

19:6-27 et al.

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 19:6-27 et al (Board of State Canvassers-- change membership meeting times)

**LAWS OF:** 1987

**CHAPTER:** 338

**Bill No:** A3825

**Sponsor(s):** Martin

**Date Introduced:** March 5, 1987

**Committee:** **Assembly:** State Government

**Senate:** State Government

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** November 23, 1987

**Senate:** December 17, 1987

**Date of Approval:** December 23, 1987

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes

**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

12-8-87 21  
1-8 857  
[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3825

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1987

By Assemblyman MARTIN

AN ACT concerning the Board of State Canvassers and amending  
R. S. 19:6-27, R. S. 19:21-1, R. S. 19:21-2, R. S. 19:21-4 and  
R. S. 19:21-5.

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

1 1. R. S. 19:6-27 is amended to read as follows:

2 19:6-27. The Board of State Canvassers shall consist of [at  
3 least] five persons, including the chairman, who shall be the  
4 governor of this state. *In the absence of the Governor, the Secre-*  
5 *tary of State shall serve as the chairman of the board and in the*  
6 *absence of the Secretary of State, the Assistant Secretary of State*  
7 *shall serve as the chairman of the board.* The remaining members  
8 of the board shall [be members of the senate, but such members  
9 shall represent each political party in the senate] *consist of four*  
10 *members of the Legislature appointed by the Governor. No more*  
11 *than two of the legislators shall be from the same political party.*  
12 [The] *When the Governor is serving as chairman of the board, the*  
13 *secretary of state shall be the clerk of the board. When the Sec-*  
14 *retary of State is serving as chairman of the board, the Assistant*  
15 *Secretary of State shall be the clerk of the board. When the Assis-*  
16 *tant Secretary of State is serving as chairman of the board, that*  
17 *person shall designate another person to be clerk of the board*  
18 *and shall administer to that person the oath prescribed in R. S.*  
19 *19:21-4.* The board shall meet at such times and places as the  
20 [governor, as] chairman thereof [.] shall determine *pursuant to*  
21 *the provisions of R. S. 19:21-1.*

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendment adopted June 8, 1987.

1 2. R. S. 19:21-1 is amended to read as follows:

2 19:21-1. *a.* The Board of State Canvassers shall meet at Trenton  
 3 *as soon as practicable but no later than the 28th day* [on the fourth  
 4 Tuesday next] after the day of election, for the purpose of can-  
 5 vassing and estimating the votes cast for each person for whom  
 6 any vote or votes shall have been cast for one or more members  
 7 of the United States senate or of the house of representatives,  
 8 or for electors of president and vice president, or for governor,  
 9 *\*or for member of the Legislature,\** and upon each public question  
 10 voted upon by the voters of the entire state or political division  
 11 thereof greater than a county and of determining and declaring  
 12 the person or persons who shall, by the greatest number of votes,  
 13 have been duly elected to such office or offices, and the result of  
 14 the vote cast upon any public question setting forth that it was  
 15 approved or rejected. [The board shall meet in the chamber of  
 16 the senate, or some other convenient place at Trenton, at the hour  
 17 of two o'clock in the afternoon.]

18 *b.* For the purpose of canvassing and estimating the votes cast  
 19 for each person for whom any vote or votes shall have been cast  
 20 in any special election, the board shall meet in Trenton as soon  
 21 as practicable but no later than the 28th day after the day of the  
 22 special election.

1 3. R. S. 19:21-2 is amended to read as follows:

2 19:21-2. If a number of the members of the [senate] *Legislature*  
 3 who shall have been summoned as members of the board sufficient  
 4 to constitute it shall not attend the meeting thereof, the [gov-  
 5 ernor] *chairman* shall summon as members of the board as many  
 6 fit persons who shall possess the qualifications required for  
 7 members of the [senate] *General Assembly* as shall be necessary  
 8 to complete the number required to constitute the board.

1 4. R. S. 19:21-4 is amended to read as follows:

2 19:21-4. If the [secretary of state] *clerk of the board* be absent  
 3 from such meeting at the time appointed therefor, the *chairman*  
 4 *of the board* shall forthwith, after the oaths or affirmations shall  
 5 have been administered and taken, proceed to appoint a fit person  
 6 to be the clerk of the board; and before proceeding to canvass  
 7 and estimate the votes, the chairman of the board shall administer  
 8 to the clerk thereof, and such clerk shall take, an oath or affirma-  
 9 tion in the following form: "You do swear (or affirm, as the case  
 10 may be) that you will faithfully execute the duties of clerk of  
 11 this board."

- 1 5. R. S. 19:21-5 is amended to read as follows:  
2 19:21-5. The Secretary of State *or the secretary's designee*  
3 shall thereupon produce and lay before the board all statements  
4 and copies relating to such election which [he] *the secretary*  
5 shall have received or obtained, as hereinbefore provided. If he  
6 shall neglect to produce and lay before the board or shall withhold  
7 any such statement or copy received or obtained by him, the chair-  
8 man of the board shall forthwith summon [him] *the secretary*  
9 *or the secretary's designee, as appropriate,* to appear and produce  
10 and lay before [it such] *the board the* statement or copy, and  
11 thereupon [such] *the secretary or the secretary's designee* shall  
12 forthwith produce and lay the same before the board.
- 1 6. This act shall take effect immediately.

