

19:23-45

LEGISLATIVE HISTORY CHECKLIST

NJSA 19:23-45

Laws of 1975 Chapter 260

Bill No. S 772

Sponsor(s) Dugan

Date Introduced February 4, 1974

Committee: Assembly State Gov't. & Federal & Interstate Relations

Senate Judiciary

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of passage: Assembly Nov. 24, 1975

Senate May 6, 1974

Date of approval Dec. 12, 1975

Following statements are attached if available:

Sponsor statement   No

Committee Statement: Assembly Yes

Senate Yes  4/1/74 and 4/29/74

Fiscal Note   No

Veto message   No

Message on signing Yes

Following were printed:

Reports   No

Hearings   No

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10/4/76

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SENATE, No. 772

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1974

By Senator DUGAN

Referred to Committee on Judiciary

AN ACT concerning elections, and amending R. S. 19:23-45.

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

1 1. R. S. 19:23-45 is amended to read as follows:

2 19:23-45. No voter shall be allowed to vote at the primary  
3 election unless his name appears in the signature copy register.

4 [A member of any political organization espousing the cause of  
5 a candidate or candidates of any political party shall be ineligible  
6 to vote in the primary of another political party while such member-  
7 ship is in force or within one year thereafter; such person shall  
8 be deemed for all intents and purposes a member of the political  
9 party whose candidate or candidates such organization is  
10 espousing.]

11 A voter who votes in a primary election of a political party shall  
12 be deemed to be a member of that party [until two subsequent  
13 annual primary elections have elapsed after casting of such party  
14 primary vote].

15 *Such voter shall be ineligible to vote in a subsequent primary*  
16 *election of another political party unless, on or before the fiftieth*  
17 *day next preceding such subsequent primary election, he shall sign*  
18 *and file with the municipal clerk or county board of elections a*  
19 *declaration designating that he desires to vote in the primary*  
20 *election of such other political party.*

21 A voter who has not voted in a primary election of a political  
22 party for two subsequent annual primary elections shall not be  
23 permitted to vote in any primary election of a political party until  
24 he has first signed and filed with the district board a declaration  
25 designating the political party in whose primary election he desires  
26 to vote.

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

27 A member of the county committee of a political party and a  
28 public official or public employee holding any office or public  
29 employment to which he has been elected or appointed as a member  
30 of a political party shall be deemed a member of such political  
31 party.

32 **【Any voter who, within 1 year preceding a primary election, has**  
33 **contributed toward the campaign funds of a political party shall**  
34 **not be eligible to vote in the ballot box of any other political party**  
35 **at such primary election.】**

36 Any person voting in the primary ballot box of any political  
37 party in any primary election in contravention of the election law  
38 shall be guilty of a misdemeanor, and any person who aids or  
39 assists any such person in such violation by means of public  
40 proclamation or order, or by means of any public or private direc-  
41 tion or suggestions, or by means of any help or assistance or  
42 cooperation, shall likewise be guilty of a misdemeanor.

1 2. This act shall take effect immediately.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 772

STATE OF NEW JERSEY

DATED: APRIL 1, 1974

This bill amends the requirements for voting in a primary so that if a person had previously voted in a political party's primary, he would have to file a declaration at least 90 days before a primary in order to vote in another party's primary.

The present law which requires that someone refrain from voting in two successive primaries in order to vote in another party's primary was held unconstitutional in 1970 (*Nagler v. Stiles*, D.C., 343 F. Supp. 415).

This bill would reestablish a requirement for persons who wish to vote in a different party's primary than they had previously in order to prevent "raiding" of one party by another.

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 772**

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 1, 1974

Amend page 1, section 1, line 16, omit "fiftieth", insert "ninetieth".

Amend page 1, section 1, line 19, omit "designating".

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SENATE, No. 772

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STATE OF NEW JERSEY

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INTRODUCED FEBRUARY 4, 1974

By Senator DUGAN

Referred to Committee on Judiciary

AN ACT concerning elections, and amending R. S. 19:23-45.

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

1 1. R. S. 19:23-45 is amended to read as follows:

2 19:23-45. No voter shall be allowed to vote at the primary  
3 election unless his name appears in the signature copy register.

