notify the campaign
28 manager of such candidates filing a joint petition as aforesaid of said re-
29 quest, and if the said campaign manager shall file his consent in writing with
30 the said county clerk within two days after the receipt of said notification
31 from said county clerk, the clerk of said county shall place the name of such
32 candidate on the same line of the voting machine on which appears the
33 names of the candidates who have filed the joint petition as aforesaid; *pro-*
34 *vided, also,* that any candidate filing a petition with the Secretary of State
35 may request that his or her name be placed on the same line of the voting
36 machine with the candidates who have filed a joint petition with the county
37 clerk as aforesaid by so notifying the county clerk of said county in writing
38 within two days after the last day for filing nominating petitions and there-
39 upon the county clerk shall forthwith notify the campaign manager of such
40 candidates filing a joint petition as aforesaid of said request, and if the said
41 campaign manager shall file his consent in writing with the said county clerk
42 within two days after the receipt of said notification from said county clerk,
43 the clerk of said county shall place the name of such candidate on the same
44 line of the voting machine on which appears the names of the candidates
45 who have filed the joint petition as aforesaid.

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1 2. All acts or parts of acts inconsistent herewith are hereby repealed
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1 3. This act to take effect immediately.

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ASSEMBLY, No. 17

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1941

By Mr. MAHR

Referred to Committee on Elections

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2 *Jersey:*

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3 board of such form and size as will fit the ballot frames of the machines,
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5 Party nominations shall be arranged on each voting machine, either in
6 columns or horizontal rows; the caption of the various ballots on the ma-
7 chines shall be so placed on the machines as to indicate to the voter what push
8 knob, pointer, lever or other device is to be used or operated in order to vote
9 for the candidates or candidate of his choice. The providing of the official
10 ballots and the order of the precedence and arrangement of parties and of
11 candidates shall be as now required by law; *provided, however,* that in those
12 counties where voting machines are used, the specifications for the printing
13 of the official ballots shall be drawn by the county clerk.

14 For the primary election for the general election in all counties having
15 a population of four hundred thousand or more where voting machines are
16 or shall be used, all candidates who shall file a joint petition with the county

17 clerk of their respective county and who shall choose the same designation
 18 or slogan shall be drawn for position on the ballot as a unit and shall have
 19 their names placed on the same line of the voting machine; *and provided,*
 20 *further,* that all candidates for municipal or party office in municipalities in
 20½ counties having a population of four hundred thousand or more where voting
 21 machines are or shall be used who shall file a petition with the clerk of their
 22 municipality, bearing the same designation or slogan as that of the candi-
 23 dates filing a joint petition with the county clerk as aforesaid may
 24 request that his or her name be placed on the same line of the
 24½ voting machine with the candidates who have filed a joint petition
 25 with the county clerk as aforesaid by so notifying the county clerk of said
 26 county in writing within two days after the last day for filing nominating
 27 petitions and thereupon the county clerk shall forthwith notify the campaign
 28 manager of such candidates filing a joint petition as aforesaid of said re-
 29 quest, and if the said campaign manager shall file his consent in writing with
 30 the said county clerk within two days after the receipt of said notification
 31 from said county clerk, the clerk of said county shall place the name of such
 32 candidate on the same line of the voting machine on which appears the
 33 names of the candidates who have filed the joint petition as aforesaid; *pro-*
 34 *vided, also,* that any candidate filing a petition with the Secretary of State
 35 may request that his or her name be placed on the same line of the voting
 36 machine with the candidates who have filed a joint petition with the county
 37 clerk as aforesaid by so notifying the county clerk of said county in writing
 38 within two days after the last day for filing nominating petitions and there-
 39 upon the county clerk shall forthwith notify the campaign manager of such
 40 candidates filing a joint petition as aforesaid of said request, and if the said
 41 campaign manager shall file his consent in writing with the said county clerk
 42 within two days after the receipt of said notification from said county clerk,
 43 the clerk of said county shall place the name of such candidate on the same
 44 line of the voting machine on which appears the names of the candidates
 45 who have filed the joint petition as aforesaid.

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1 2. All acts or parts of acts inconsistent herewith are hereby repealed
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3 or shall be used.

1 3. This act to take effect immediately.

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SENATE, No. 173

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1945

By Mr. VAN ALSTYNE

Referred to Committee on Elections

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

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

1 1. Section 19:49-2 of the Revised Statutes is amended to read as follows:
2 19:49-2. All official ballots shall be printed on clear white paper or card-
3 board of such form and size as will fit the ballot frames of the machines,
4 printed in black ink in type as large as the space will reasonably permit;
5 provided, however, that any public question which shall be placed on the
6 ballot shall be printed in red ink and above any public question to be voted
7 upon by the voters of the entire State there shall be printed, also in red ink, a
8 description of the public question, which description shall not exceed six
9 words and shall be printed in type as large as is practicable. Party nomina-
10 tions shall be arranged on each voting machine, either in columns or horizon-
11 tal rows; the caption of the various ballots on the machines shall be so placed
12 on the machines as to indicate to the voter what push knob, pointer, lever or
13 other device is to be used or operated in order to vote for the candidates or
14 candidate of his choice. The providing of the official ballots and the order of
15 the precedence and arrangement of parties and of candidates shall be as now
16 required by law; provided, however, that in those counties where voting ma-