---

#### ELECTIONS

Changes the membership and meeting times of the Board of State  
Canvassers.

---

2 19:21-5. The Secretary of State *or the secretary's designee*  
 3 shall thereupon produce and lay before the board all statements  
 4 and copies relating to such election which [he] *the secretary*  
 5 shall have received or obtained, as hereinbefore provided. If he  
 6 shall neglect to produce and lay before the board or shall withhold  
 7 any such statement or copy received or obtained by him, the chair-  
 8 man of the board shall forthwith summon [him] *the secretary*  
 9 *or the secretary's designee, as appropriate,* to appear and produce  
 10 and lay before [it such] *the board the* statement or copy, and  
 11 thereupon [such] *the secretary or the secretary's designee* shall  
 12 forthwith produce and lay the same before the board.

1 6. This act shall take effect immediately.

---

#### STATEMENT

This bill changes the membership and the meeting times of the Board of State Canvassers.

Under the bill, membership on the board would be changed from the present minimum of five senators to four legislators appointed by the Governor. The Governor would remain as chairman of the board, but in his absence the Secretary of State would serve as chairman, and in the absence of the Secretary of State, the Assistant Secretary of State would serve as chairman. When the Secretary of State is serving as chairman, the Assistant Secretary of State would be clerk of the board, and when the Assistant Secretary of State is serving as chairman, that person would select another person to be clerk.

The bill also provides that in order to canvass the votes cast in a general election for a member of the United States Senate or one or more representatives of the House of Representatives or for electors of the President and Vice-President or for Governor, or to canvass the votes cast in a special election for a member of the United States Senate or the House of Representatives, the board shall meet as soon as practicable after the election but no later than the 28th day thereafter.

---

#### ELECTIONS

Changes the membership and meeting times of the Board of State Canvassers.

---

LAW LIBRARY COPY  
DO NOT REMOVE

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3825**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 8, 1987

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 3825.

This bill changes the membership, staffing and meeting times of the Board of State Canvassers, which is the body charged with responsibility for canvassing and estimating votes cast in the election of a member or members of the United States Senate or House of Representatives or for members of the Electoral College, or for Governor, and votes cast upon any public question in a jurisdiction larger than a county.

Under present law, the board consists of the Governor and "at least" four members of the Senate "represent[ing] each political party in the Senate." Under the bill, the membership of the board will, in addition to the Governor, consist of four members of the Legislature; the Governor is given explicit responsibility for the appointment of those members and the requirement is established that no more than two of them be of the same political party. The Governor would remain as chairman of the board, but in his absence the Secretary of State would serve as chairman, and in the absence of the Secretary of State, the Assistant Secretary of State would serve as chairman. When the Secretary of State is serving a chairman, the Assistant Secretary of State would be clerk of the board, and when the Assistant Secretary of State is serving as chairman, that person would select another person to be clerk.

The bill also revises somewhat the statutory provisions regarding the timing of board meetings: the board is required under the bill to meet no later than the 28th day following the election in which the votes to be canvassed were cast, and a requirement that the meeting occur at 2 p.m. is deleted.

COMMITTEE AMENDMENTS:

The amendments to the bill include among the elective offices, the votes for which are canvassed by the Board of State Canvassers, the office of member of the Legislature; this change would conform the statute to longstanding practice.

LAW LIBRARY COPY  
DO NOT REMOVE

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3825**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 1987

The Senate State Government Committee reports favorably Assembly Bill No. 3825 OCR.

This bill revises the membership, staffing and meeting times of the Board of State Canvassers. The board is responsible for canvassing and estimating votes cast in the election of members of the United States Senate or House of Representatives, members of the Electoral College, Governor, or for votes cast upon any public question in jurisdictions larger than a county. Under the provisions of this bill, the board would also canvass and estimate votes cast for members of the Legislature.

At present, the board consists of the Governor and at least four members of the Senate representing each political party in the Senate. Under this bill, the membership of the board will consist of the Governor and four members of the Legislature. The Governor shall appoint the members, provided that no more than two of them shall be of the same political party. The Governor shall remain as chairman of the board. In his absence, the Secretary of State shall serve as chairman, and in the absence of the Secretary of State, the Assistant Secretary of State shall serve as chairman. When the Secretary of State is serving as chairman, the Assistant Secretary of State shall be clerk of the board and when the Assistant Secretary of State is serving as chairman, that person would select another person to be clerk.

The bill also revises the statutory provisions regarding the timing of board meetings. The board is required under the bill to meet no later than the 28th day following the election in which the votes to be canvassed were cast. A requirement that the meeting occur at 2:00 p.m. is deleted.