4 **[A member of any political organization espousing the cause of**  
5 **a candidate or candidates of any political party shall be ineligible**  
6 **to vote in the primary of another political party while such member-**  
7 **ship is in force or within one year thereafter; such person shall**  
8 **be deemed for all intents and purposes a member of the political**  
9 **party whose candidate or candidates such organization is**  
10 **espousing.]**

11 A voter who votes in a primary election of a political party shall  
12 be deemed to be a member of that party **[until two subsequent**  
13 **annual primary elections have elapsed after casting of such party**  
14 **primary vote].**

15 *Such voter shall be ineligible to vote in a subsequent primary*  
16 *election of another political party unless, on or before the*  
17 *\***[fiftieth]**\* \*ninetieth\* day next preceding such subsequent*  
18 *primary election, he shall sign and file with the municipal clerk or*  
19 *county board of elections a declaration **[designating]** that he*  
20 *desires to vote in the primary election of such other political party.*

21 A voter who has not voted in a primary election of a political  
22 party for two subsequent annual primary elections shall not be  
23 permitted to vote in any primary election of a political party until  
24 he has first signed and filed with the district board a declaration  
25 designating the political party in whose primary election he desires  
26 to vote.

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

27 A member of the county committee of a political party and a  
28 public official or public employee holding any office or public  
29 employment to which he has been elected or appointed as a member  
30 of a political party shall be deemed a member of such political  
31 party.

32 **【Any voter who, within 1 year preceding a primary election, has**  
33 **contributed toward the campaign funds of a political party shall**  
34 **not be eligible to vote in the ballot box of any other political party**  
35 **at such primary election.】**

36 Any person voting in the primary ballot box of any political  
37 party in any primary election in contravention of the election law  
38 shall be guilty of a misdemeanor, and any person who aids or  
39 assists any such person in such violation by means of public  
40 proclamation or order, or by means of any public or private direc-  
41 tion or suggestions, or by means of any help or assistance or  
42 cooperation, shall likewise be guilty of a misdemeanor.

1 2. This act shall take effect immediately.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 772**

with Committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 29, 1974

This bill would require a voter to be a member of a political party 50 days before the primary election, in order to vote in that primary.

One would become a member either by voting in a primary or by filing a declaration designating the primary in which he wished to vote.

Newly registered voters would not be required to designate a party before the first primary at which they are eligible to vote, but would thereafter.

The Committee amendments include a new section under which voters who are registered on the bill's effective date and who have not previously voted in a party primary could vote in the next primary without designating the primary in which they wished to vote 50 days before the election.

SENATE COMMITTEE AMENDMENTS TO

**SENATE, No. 772**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 29, 1974

Amend page 1, title, line 1, omit "and"; after 19:23-45, insert "and supplementing chapter 23 of Title 19 of the Revised Statutes".

Amend page 1, section 1, line 11, after "party", insert "or who signs and files with the municipal clerk or the county board of elections a declaration that he desires to vote in the primary election of a political party".

Amend page 1, section 1, line 12, after "party", insert "until he signs and files a declaration that he desires to vote in the primary election of another political party at which time he shall be deemed to be a member of such other political party".

Amend page 1, section 1, lines 15-26, omit and insert:

"No voter, except a newly registered voter at the first primary at which he is eligible to vote, may vote in a primary election of a political party unless he was deemed to be a member of that party on the fiftieth day next preceding such primary election."

Amend page 2, section 1, after line 42, insert new section 2 as follows:

"2. (New Section) Notwithstanding, the provisions of R. S. 19:23-45, any voter registered to vote on the effective date of this act, who has not previously voted in the primary election of a political party, may vote in the next subsequent regular primary election without filing 50 days before the election a declaration designating the political party in whose primary he desires to vote.

Thereafter, any voter so registered who has not voted in a primary election of a political party who desires to vote in such a primary, must file a designation as prescribed in R. S. 19:23-45."

Amend page 2, section 2, line 1, omit "2.", insert "3."

ASSEMBLY STATE GOVERNMENT, FEDERAL  
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

**SENATE, No. 772**

[SECOND OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: APRIL 17, 1975

This bill would require a voter to be a member of a political party 50 days before the primary election, in order to vote in that primary.

One would become a member either by voting in a primary or by filing a declaration designating the primary in which he wished to vote.

Newly registered voters would not be required to designate a party before the first primary at which they are eligible to vote, but would thereafter.

Voters who are registered on the bill's effective date, and who have not previously voted in a party primary, could vote in the next primary without previously filing any declaration.