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

19 For the primary election for the general election in all counties having a
20 population of four hundred thousand or more where voting machines are or
21 shall be used, all candidates who shall file a joint petition with the county
22 clerk of their respective county and who shall choose the same designation
23 or slogan shall be drawn for position on the ballot as a unit and shall have
24 their names placed on the same line of the voting machine; *and provided fur-*
25 *ther*, that all candidates for municipal or party office in municipalities in
26 counties having a population of four hundred thousand or more where vot-
27 ing machines are or shall be used who shall file a petition with the clerk of
28 their municipality, [bearing the same designation or slogan as that of the
29 candidates filing a joint petition with the county clerk as aforesaid] may
30 request that his or her name be placed on the same line of the voting machine
31 with the candidates who have filed a joint petition with the county clerk as
32 aforesaid by so notifying the county clerk of said county in writing within
33 two days after the last day for filing nominating petitions and thereupon the
34 county clerk shall forthwith notify the campaign manager of such candidates
35 filing a joint petition as aforesaid of said request, and if the said campaign
36 manager shall file his consent in writing with the said county clerk within two
37 days after the receipt of said notification from said county clerk, the clerk of
38 said county shall place the name of such candidate on the same line of the vot-
39 ing machine on which appears the names of the candidates who have filed the
40 joint petition as aforesaid; *provided, also*, that any candidate filing a petition
41 with the Secretary of State may request that his or her name be placed on
42 the same line of the voting machine with the candidates who have filed a
43 joint petition with the county clerk as aforesaid by so notifying the county
44 clerk of said county in writing within two days after the last day for filing
45 nominating petitions and thereupon the county clerk shall forthwith notify
46 the campaign manager of such candidates filing a joint petition as aforesaid
47 of said request, and if the said campaign manager shall file his consent in

48 writing with the said county clerk within two days after the receipt of said
49 notification from said county clerk, the clerk of said county shall place the
50 name of such candidate on the same line of the voting machine on which ap-
51 pears the names of the candidates who have filed the joint petition as afore-
52 said.

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

1 3. This act shall take effect immediately.

STATEMENT

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

ASSEMBLY, No. 477

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1948

By Mr. REIFFIN

Referred to Committee on Elections

An Act concerning elections, and amending section 19:49-2 of the Revised Statutes.

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

1 1. Section 19:49-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 19:49-2. All official ballots shall be printed on clear white paper or card-
4 board of such form and size as will fit the ballot frames of the machines,
5 printed in black ink in type as large as the space will reasonably permit;
6 *provided, however,* that any public question which shall be placed on the bal-
7 let shall be printed in red ink and above any public question to be voted
8 upon by the voters of the entire State there shall be printed, also in red ink,
9 a description of the public question, which description shall not exceed six
10 words and shall be printed in type as large as is practicable. Party nomina-
11 tions shall be arranged on each voting machine, either in columns or hori-
12 zontal rows; the caption of the various ballots on the machines shall be so
13 placed on the machines as to indicate to the voter what push knob, pointer,
14 lever or other device is to be used or operated in order to vote for the can-
15 didates or candidate of his choice. The providing of the official ballots and
16 the order of the precedence and arrangement of parties and of candidates
17 shall be as now required by law; *provided, however,* that in those counties

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

20 For the primary election for the general election in all counties [having
21 a population of four hundred thousand or more] where voting machines
22 are or shall be used, all candidates who shall file a joint petition with the
23 county clerk of their respective county and who shall choose the same designa-
24 tion or slogan shall be drawn for position on the ballot as a unit and
25 shall have their names placed on the same line of the voting machine; and
26 *provided further*, that all candidates for municipal or party office in munici-
27 palities in counties [of the first class] where voting machines are or shall
28 be used who shall file a petition with the clerk of their municipality bear-
29 ing the same designation or slogan as that of the candidates filing a joint
30 petition with the county clerk as aforesaid, and all candidates for a munici-
31 pal or party office in municipalities in counties [having a population of four
32 hundred thousand inhabitants or more] where voting machines are or shall
33 be used, who shall file a petition with the clerk of their municipality, may
34 request that his or her name be placed on the same line of the voting ma-
35 chine with the candidates who have filed a joint petition with the county clerk
36 as aforesaid by so notifying the county clerk of said county in writing within
37 two days after the last day for filing nominating petitions and thereupon
38 the county clerk shall forthwith notify the campaign manager of such can-
39 didates filing a joint petition as aforesaid of said request, and if the said
40 campaign manager shall file his consent in writing with the said county clerk
41 within two days after the receipt of said notification from said county clerk,
42 the clerk of said county shall place the name of such candidate on the same
43 line of the voting machine on which appears the names of the candidates
44 who have filed the joint petition as aforesaid; *provided, also*, that any can-
45 didate filing a petition with the Secretary of State may request that his or
46 her name be placed on the same line of the voting machine with the candi-
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2. This act shall take effect immediately.

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1 2. This act shall take effect immediately.