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[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 772

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1974

By Senator DUGAN

Referred to Committee on Judiciary

AN ACT concerning elections, **\*\*[and]\*\*** amending R. S. 19:23-45  
*\*\*and supplementing chapter 23 of Title 19 of the Revised  
Statutes\*\*.*

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

1 1. R. S. 19:23-45 is amended to read as follows:

2 19:23-45. No voter shall be allowed to vote at the primary  
3 election unless his name appears in the signature copy register.

4 **[A member of any political organization espousing the cause of**  
5 a candidate or candidates of any political party shall be ineligible  
6 to vote in the primary of another political party while such member-  
7 ship is in force or within one year thereafter; such person shall  
8 be deemed for all intents and purposes a member of the political  
9 party whose candidate or candidates such organization is  
10 espousing.]

11 A voter who votes in a primary election of a political party *\*\*or*  
12 *who signs and files with the municipal clerk or the county board of*  
13 *elections a declaration that he desires to vote in the primary elec-*  
14 *tion of a political party\*\** shall be deemed to be a member of that  
14A party *\*\*until he signs and files a declaration that he desires to vote*  
14B *in the primary election of another political party at which time he*  
14C *shall be deemed to be a member of such other political party\*\**  
14D **[until two subsequent annual primary elections have elapsed after**  
14E **casting of such party primary vote].**

15 **\*\*[Such voter shall be ineligible to vote in a subsequent primary**  
16 *election of another political party unless, on or before the*  
17 *\*\*[fiftieth]\*\* \*ninetieth\* day next preceding such subsequent*  
18 *primary election, he shall sign and file with the municipal clerk or*  
19 *county board of elections a declaration **\*\*[designating]\*\*** that he*  
20 *desires to vote in the primary election of such other political party.*

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

21 A voter who has not voted in a primary election of a political  
 22 party for two subsequent annual primary elections shall not be  
 23 permitted to vote in any primary election of a political party until  
 24 he has first signed and filed with the district board a declaration  
 25 designating the political party in whose primary election he desires  
 26 to vote.】\*\*

26A *\*\*No voter, except a newly registered voter at the first primary*  
 26B *at which he is eligible to vote, may vote in a primary election of a*  
 26C *political party unless he was deemed to be a member of that party*  
 26D *on the fiftieth day next preceding such primary election.\*\**

27 A member of the county committee of a political party and a  
 28 public official or public employee holding any office or public  
 29 employment to which he has been elected or appointed as a member  
 30 of a political party shall be deemed a member of such political  
 31 party.

32 【Any voter who, within 1 year preceding a primary election, has  
 33 contributed toward the campaign funds of a political party shall  
 34 not be eligible to vote in the ballot box of any other political party  
 35 at such primary election.】

36 Any person voting in the primary ballot box of any political  
 37 party in any primary election in contravention of the election law  
 38 shall be guilty of a misdemeanor, and any person who aids or  
 39 assists any such person in such violation by means of public  
 40 proclamation or order, or by means of any public or private direc-  
 41 tion or suggestions, or by means of any help or assistance or  
 42 cooperation, shall likewise be guilty of a misdemeanor.

1 *\*\*2. (New Section) Notwithstanding, the provisions of R. S.*  
 2 *19:23-45, any voter registered to vote on the effective date of this*  
 3 *act, who has not previously voted in the primary election of a*  
 4 *political party, may vote in the next subsequent regular primary*  
 5 *election without filing 50 days before the election a declaration*  
 6 *designating the political party in whose primary he desires to vote.*

7 *Thereafter, any voter so registered who has not voted in a*  
 8 *primary election of a political party who desires to vote in such a*  
 9 *primary, must file a designation as prescribed in R. S. 19:23-45.\*\**

1 **\*\*[2.]\*\*** *\*\*3.\*\** This act shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

DECEMBER 12, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill which requires persons who wish to change political party affiliations to vote in a primary to declare their intentions to do so.

The measure, S-772, sponsored by Senator James P. Dugan, D-Hudson, requires persons to file such a declaration with either the municipal clerk or the county board of elections at least 50 days prior to the primary election.

The filing of a declaration is not required by persons who have never voted in a primary election.

Since 1972, voters have been permitted to cross over from year to year and vote in the primary of a different political party.

Prior to 1972, state law prohibited persons who had voted in the primary of a political party from voting in the primary of a different party until after two primary elections had elapsed without casting a vote. However, this law was invalidated by a federal court.

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